

Honolulu, Hawaii

FEB 16 2021

RE: S.B. No. 744

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 744 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Repeal the authorization for the Governor to negotiate with any person for the development or expansion of private correctional facilities; and
- (2) Prohibit the establishment of private correctional facilities in the State.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Office of the Prosecuting Attorney, County of Kaua'i; Imua Alliance; Community Alliance on Prisons; ACLU Hawai'i; and two individuals. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that private correctional facilities are for-profit entities that lack transparency and accountability for incarcerated individuals. Public correctional facilities ensure that consistent policies, protocols, and standards are maintained for incarcerated individuals; employees are properly trained; and medical programs and treatment are readily available. The



privatization of correctional facilities perpetuates the cycle of crime by providing a financial motivation for the criminalization of nonviolent offenses and the imposition of longer sentences. Your Committee further finds that private correctional facilities are not subject to the same requirements of a public correctional facility, such as Hawaii's Uniform Information Practices Act. This can make prison events and conditions impossible to evaluate, potentially leaving the State powerless to hold a private correctional facility accountable. This measure will ensure that Hawaii's correctional facilities can be held accountable by prohibiting any private correctional facility in the State.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 744 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



