

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2342  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2342, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE AUDITOR,"

begs leave to report as follows:

The purpose of this measure is to ensure the safety, health, and welfare of Hawaii inmates who have been transferred to private correctional facilities on the mainland.

Specifically, this measure requires the Auditor to conduct performance audits of contracted private correctional facilities on the mainland housing Hawaii inmates with regard to the issues of delivery of services, visitation, and the Department of Public Safety's monitoring of the relevant contracts. The Auditor is to conduct audits of the Saguaro Correctional Facility in Eloy, Arizona housing male inmates and the Otter Creek Correctional Facility in Wheelwright, Kentucky housing female inmates.

This measure also contains a proviso that if the State begins a process of returning all female prisoners, who were previously transferred from Hawaii to the Otter Creek Correctional Facility, back to Hawaii in 2009, then the requirement for a performance audit of that facility pursuant to this measure shall be withdrawn.

Your Committee received testimony in support of the measure from the Drug Policy Forum of Hawaii, the Community Alliance on Prisons, and five individuals. One individual offered comments.




Upon further consideration, your Committee has amended this measure by:

- (1) Deleting the provision regarding withdrawal of the audit of the Otter Creek Correctional Facility from section 2; and
- (2) Providing in the effective date section of the measure that the requirement to perform the Otter Creek Correctional Facility audit shall not take effect if, by October 1, 2008:
  - (A) The department of public safety has embarked on a plan that will return all female inmates at the facility back to Hawaii by the end of 2009;
  - (B) The director of public safety provides a written certification to the governor and the legislature that the department has embarked on the plan and includes, in the certification, details of the transfer plan and a timeline for all transfers; and
  - (C) The governor transmits to the Auditor a written confirmation attesting that the department of public safety has embarked on the plan.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2342, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2342, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



ROSALYN H. BAKER, Chair



