

JAN 28 2015

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# 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 has not  
2 built a new prison in nearly three decades. State officials  
3 have continued to pursue various plans for adding prison space  
4 in Hawaii, including from proposals to build a massive new two  
5 thousand three hundred bed lockup at Kulani on the Big Island or  
6 more modest five hundred bed secure treatment facilities on  
7 Oahu. However, the State has been exporting inmates to  
8 privately operated prisons on the mainland since 1995 instead of  
9 building a new prison here in Hawaii. Fifty-four per cent of  
10 Hawaii's prisoners are incarcerated in private prisons on the  
11 mainland, the highest percentage among all other states.

12           The legislature also finds that prison officials claim that  
13 there is no room for additional Hawaii inmates in local prisons.  
14 Six out of Hawaii's nine prisons and jails have populations  
15 greater than their designed bed capacity. Prison officials  
16 explain that it is cheaper to incarcerate inmates on the



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1 mainland at a rate of \$63 per inmate per day compared to \$89 per  
2 inmate per day in Hawaii.

3 The State pays approximately \$11,500,000 annually for the  
4 Corrections Corporation of America to confine about one thousand  
5 nine hundred convicts on the mainland. In 2006, the legislature  
6 set aside an additional \$12,000,000 to transfer six hundred  
7 seventy-six more inmates to southern Arizona under a plan to  
8 consolidate all Hawaii inmates in three Arizona facilities. The  
9 contracts covered three years with an option for another two.

10 The legislature also finds that, notwithstanding the  
11 apparent short-term savings realized by transferring inmates to  
12 the mainland, the State can no longer afford to postpone the  
13 construction of correctional facilities. As overcrowding  
14 continues, the State is increasingly vulnerable to security  
15 risks and charges of civil rights violations. Further,  
16 placement of Hawaii inmates at mainland prisons has not been  
17 problem-free. For example, there have been allegations of  
18 sexual assault of female prisoners, denial of timely medical  
19 treatment, and civil rights violations. Moreover, the lack of  
20 nearby family support, which is an integral part of any  
21 successful reentry into society, hinders rehabilitation.



1           The legislature further finds that a great majority of all  
2 prisoners incarcerated by the State have committed crimes  
3 relating to drugs or engaged in other crimes to support existing  
4 substance-abuse habits. Simple incarceration without treatment  
5 will only lead to recidivism and magnify the problem rather than  
6 lead to a reduction of drug and substance abuse. Although  
7 placing Hawaii inmates in mainland prisons is a temporary  
8 solution until adequate facilities are built, the State cannot  
9 afford to continue this practice indefinitely. It is in the  
10 public interest to design and build a new correctional facility  
11 that emphasizes and prioritizes substance abuse and mental  
12 health treatment programs.

13           The purpose of this Act is to immediately initiate the  
14 planning and design process to develop a correctional facility  
15 to house fifteen hundred to two thousand inmates and provide  
16 intensive drug and substance-abuse and other mental health  
17 treatment on a site proposed by the director of public safety.

18           SECTION 2. (a) Within ninety days of the effective date  
19 of this Act, the director of public safety shall enter into a  
20 contract with a certified or accredited correctional design  
21 professional for the planning and preliminary design for a one



1 thousand to one thousand two hundred bed correctional treatment  
2 facility. The design professional shall be selected pursuant to  
3 section 103D-304. The correctional treatment facility shall be  
4 a secure correctional facility designed to provide intensive in-  
5 house rehabilitation programs for the treatment of chemical  
6 dependency and abuse and other mental health problems.

7 (b) The correctional treatment facility shall be designed  
8 to be operated by the State with the capability to provide a  
9 total continuum of programs that address education, prevention,  
10 and treatment, and are directed at preventing drug and substance  
11 abuse and treating other mental health problems.

12 (c) By February 1, 2016, the director of public safety  
13 shall submit a progress report to the legislature that includes  
14 the following:

15 (1) The preliminary design and projected cost of the  
16 correctional treatment facility, which shall be  
17 designed to be accredited by the American Correctional  
18 Association;

19 (2) If the facility is to be developed by a private  
20 developer, a request for proposals for the private



1 development of the facility for the State on a turn-  
2 key basis;

3 (3) A prioritized list of suitable sites, including the  
4 undeveloped portion of the Halawa correctional  
5 facility site and other public lands and private  
6 property, along with the estimated cost of  
7 acquisition, the costs for site preparation, and the  
8 cost for providing all necessary infrastructure to  
9 support the proposed facility;

10 (4) A proposal for the financing of the acquisition of the  
11 turn-key completed 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 (5) 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



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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. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_, or so  
5 much thereof as may be necessary for fiscal year 2015-2016, and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2016-2017 for the purposes of this Act.

8 The sums appropriated shall be expended by the department  
9 of public safety for the purposes of this Act.

10 SECTION 5. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: \_\_\_\_\_

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**Report Title:**

Correction Facilities; Design and Construction; Appropriation

**Description:**

Directs the executive branch to prepare preliminary design and request for proposals for the design, construction, and operation of a correctional facility. Appropriates moneys.

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