

JAN 26 2011

A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

1 SECTION 1. The legislature finds that the State can no
2 longer afford to postpone the construction of correctional
3 facilities. As prison overcrowding continues, the State is
4 placed in a vulnerable position of being subject to charges of
5 civil rights violations and security risks.

6 Since 1995, the department of public safety has transported
7 prisoners to facilities in other states, including Oklahoma,
8 Texas, Oregon, Minnesota, Arizona, and Tennessee. Although this
9 is a temporary solution until adequate facilities are built in
10 Hawaii, the State cannot afford to transport inmates to mainland
11 facilities indefinitely.

12 Out-of-state placements cost approximately \$24,400,000 per
13 year, or \$56 per prisoner per day for care, custody,
14 transportation, inmate compensation, and health care. This
15 arrangement has not been problem-free. For example, at mainland
16 facilities, there have been allegations of sexual assault of
17 female prisoners, denial of timely medical treatment, and civil
18 rights violations. Further, the lack of nearby family support,



1 which is an integral part of any successful re-entry into local
2 society, hinders rehabilitation.

3 The legislature further finds that a great majority of all
4 prisoners incarcerated by the State were convicted of crimes
5 relating to drug laws or other crimes to support drug habits.
6 Simple incarceration without treatment will only lead to
7 recidivism and magnify the problem rather than lead to a
8 reduction of the scourge of drug and substance abuse.

9 Accordingly, the legislature finds that it is in the public
10 interest to build a new correctional facility that emphasizes
11 programs to treat substance abuse and mental health issues.
12 This facility should be designed to house one thousand to one
13 thousand two hundred inmates and provide intensive drug- and
14 substance-abuse and other mental health treatment.

15 One possible site for a new correctional treatment facility
16 is the undeveloped portion of the site of the Halawa
17 correctional facility. However, other sites that may be more
18 appropriate or economically feasible should also be considered.

19 The purpose of this Act is to direct the department of
20 public safety to initiate the planning and design process to
21 develop a correctional treatment facility to house one thousand
22 to one thousand two hundred inmates on the undeveloped portion



1 of the site of the Halawa correctional facility or other
2 appropriate site, as proposed by the director of public safety.

3 SECTION 2. (a) Within ninety days of the effective date
4 of this Act, the director of public safety shall enter into a
5 contract with certified or accredited correctional design
6 professionals for the planning and preliminary design for a one
7 thousand to one thousand two hundred bed correctional treatment
8 facility. The correctional treatment facility shall be a secure
9 correctional facility designed to provide intensive in-house
10 rehabilitation programs for the treatment of chemical dependency
11 and abuse and other mental health problems.

12 (b) The correctional treatment facility shall be designed
13 to be operated by the State or a private operator with the
14 ability to provide a total continuum of care programs addressing
15 education, prevention, treatment, and supervision services
16 following an offender's reentry into the community, and achieve
17 the prevention of drug and substance abuse and the resolution of
18 other mental health problems. If a private operator is to be
19 selected, it shall have prior successful experience in managing
20 facilities accredited by the American Correctional Association
21 and the Joint Commission on the Accreditation of Healthcare
22 Organizations.



1 (c) No later than February 1, 2012, the director of public
2 safety shall submit a report to the legislature that includes
3 the following:

4 (1) The preliminary design and projected cost of the
5 correctional treatment facility, which shall be
6 designed to be accredited by the American Correctional
7 Association;

8 (2) If the facility is to be constructed by a private
9 developer, a draft request for proposals for the
10 private development of the facility for the State on a
11 turn-key basis;

12 (3) If the facility is to be operated by a private
13 operator, a draft request for proposals for the
14 operation of the correctional treatment facility by a
15 private operator who shall have experience in the
16 successful operation of facilities accredited by the
17 American Correctional Association and the Joint
18 Commission on the Accreditation of Healthcare
19 Organizations;

20 (4) If the facility is to be constructed and operated by
21 the same private entity, a draft request for proposals
22 for the development and operation of the facility



- 1 under the respective requirements of paragraphs (2)
2 and (3);
- 3 (5) A prioritized list of suitable sites, including the
4 undeveloped portion of the Halawa correctional
5 facility site, other public lands, and private
6 properties, along with the estimated cost of
7 acquisition, the costs for site preparation, and the
8 cost for the provision of all necessary infrastructure
9 to support the proposed facility;
- 10 (6) A proposal for financing the acquisition of the
11 completed turn-key facility, including the use of
12 general obligation bonds, special purpose revenue
13 bonds, tax-exempted project revenue bonds,
14 certificates of participation, or other forms of
15 financing; and
- 16 (7) Any proposed legislation required for the
17 implementation of the final design, construction,
18 purchase, and operation of the correctional treatment
19 facility.

20 SECTION 3. This Act shall not be construed to prohibit the
21 governor from negotiating or contracting with any person for the



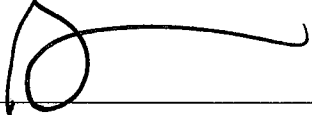
1 development of other in-state correctional facilities pursuant
2 to sections 353-16.35 and 353-16.36, Hawaii Revised Statutes.

3 SECTION 4. The director of public safety, with the
4 assistance of the department of business, economic development,
5 and tourism, shall prepare a feasibility and planning study for
6 the future use, disposition, or development of the existing Oahu
7 community correctional center site. This feasibility and
8 planning study shall include the opportunity for public review
9 and comment by the surrounding community, prior to its
10 completion.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2011-2012 for
14 the planning and design of a correctional treatment facility
15 pursuant to this Act.

16 The sum appropriated shall be expended by the department of
17 public safety for the purposes of this Act.

18 SECTION 6. This Act shall take effect on July 1, 2011.

19
INTRODUCED BY: 

Report Title:

Correctional Facilities Development Study; Appropriation

Description:

Directs DPS to prepare preliminary design and request for proposals for the design, development, and operation of a correctional treatment facility and to consider the undeveloped portion on the existing Halawa correctional facility as a possible site for the facility. Appropriates funds.

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