
A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. The legislature finds that the rehabilitation
2 of incarcerated persons is facilitated by regular family visits.
3 The legislature further finds that the department of public
4 safety has been sending Hawaii inmates to mainland correctional
5 facilities at an increasing rate. Frequent transfers are of
6 concern because they disrupt educational, vocational, treatment,
7 and other programs that are integral to successful
8 rehabilitation and reentry into society. This is particularly
9 true of inmates detained in mainland prisons.

10 The legislature further finds that there are insufficient
11 standards governing the transfer of inmates to mainland
12 correctional facilities.

13 The purpose of this Act is to establish standards for the
14 transfer of Hawaii incarcerated persons to mainland correctional
15 facilities.

16 SECTION 2. Section 353-16.2, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "§353-16.2 **Transfer of inmates to out-of-state**
2 **institutions.** (a) The director may effect the transfer of a
3 committed felon to any correctional institution located in
4 another state regardless of whether the state is a member of the
5 Western Interstate Corrections Compact; provided that ~~[the]~~:

6 (1) The institution is in compliance with appropriate
7 health, safety, and sanitation codes of the state,
8 provides a level of program activity for the inmate
9 that is suitable, and is operated by that state, by
10 any of its political subdivisions, or by a private
11 institution; and ~~[provided further that the]~~

12 (2) The transfer is either:

13 ~~[+1]~~ (A) In the interest of the security, management of
14 the correctional institution where the inmate is
15 presently placed, or the reduction of prison
16 overcrowding; or

17 ~~[+2]~~ (B) In the interest of the inmate.

18 No committed felon shall be transferred to an out-of-state
19 correctional institution if that felon has twelve months or less
20 to serve on a sentence before being eligible to be paroled. A
21 committed felon with any serious medical or mental condition



1 shall not be considered for transfer to an out-of-state
2 correctional institution.

3 (b) Terms and conditions of the transfer and any
4 reimbursement for expenses shall be agreed upon between the
5 department and the out-of-state correctional institution prior
6 to transfer.

7 (c) Prior to the transfer of a committed felon under this
8 section, the director shall consider, among other things:

9 (1) Whether the committed felon is regularly participating
10 in extended family leave visitations with the
11 committed felon's child, and whether the transfer
12 would disrupt the visitations;

13 (2) Whether the committed felon is enrolled in a
14 vocational, educational, treatment, reentry, or other
15 program that cannot reasonably be resumed at the
16 correctional facility in another state contemplated
17 for the transfer; and

18 (3) Whether other committed felons have volunteered to be
19 transferred; provided that felons volunteering for a
20 transfer shall be given preference for a transfer
21 under this section to achieve cost savings.

22 (d) For purposes of this section:



1 "Child" means a biological or adopted child under the age
2 of eighteen.

3 "Regularly participating":

4 (1) Means participating on a consistent, ongoing basis
5 with the anticipation of continuing participation; and

6 (2) Does not include infrequent or occasional
7 participation, unless the opportunities for
8 participation are themselves infrequent or
9 occasional."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2030.



Report Title:

Public Safety; Corrections; Inmate Transfers

Description:

Specifies criteria that must be considered in deciding whether to transfer inmates from Hawaii to mainland facilities. Prohibits transfer of inmates to the mainland with twelve months or less to serve before being eligible to be paroled. Also prohibits transfer of inmates to the mainland who are diagnosed with serious medical or mental conditions. Effective July 1, 2030. (SB48 HD2)

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