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# A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1       SECTION 1. The legislature finds that the departments of  
2       corrections and rehabilitation and accounting and general  
3       services and their consultants have spent more than seven years  
4       and nearly \$25,000,000 planning a new jail to replace the  
5       existing Oahu community correctional center, but have failed to  
6       follow a systems approach to jail planning, which is considered  
7       a best practice to determining an appropriately sized jail and  
8       managing the jail population on a long-term basis. A systems  
9       approach also shifts the nature of jail planning from simply  
10      making population forecasts based on past trends and the  
11      assumption that the policies driving the jail population will  
12      remain unchanged to developing a continuum of options for law  
13      enforcement and judges, in which jails are only one option among  
14      many and to be used sparingly and as a last resort.  
15      Additionally, research by the Vera Institute of Justice has  
16      shown that if planners fail to address the policies and  
17      practices driving the jail population, a vicious cycle is



1 created in which new jails that are supposed to reduce  
2 overcrowding rapidly fill to capacity, creating a demand for  
3 more capacity and precipitating a costly building cycle.

4 The legislature further finds that as of December 2024,  
5 there were nine hundred forty-seven people incarcerated at the  
6 Oahu community correctional center. Also, from 2021 to 2023,  
7 the department of corrections and rehabilitation has reported  
8 that approximately thirty to forty per cent of people  
9 incarcerated in Hawaii were homeless immediately prior to entry,  
10 with an even larger percentage of people exiting to homelessness  
11 after incarceration.

12 The legislature also finds that the Hawaii correctional  
13 system oversight commission reported that eighty-six per cent of  
14 the State's corrections population needs substance use treatment  
15 at some level and that native Hawaiians are disproportionately  
16 incarcerated. Additionally, of the nine hundred forty-seven  
17 people at the Oahu community correctional center, six hundred  
18 sixty-eight, or nearly seventy-one per cent, were pretrial  
19 status and remain in jail because they are unable to afford  
20 bail. Furthermore, reducing and effectively managing the jail



1 population is critical because of the costs associated with  
2 construction and operation of such facilities.

3       The legislature finds that on January 3, 2025, the Hawaii  
4 correctional system oversight commission wrote a letter to the  
5 governor and members of the legislature that advocated for a  
6 "pause in planning" to construct a new facility to replace the  
7 Oahu community correctional center. Reasons for a strategic  
8 pause in the jail planning included systemwide gaps in  
9 rehabilitation practices, inadequate alignment with the Breaking  
10 Cycles Symposium report recommendations, and the need for a  
11 holistic approach to corrections and justice system reform. The  
12 commission also advocated for a pause in planning to allow for  
13 immediate implementation of rehabilitative practices, data  
14 collection and analysis, and collaborative efforts to reduce  
15 pretrial detention.

16       The departments of corrections and rehabilitation and  
17 accounting and general services plan to use a public-private  
18 partnership to plan, design, finance, construct, and maintain  
19 the new jail. However, while public-private partnerships may be  
20 appropriate to deliver some types of public infrastructure, they  
21 are not appropriate for jails, which must be planned, designed,



1 financed, constructed, and managed with an exceptionally high  
2 degree of transparency and public participation that simply  
3 cannot be achieved with a public-private partnership.

4 Accordingly, the purpose of this Act is to:

5 (1) Establish a moratorium from July 1, 2025, to June 30,  
6 2028, on the issuance of a request for proposal and  
7 construction of any new or expanded correctional  
8 facility through a public-private partnership to  
9 replace the existing Oahu community correctional  
10 center; and

11 (2) Establish and appropriate funds for a criminal justice  
12 diversion task force.

13 SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
14 amended by adding a new section to part I to be appropriately  
15 designated and to read as follows:

16 **"§353- In-state correctional facilities; moratorium.**

17 (a) Notwithstanding sections 353-16.35 and 353-16.36 and any  
18 other law to the contrary, no department, agency, board,  
19 commission, or employer of the State shall, from July 1, 2025,  
20 to June 30, 2028:



1        (1) Expend funds or take any action to create a public-  
2        private partnership to plan, finance, develop, or  
3        construct a new correctional facility in the State;

4        (2) Issue, publish, circulate, or solicit a request for  
5        qualifications from any private entity related to its  
6        ability to plan, finance, design, develop, or  
7        construct a new correctional facility in the State;

8        (3) Issue, publish, circulate, or solicit a request for  
9        proposal to plan, finance, design, develop, or  
10       construct a new correctional facility in the State; or

11       (4) Enter into a contract with any party to plan, finance,  
12       develop, design, or construct a new correctional  
13       facility in the State.

14       (b) For the purposes of this section, "new correctional  
15       facility" means any prison or community correctional center that  
16       has not housed an inmate prior to July 1, 2025."

