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,

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CLARENCE K. NISHIHARA, Chair

The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*	Committee	Referral:		ite:	
SB 744	P5M,	JDC	ب	feb. 9, 8	2021
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)		/.			
ENGLISH, J. Kalani (VC)					
BAKER, Rosalyn H.					
RIVIERE, Gil					1.
FEVELLA, Kurt					
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TOTAL	···	4			1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes