A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

PART I

SECTION 1. The legislature finds that the State's correctional facilities are extremely old and in need of significant repair and maintenance.

The legislature further finds that the Oahu community correctional center is a critical facility that is extremely old and neither properly serves the needs of its inmate population nor adequately fulfills its public safety role in a safe or efficient manner. The Oahu community correctional center needs to be rebuilt, preferably as a multi-story facility, and upgraded to use modern technology.

There is adequate space to move the Oahu community correctional center to the grounds of the Halawa correctional facility. Such use would be consistent with the current use of the site and also provide cost efficiencies through shared use of common services, such as food preparation, laundry, and medical clinics.
The legislature finds that the new, 1,250-bed Oahu community correctional facility will be a secure, minimum- to medium-security community correctional facility designed to include in-house rehabilitation programs for the treatment of chemical dependency and abuse and other mental health programs, as well as to prepare inmates for re-entry into society. In addition, the design of the new facility will incorporate the separation of low-risk offenders and high-risk offenders and be orientated toward recovery models for inmates with substance abuse and mental health issues.

The legislature finds that the State should also consider an alternative option of rebuilding the Oahu community correctional center on its current site in Kalihi; provided that the new facility uses a multi-story design that minimizes its footprint. This would still enable redevelopment opportunities in view of the site's close proximity to a future rail transit station. Redevelopment at the current Oahu community correctional center site could include housing, retail, restaurants, government buildings, and parks.

The legislature further finds that in financing the new facility, the State must examine all options, including private-
public partnerships, to make the most effective use of State funds.

This Act appropriates funds for continued development of a much-needed Maui community correctional center, which has been identified as one of the priorities of the State's correctional system. Additionally, this Act clarifies the governor's authority to negotiate for the construction of a correctional facility to include the authority to negotiate for construction of a jail, such as that needed on Maui, and aligns environmental impact statement and assessment requirements for such a jail with generally applicable requirements. The legislature also notes that the Maui jail was designed for two hundred inmates and now houses more than double that number; there is no room for expansion in its current site. The legislature finds that this Act and the funds appropriated by it will enable the State to pursue the relocation of Maui's correctional facility.

The purpose of this Act is to facilitate in an expeditious and efficient manner the development or expansion of in-state correctional facilities by:

(1) Clarifying the governor's authority to negotiate for the construction of a correctional facility to include
the authority to negotiate for construction of a jail, such as that needed on Maui, and aligning environmental impact statement and assessment requirements for such a jail with generally applicable requirements;

(2) Requiring the governor to commission a feasibility study that includes reconstructing the Oahu community correctional center with a smaller footprint on the land that it currently occupies and redeveloping the remainder of the site; and

(3) Appropriating funds for reconstruction of the Oahu community correctional center and the relocation of the Maui community correctional center.

PART II

SECTION 2. Section 353-16.35, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Notwithstanding any other law to the contrary, the governor, with the assistance of the director, may negotiate with any person for the development or expansion of private in-state correctional facilities or public in-state [turnkey] correctional facilities to reduce prison or jail overcrowding;
provided that if an environmental assessment or environmental impact statement is required for a proposed site or for the expansion of an existing correctional facility under section 343-5, then notwithstanding the time periods specified for public review and comments under section 343-5, the governor shall accept public comments for a period of sixty days following public notification of either an environmental assessment or an environmental impact statement.

(b) Any development or expansion proposal [shall] may address the construction of the facility separate from the operation of the facility and shall consider and include:

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

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

(3) The facility's impact on available modes of transportation, including airports, roads, and highways; and
(4) A useful life costs analysis."

SECTION 3. Section 353-16.37, Hawaii Revised Statutes, is amended to read as follows:

"§353-16.37 Community partnering. Regardless of the method for funding new prison or jail facilities, the department of public safety shall develop and implement a community partnering process to be incorporated into [the request for proposal] the planning of any new prison or jail; this partnering process shall include a community hearing for the purpose of soliciting community input. Further, a community benefit and enhancement package shall be developed by the department and the affected community to mitigate the negative aspects of building a correctional facility in the community. The benefit and enhancement package may include but is not limited to:

(1) Infrastructure improvements;

(2) Job training programs or improvements to schools and health care facilities;

(3) Social programs; and

(4) Other government functions."

PART III
SECTION 4. (a) The governor shall commission a study on the feasibility of state redevelopment of the land that is currently occupied by the Oahu community correctional center to benefit the Kalihi community and the State; provided that the Oahu community correctional center is relocated or rebuilt on its current Kalihi site in a manner that reduces the facility's footprint so that such redevelopment is possible.

(b) The feasibility study shall include but not be limited to consideration of the following:

(1) Exploring the option of rebuilding the Oahu community correctional center on its current site in Kalihi using a multi-story design that minimizes its footprint, which would still enable redevelopment opportunities in view of the site's close proximity to a future rail transit station. Redevelopment opportunities to be considered for the current Oahu community correctional center site shall include housing, retail, restaurants, government buildings, and parks;
Forming partnerships with the private sector to generate revenue and innovative development opportunities;

Revitalizing Kalihi and promoting Kalihi as a major center of economic activity while ensuring the State and the Kalihi community gain economic and other benefits from private development related to transit-oriented growth; and

Exploring the sale or long-term lease of the land to generate tax revenues and lease rent income for the State and property tax revenues for the city and county of Honolulu.

In conducting the feasibility study, the commissioned party may consult with the attorney general, comptroller, director of finance, chairperson of the board of land and natural resources, executive director and chief executive officer of the Honolulu authority for rapid transportation, and individuals possessing expertise in the redevelopment of state land.

The governor shall submit the feasibility study, including its findings, recommendations, and any proposed
legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2017.

PART IV

SECTION 5. (a) The Oahu community correctional center shall be rebuilt pursuant to this Act as a multi-story facility and upgraded to use modern technology.

(b) The new, 1,250-bed Oahu community correctional facility shall be a secure, minimum- to medium-security community correctional facility designed to include in-house rehabilitation programs for the treatment of chemical dependency and abuse and other mental health programs as well as to prepare inmates for re-entry into society. The design of the new facility shall incorporate the separation of low-risk offenders and high-risk offenders and shall be oriented toward recovery models for inmates with substance abuse and mental health issues.

(c) In financing the new facility, the State shall examine all possible financing options, including private-public partnerships, to make the most effective use of state funds.

PART V
SECTION 6. The director of finance is authorized to issue general obligation bonds in the sum of $ or so much thereof as may be necessary and the same sum or so much thereof as may be necessary is appropriated for fiscal year 2016-2017 for the purpose of purchasing, constructing, developing, leasing, or otherwise providing for jail facilities for up to 1,250 beds, to include jail housing units and support buildings, for an Oahu community correctional center.

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

SECTION 7. The appropriations made for the capital improvement projects authorized by this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that all moneys from the appropriations unencumbered as of June 30, 2018, shall lapse as of that date.

PART VI

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2016-2017 for the planning, design, and construction of the relocated Maui community correctional center.
The sum appropriated shall be expended by the department of public safety for the purposes of this part.

PART VII

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 2076.
Report Title:
Correctional Facilities; Appropriation

Description:
Clarifies the Governor's authority to negotiate for the construction of correctional facilities and aligns environmental impact statement and assessment requirements as generally applicable requirements. Appropriates funds for jail facilities for an Oahu Community Correctional Center and relocating Maui Community Correctional Center. Requires a feasibility report on development of Oahu Community Correctional Center land. Effective 7/1/2076. (SD2)

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