

STAND. COM. REP. NO.

2761

Honolulu, Hawaii

MAR 18 2010

RE: H.B. No. 415  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred H.B. No. 415, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to direct the Auditor to conduct a financial and management audit of the Department of Public Safety's contracts with the Corrections Corporation of America and the Federal Detention Center.

Your Committee received testimony in support of this measure from six private entities and three individuals. Testimony in opposition was received from one state department. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Specifically, the audit will focus on a comparison, in terms of quality of programming, costs, and economic benefit to the State, of housing Hawaii inmates in mainland facilities and the Federal Detention Center in Honolulu, with housing Hawaii inmates in Hawaii facilities operated by the State. The Auditor is directed to:

- (1) Address the closure of the Kulani Correctional Facility as part of its analysis in conducting this comparison;



- (2) Make a recommendation on whether the continued housing of Hawaii inmates in mainland facilities and in the Federal Detention Center in Honolulu is advisable, in view of the explicit requirements of the Community Safety Act of 2007 and its subsequent amendments; and
- (3) Report findings and recommendations to the Legislature prior to the 2011 Regular Session.

Your Committee finds that a Department of Public Safety study, presented to the Legislature in 2008, indicated that a significant number of inmates housed in medium security prisons on the mainland and at the medium security Federal Detention Center should have been classified as minimum or community security. These inmates could have been housed at Kulani Correctional Facility and other underutilized facilities in Hawaii. However, the Department chose to pay a private vendor and the federal government an additional cost to house Hawaii inmates.

Your Committee further finds that the recent closure of Kulani Correctional Facility with its unique and needed programs, when considered with the fact that six of nine Hawaii correctional facilities are under capacity, raises the question of the cost-effectiveness of the Department's policy of contracting with the Corrections Corporation of America to house a substantial number of Hawaii inmates in mainland private prisons at significant cost to the State and to the detriment of Hawaii inmates whose consideration for parole has and will be delayed due to the absence at these facilities of programs needed by the inmates to complete their prescriptive programs.

Your Committee has amended this measure by changing the effective date to upon approval, and by making technical nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 415, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 415, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety and  
Military Affairs,

*Will Espero*

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WILL ESPERO, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>HB 415, HD 2</b>	Committee Referral: <b>PSM, WAM</b>	Date: <b>3/16/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
BUNDA, Robert (VC)				/
ENGLISH, J. Kalani	/			
GABBARD, Mike	/			
GALUTERIA, Brickwood	/			
KIDANI, Michelle N.	/			
HEMMINGS, Fred				/
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>J. Kalani English</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes