
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 since 1996, Hawaii
2 has transferred prisoners to private prisons on the United
3 States mainland to ease overcrowding in Hawaii state prisons.

4 Currently, Hawaii has contracted with one vendor,
5 Corrections Corporation of America, to house and provide
6 services for all prisoners transferred out-of-state, except for
7 those transferred under the interstate compact act.

8 The legislature further finds that despite the \$50,000,000
9 in public funds expended annually for this purpose, these
10 contracts have never been posted on the department of public
11 safety's website and information concerning these contracts and
12 their enforcement has never been accessible to the public.

13 The purpose of this Act is to provide accountability and
14 transparency to the public regarding the services provided by
15 any vendor for any contract made with the State to house Hawaii
16 prisoners.



1 SECTION 2. Freedom of information requirement for contract
2 interstate compact prisons. (a) In general. Each
3 nongovernmental entity contracting with the State directly or
4 through an interstate compact to incarcerate or detain state
5 prisoners or detainees in a privately owned prison or other
6 out-of-state detention facility shall have the same duty to
7 release information as is required of the department of public
8 safety under chapter 92F, Hawaii Revised Statutes.

9 (b) Civil action. Any party aggrieved by a violation of
10 the duty established in subsection (a) shall have the same
11 remedies against the nongovernmental entity as provided for
12 against government agencies in chapter 92F, Hawaii Revised
13 Statutes, for purposes of this section, unless the information
14 is entitled to protection pursuant to section 92F-13, Hawaii
15 Revised Statutes, or is a trade secret pursuant to the
16 definition provided in section 482B-2, Hawaii Revised Statutes.

17 (c) Definitions. As used in this section, "privately
18 owned prison or other detention facility" means any privately
19 owned prison or other detention facility that incarcerates or
20 detains prisoners or detainees pursuant to a contract with the
21 State.

22 SECTION 3. This Act shall take effect on July 1, 2008.



Report Title:

Public Safety; Freedom of Information

Description:

Requires out-of-state detention facilities holding Hawaii prisoners under a contract with the State to make public information about the operation of the prison; provides exemptions pursuant to chapter 92, HRS. (SD1)

