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# A BILL FOR AN ACT

RELATING TO INMATES.

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

1           SECTION 1. Section 353-16.35, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§353-16.35 Development or expansion of in-state**  
4 **correctional facilities.** (a) Notwithstanding any other law to  
5 the contrary, the governor, with the assistance of the director,  
6 may negotiate with any person for the development or expansion  
7 of private in-state correctional facilities or public in-state  
8 turnkey correctional facilities to reduce prison overcrowding;  
9 provided that if an environmental assessment or environmental  
10 impact statement is required for a proposed site or for the  
11 expansion of an existing correctional facility under section  
12 343-5, then notwithstanding the time periods specified for  
13 public review and comments under section 343-5, the governor  
14 shall accept public comments for a period of sixty days  
15 following public notification of either an environmental  
16 assessment or an environmental impact statement.

1 (b) Any development or expansion proposal shall address  
2 the construction of the facility separate from the operation of  
3 the facility and shall consider and include:

4 (1) The percentage of low, medium, and high security  
5 inmates and the number of prison beds needed to  
6 incarcerate each of the foregoing classes of inmates;

7 (2) The facility's impact on existing infrastructure, and  
8 an assessment of improvements and additions that will  
9 be necessary;

10 (3) The facility's impact on available modes of  
11 transportation, including airports, roads, and  
12 highways; and

13 (4) A useful life costs analysis.

14 (c) The department shall develop or expand in-state  
15 facilities sufficient to meet the requirements of section  
16 353H-7.

17 [~~e~~] (d) For the purposes of this section, "useful life  
18 costs" means an economic evaluation that compares alternate  
19 building and operating methods and provides information on the  
20 design, construction methods, and materials to be used with  
21 respect to efficiency in building maintenance and facilities  
22 operation."

1 SECTION 2. Section 353H-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~§353H-7[~~§~~] **Return of out-of-state inmates.** (a) The  
4 director of public safety shall return Hawaii inmates held in  
5 out-of-state prisons at least one year prior to the inmate's  
6 parole or release date [~~in order~~] for these inmates to  
7 participate in programs preparing them for reentry on the island  
8 where they have the most support; provided that inmates  
9 participating in reentry programs at the mainland facility in  
10 which they are incarcerated consent to the return.

11 (b) The provisions of subsection (a) shall not prevent the  
12 return of other Hawaii inmates held in out-of-state prisons with  
13 less than one year left of their sentence from being returned in  
14 preparation for reentry to the island where they have the most  
15 support.

16 (c) The director of public safety shall return to Hawaii  
17 all women inmates that are detained or incarcerated in out-of-  
18 state prison or correctional facilities by December 31, 2011;  
19 provided that there exists sufficient capacity and bed space in  
20 Hawaii's prisons and correctional facilities to accommodate  
21 those additional inmates.

1        (d) Effective as of December 31, 2015, the director of  
2 public safety shall permit no more than a total of five hundred  
3 inmates from Hawaii, at any one time, to be incarcerated in  
4 out-of-state prison or correctional facilities.

5        (e) The department shall plan, design, and construct  
6 sufficient facilities to house all prisoners committed to the  
7 department's custody to meet the requirements of subsections  
8 (a), (c), and (d). The department shall also pursue the  
9 viability of developing alternative programs or forms of  
10 incarceration, such as electronic monitoring, to detain or house  
11 the Hawaii inmates returning to Hawaii from a mainland prison or  
12 correctional facility.

13        [~~(e)~~] (f) The department [~~of public safety~~] shall provide  
14 a report to the legislature at the end of each calendar year on  
15 any inmates not returned pursuant to this section with an  
16 explanation of the reasoning and circumstances for  
17 noncompliance."

18        SECTION 3. Section 353-16.2, Hawaii Revised Statutes, is  
19 repealed.

20        [~~"§353-16.2 Transfer of inmates to out-of-state~~  
21 ~~institutions.~~ (a) ~~The director may effect the transfer of a~~  
22 ~~committed felon to any correctional institution located in~~

1 ~~another state regardless of whether the state is a member of the~~  
2 ~~Western Interstate Corrections Compact; provided that the~~  
3 ~~institution is in compliance with appropriate health, safety,~~  
4 ~~and sanitation codes of the state, provides a level of program~~  
5 ~~activity for the inmate that is suitable, and is operated by~~  
6 ~~that state, by any of its political subdivisions, or by a~~  
7 ~~private institution; and provided further that the transfer is~~  
8 ~~either:~~

9       ~~(1) In the interest of the security, management of the~~  
10           ~~correctional institution where the inmate is presently~~  
11           ~~placed, or the reduction of prison overcrowding; or~~

12       ~~(2) In the interest of the inmate.~~

13       ~~(b) Terms and conditions of the transfer and any~~  
14 ~~reimbursement for expenses shall be agreed upon between the~~  
15 ~~department and the out-of-state correctional institution prior~~  
16 ~~to transfer." ]~~

17       SECTION 4. Section 353-16.3, Hawaii Revised Statutes, is  
18 repealed.

19       ~~[ "**§353-16.3 Development of out-of-state Hawaii**~~  
20 ~~**correctional facilities.** Notwithstanding any other provision to~~  
21 ~~the contrary, the governor, with the assistance of the director,~~  
22 ~~may negotiate with any appropriate out-of-state jurisdiction for~~

1 ~~the development of Hawaii correctional facilities to reduce~~  
2 ~~prison overcrowding; provided that any agreement negotiated~~  
3 ~~pursuant to this section shall be subject to legislative~~  
4 ~~approval by concurrent resolution in any regular or special~~  
5 ~~session." ]~~

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.

**Report Title:**

Prisons; Inmates; Out-of-State

**Description:**

Requires return of all out-of-state women inmates by 12/31/2011 if adequate bed space exists in Hawaii's prisons and correctional facilities. Requires that a maximum of 500 Hawaii inmates shall be detained in out-of-state prisons by 12/31/2015. Requires the public safety department to plan, design, and construct sufficient facilities to house inmates in Hawaii by 12/31/2015 and to pursue alternatives to incarceration for returning inmates. Effective 7/1/2050. (SD2)