17       SECTION 3. (a) The Hawaii correctional system oversight  
18       commission shall create a criminal justice diversion task force  
19       to work collaboratively to:

20       (1) Recommend policies and procedures to the legislature  
21       to build statewide diversion infrastructure to divert



1 individuals from jails, particularly for people  
2 accused of offenses arising from, or associated with,  
3 houselessness, poverty, mental illness, or substance  
4 use disorders;

5 (2) Identify the policies and practices driving the  
6 State's jail population and make recommendations to  
7 the legislature on data-driven strategies that will  
8 safely reduce the jail population;

9 (3) Recommend policies and programs to reduce the  
10 overrepresentation of native Hawaiians, Pacific  
11 Islanders, African Americans, and Filipinos in the  
12 criminal legal system;

13 (4) Recommend policies and procedures from the  
14 transformation and successful decarceration of the  
15 juvenile justice system in Hawaii that can be applied  
16 to the adult corrections system;

17 (5) Analyze the changes in policies, procedures, and other  
18 factors that contributed to the significant reduction  
19 in the jail population during the pandemic and at Maui  
20 community correctional center from 2014 to 2024; and



(6) Make other recommendations as the task force deems appropriate to improve Hawaii's criminal legal system.

(b) The preferred qualifications for members of the task force shall be possessing knowledge in:

(1) Evidence-based reforms within criminal justice and correctional systems to reduce the number of people in jails and prisons;

(2) Native Hawaiian cultural-based practices, with an emphasis on healing and reducing recidivism;

(3) Restorative justice practices; and

(4) Creating alternatives to incarceration through diversion, bail reform, the treatment of mental illness and substance use disorders, harm reduction practices, supportive housing programs, best practices in pretrial procedures, and programs to reduce poverty.

(c) The Hawaii correctional system oversight commission shall invite the following individuals, at minimum, to serve on the task force:

(1) A representative from the office of Hawaiian affairs;



- 1 (2) A representative from the Hawaii Health and Harm  
2 Reduction Center;
- 3 (3) A representative from Partners in Care;
- 4 (4) A representative from the American Civil Liberties  
5 Union of Hawaii;
- 6 (5) A representative from 'Ekolu Mea Nui;
- 7 (6) A representative from the Community Alliance on  
8 Prisons;
- 9 (7) A representative from Hawaii Friends for Restorative  
10 Justice;
- 11 (8) A representative from the Reimagining Public Safety in  
12 Hawaii Coalition;
- 13 (9) A representative from Project Vision Hawaii;
- 14 (10) A representative from Going Home Hawaii;
- 15 (11) A representative from the YMCA of Oahu; and
- 16 (12) Three justice-impacted persons with lived experience.
- 17 (d) The task force shall elect a chairperson and vice-  
18 chair from among its members.
- 19 (e) The criminal justice diversion task force shall submit  
20 a report of its findings and recommendations, including any  
21 proposed legislation, to the legislature no later than twenty





1 days prior to the convening of the regular session of 2027. The  
2 report shall include a plan that addresses the policies and  
3 practices driving the jail population on Oahu, recommendations  
4 for significantly reducing the jail population, the true cost of  
5 a new jail to replace the Oahu community correctional center at  
6 the proposed site in Halawa, and the true cost of a renovation  
7 of the Oahu community correctional center at its existing  
8 location that incorporates an evidenced-based systems approach.

9 (f) Members of the task force shall serve without pay but  
10 shall receive reimbursement for expenses, including travel  
11 expenses, that are necessary for the performance of their  
12 duties.

13 (g) The terms of the task force members shall be for two  
14 years.

15 (h) The task force shall cease to exist on June 30, 2028.

16 SECTION 4. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so  
18 much thereof as may be necessary for fiscal year 2025-2026 and  
19 the same sum or so much thereof as may be necessary for fiscal  
20 year 2026-2027 for the operations of the criminal justice  
21 diversion task force pursuant to this Act.



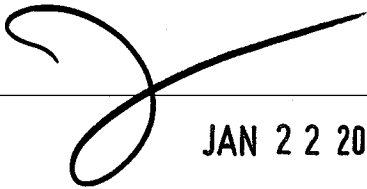
1       The sums appropriated shall be expended by the Hawaii  
2       correctional system oversight commission for the purposes of  
3       this Act.

4       SECTION 5.   New statutory material is underscored.

5       SECTION 6.   This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

  
JAN 22 2025



# H.B. NO. 1263

**Report Title:**

Correctional Facilities; Moratorium; Hawaii Correctional System Oversight Commission; Criminal Justice Diversion Task Force; Appropriation

**Description:**

Establishes a moratorium on the issuance of a request for proposal and construction of any new or expanded correctional facility from 7/1/2025 to 6/30/2028, including the planned construction of a new facility to replace the existing Oahu community correctional center. Establishes a criminal justice diversion task force. Appropriates funds.

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

