

ACT 208

S.B. NO. 3015

A Bill for an Act Relating to the Transfer of Inmates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is a correctional crisis in the State. The problem of prison overcrowding is enormous, and is a matter of compelling state interest. In light of this, remedies are needed to promote and protect public safety.

The purpose of this Act is to authorize the director of public safety to transfer inmates to correctional facilities operated either by another state or a private institution, provided that the institution is in compliance with standards established by the American Correctional Association.

SECTION 2. Section 353-16.2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The director may effect the transfer of a committed felon to any [out-of-state] correctional institution located in [a] another state [which is not a member of the Western Interstate Corrections Compact if it is in] regardless of whether the state is a member of the Western Interstate Corrections Compact; provided that the institution is in compliance with the standards of the American Correctional Association, and operated either by that state or by a private institution; and provided further that the transfer is either:

- (1) In the interest of the security or good management of the state correctional facility where the inmate is presently placed; or [in]
- (2) In the interest of the inmate.

All transfers authorized pursuant to this subsection shall be in accordance with rules adopted by the director pursuant to chapter 91.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 21, 1994.)