
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State should
2 protect incarcerated persons and their loved ones from predatory
3 commercial practices. Private corporations providing goods and
4 services to state correctional facilities should not be allowed
5 to charge exorbitant rates. Currently, the provision of jail
6 and prison communication services is a lucrative industry
7 dominated by a few corporations. The industry is constantly
8 diversifying the array of communication services it provides, at
9 great cost, to jails and prisons, including phone calls, video
10 conferencing, electronic messages, and other communication
11 services. Further, correctional facilities often also benefit
12 financially from communication services contracts by receiving
13 commissions, bonuses, and other financial incentives.

14 The legislature further finds that the high cost of jail
15 and prison communication services is a significant economic
16 drain for incarcerated persons and their families. The Ella
17 Baker Center for Human Rights found that one in three families



1 with an incarcerated loved one goes into debt to pay for
2 communication services and visits. In Hawaii, these costs
3 disproportionately impact Native Hawaiians, Pacific Islanders,
4 and other people of color. According to the Ella Baker Center's
5 research, eighty-seven per cent of those who go into debt for
6 jail and prison communication services are women of color.

7 The legislature recognizes the importance of communication
8 services for persons who are incarcerated. Maintaining family
9 and community connections is key to successful reentry into life
10 as a free citizen. Many incarcerated persons will reside with
11 their families after release, and research has shown that
12 incarcerated individuals who maintain ties with their support
13 networks have higher success rates and lower recidivism rates.
14 Regular communication between incarcerated persons and their
15 families, therefore, benefits public safety.

16 The legislature also recognizes that many states and cities
17 across the nation support the provision of free communication
18 services to jails and prisons. In 2018, New York City began
19 offering these services at no charge in its city jails. In
20 2021, Connecticut became the first state to offer free
21 communication services in its state prison system. In 2022,



1 California followed, and in 2023, Colorado, Minnesota, and
2 Massachusetts did as well. There are now active campaigns to
3 enact these policies statewide in Michigan, New York, Virginia,
4 and several other states.

5 The legislature further recognizes the importance of the
6 statewide automated victim information and notification system
7 in providing critical information and notification for victims
8 who deserve to be protected and feel safe in our communities.
9 The legislature believes that the primary sources of funding for
10 this system should be moneys from the general fund, and that
11 moneys in the related special fund should be well-managed.

12 Accordingly, the purpose of this Act is to:

13 (1) Require and appropriate moneys for the provision of
14 free voice communication services in the State's youth
15 and adult correctional facilities;

16 (2) Provide that moneys in the automated victim
17 information and notification system special fund
18 shall:

19 (A) Consist of general fund appropriations and
20 interest and investment earnings; and



1 (B) Not exceed \$600,000 at the end of any fiscal
2 year; and

3 (3) Appropriate moneys into and out of the automated
4 victim information and notification system special
5 fund.

6 SECTION 2. Chapter 352, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§352- Free voice communication services. (a) Each
10 youth correctional facility shall provide individuals in its
11 custody with accessible and functional voice communication
12 services, which shall not be limited beyond program
13 participation, routine facility procedures, or as necessary so
14 that the use of voice communication services does not interfere
15 with the facility's necessary operations. The office of youth
16 services may supplement voice communication service with other
17 communication services, including video communication and
18 electronic mail or messaging services. Voice communication
19 services and other communication services shall be provided free
20 of charge to the person initiating and the person receiving the
21 communication. The office of youth services shall maintain the



1 same access to voice and other communication services as the
2 office allowed on January 1, 2024, or improve upon that access.

3 (b) No state agency shall derive any form of revenue or
4 financial benefit from the provision of voice communication
5 services or any other communication services to a person
6 confined in a Hawaii youth correctional facility.

7 (c) The office of youth services shall not use
8 communications services described in this section as a
9 substitute for in-person visitation."

10 SECTION 3. Chapter 353, Hawaii Revised Statutes, is
11 amended by adding a new section to part I to be appropriately
12 designated and to read as follows:

13 "§353- Free voice communication services. (a) Each
14 correctional facility operated or contracted by the department
15 shall provide individuals in its custody with accessible and
16 functional voice communication services, which shall not be
17 limited beyond program participation, routine facility
18 procedures, or as necessary so that the use of voice
19 communication services does not interfere with the facility's
20 necessary operations. The department shall supplement voice
21 communication service with other communication services,



1 including video communication and electronic mail or messaging
2 services. Voice communication services and other communication
3 services shall be provided free of charge to the person
4 initiating and the person receiving the communication. The
5 department shall maintain the same access to voice and other
6 communication services as the department allowed on January 1,
7 2024, or improve upon that access.

8 (b) No state agency shall derive any form of revenue or
9 financial benefit from the provision of voice communication
10 services or any other communication services to a person
11 confined in a correctional facility operated or contracted by
12 the department.

13 (c) The department service shall not use communications
14 services described in this section as a substitute for in-person
15 visitation."

16 SECTION 4. Section 353-136, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§353-136[+] Automated victim information and
19 notification system special fund; authorization of payment. (a)
20 There is established a special fund to be known as the automated
21 victim information and notification system special fund, to be



1 administered by the department. [~~Interest~~] Moneys in the fund
2 shall consist of general fund appropriations and interest and
3 investment earnings credited to the assets of the fund [~~shall~~
4 ~~become part of the fund~~]. Any remaining balance in the fund at
5 the end of any fiscal year shall be carried over to the next
6 fiscal year[~~-~~

7 ~~(b) Any item purchased by an in-state or out-of-state~~
8 ~~inmate from a correctional facility commissary shall be subject~~
9 ~~to a four per cent surcharge on the item's price. The proceeds~~
10 ~~from the surcharge shall be deposited into the automated victim~~
11 ~~information and notification system special fund.~~

12 ~~(c) All proceeds or revenues that are derived from any~~
13 ~~commission that is realized pursuant to a telephone service~~
14 ~~agreement executed by the department for the provision of~~
15 ~~telephone services for inmates shall be deposited into the~~
16 ~~automated victim information and notification system special~~
17 ~~fund.~~

18 ~~(d)];~~ provided that the total amount of moneys in the fund
19 shall not exceed \$600,000 at the end of any fiscal year.

20 (b) Moneys [received pursuant to subsections (b) and (c)]
21 in the fund shall be used for the development and operating



1 expenses, including salaries and benefits of positions as
2 authorized by the legislature, of the system.

3 ~~[(e)]~~ (c) The sum total of all moneys expended for
4 development and operating expenses, including salaries and
5 benefits of positions as authorized by the legislature, shall
6 not exceed the ~~[special fund ceiling related to the fund~~
7 ~~established by the legislature; provided that the total moneys~~
8 ~~expended for these purposes shall not exceed \$600,000 in any one~~
9 ~~fiscal year.]~~ general fund appropriations made by the
10 legislature and interest and investment earnings credited to the
11 fund.

12 ~~[(f)]~~ (d) Federal funds shall not be transferred to, or
13 deposited into, the automated victim information and
14 notification system special fund."

15 SECTION 5. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 6. In accordance with section 9 of article VII, of
19 the Constitution of the State of Hawaii and sections 37-91 and
20 37-93, Hawaii Revised Statutes, the legislature has determined
21 that the appropriations contained in this Act will cause the



1 state general fund expenditure ceiling for fiscal year 2024-2025
2 to be exceeded by \$, or per cent. The reasons
3 for exceeding the general fund expenditure ceiling are that the
4 appropriations made in this Act are necessary to serve the
5 public interest and to meet the need provided for by this Act.

6 SECTION 7. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so much
8 thereof as may be necessary for fiscal year 2024-2025 for
9 providing free voice communication services for individuals
10 confined in Hawaii youth correctional facilities.

11 The sum appropriated shall be expended by the office of
12 youth services for the purposes of this Act.

13 SECTION 8. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so much
15 thereof as may be necessary for fiscal year 2024-2025 for
16 providing free voice communication services for individuals
17 confined in correctional facilities operated or contracted by
18 the department of corrections and rehabilitation.

19 The sum appropriated shall be expended by the department of
20 corrections and rehabilitation for the purposes of this Act.



1 SECTION 9. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so much
 3 thereof as may be necessary for fiscal year 2024-2025 to be
 4 deposited into the automated victim information and notification
 5 system special fund.

6 SECTION 10. There is appropriated out of the automated
 7 victim information and notification system special fund the sum
 8 of \$ or so much thereof as may be necessary for fiscal
 9 year 2024-2025 for the development and operating expenses,
 10 including salaries and benefits of positions, of the automated
 11 victim information and notification system.

12 The sum appropriated shall be expended by the department of
 13 corrections and rehabilitation for the purposes of this Act.

14 SECTION 11. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 12. This Act shall take effect on July 1, 2024.
 17

INTRODUCED BY: _____



JAN 24 2024



H.B. NO. 2746

Report Title:

Corrections; Confined Youth; Voice Communications; Victim Notification; Appropriations; Expenditure Ceiling Exceeded

Description:

Requires and appropriate moneys for the provision of free voice communication services in the State's youth and adult correctional facilities. Amends sources of funding for and imposes a limit on moneys retained in the victim information and notification system special fund. Appropriates moneys into and out of the automated victim information and notification system special fund. Declares that the appropriations exceed the state general fund expenditure ceiling for fiscal year 2024-2025.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

