
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. Section 353H-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[f]~~ §353H-7 ~~[f]~~ **Return of out-of-state inmates.** (a) The
4 director of public safety shall return Hawaii inmates held in
5 out-of-state prisons at least one year prior to the inmate's
6 parole or release date ~~[in order]~~ for these inmates to
7 participate in programs preparing them for reentry on the island
8 where they have the most support; provided that inmates
9 participating in reentry programs at the mainland facility in
10 which they are incarcerated consent to the return.

11 (b) The provisions of subsection (a) shall not prevent the
12 return of other Hawaii inmates held in out-of-state prisons with
13 less than one year left of their sentence from being returned in
14 preparation for reentry to the island where they have the most
15 support.

16 (c) The director of public safety shall return to Hawaii
17 all inmates that are detained or incarcerated in out-of-state



1 prison or correctional facilities by December 31, 2020; provided
2 that there exists sufficient capacity and bed space in Hawaii's
3 prisons and correctional facilities to accommodate returning
4 inmates.

5 (d) Effective December 31, 2019, the director of public
6 safety shall permit no more than a total of five hundred inmates
7 from Hawaii, at any one time, to be incarcerated in out-of-state
8 prisons or correctional facilities.

9 (e) The department shall plan, design, and construct
10 sufficient facilities to house all prisoners committed to the
11 department's custody to meet the requirements of subsections
12 (a), (c), and (d). The department shall also develop
13 alternative programs or forms of incarceration, such as
14 electronic monitoring, to detain or house the Hawaii inmates
15 returning to Hawaii from out-of-state prisons or correctional
16 facilities.

17 ~~[(e)]~~ (f) The department ~~[of public safety]~~ shall provide
18 a report to the legislature at the end of each calendar year on
19 any inmates not returned pursuant to this section with an
20 explanation of the reasoning and circumstances for
21 noncompliance."



1 SECTION 2. Section 353-16.2, Hawaii Revised Statutes, is
2 repealed.

3 [~~"§353-16.2 Transfer of inmates to out of state~~
4 ~~institutions. (a) The director may effect the transfer of a~~
5 ~~committed felon to any correctional institution located in~~
6 ~~another state regardless of whether the state is a member of the~~
7 ~~Western Interstate Corrections Compact; provided that the~~
8 ~~institution is in compliance with appropriate health, safety,~~
9 ~~and sanitation codes of the state, provides a level of program~~
10 ~~activity for the inmate that is suitable, and is operated by~~
11 ~~that state, by any of its political subdivisions, or by a~~
12 ~~private institution; and provided further that the transfer is~~
13 ~~either:~~

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

17 ~~(2) In the interest of the inmate.~~

18 ~~(b) Terms and conditions of the transfer and any~~
19 ~~reimbursement for expenses shall be agreed upon between the~~
20 ~~department and the out of state correctional institution prior~~
21 ~~to transfer."]~~



1 SECTION 3. Section 353-16.3, Hawaii Revised Statutes, is
2 repealed.

3 [~~"§353-16.3 Development of out of state Hawaii~~
4 ~~correctional facilities. Notwithstanding any other provision to~~
5 ~~the contrary, the governor, with the assistance of the director,~~
6 ~~may negotiate with any appropriate out of state jurisdiction for~~
7 ~~the development of Hawaii correctional facilities to reduce~~
8 ~~prison overcrowding, provided that any agreement negotiated~~
9 ~~pursuant to this section shall be subject to legislative~~
10 ~~approval by concurrent resolution in any regular or special~~
11 ~~session."~~]

12 SECTION 4. The director of finance is authorized to issue
13 general obligation bonds in the sum of \$ or so much
14 thereof as may be necessary and the same sum or so much thereof
15 as may be necessary is appropriated for fiscal year 2018-2019
16 for the purpose of planning, designing, and constructing
17 sufficient facilities to house all prisoners committed to the
18 department's custody.

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



H.B. NO. 1719

1 SECTION 5. The appropriation made for the capital
 2 improvement project authorized by this Act shall not lapse at
 3 the end of the fiscal biennium for which the appropriation is
 4 made; provided that all moneys from the appropriation
 5 unencumbered as of June 30, 2020, shall lapse as of that date.

6 SECTION 6. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon its approval.
 9

INTRODUCED BY:

[Signature]
Nicole E. Lowen
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JAN 12 2018



H.B. NO. 1719

Report Title:

Correctional Facilities; Prisons; Out-of-State Inmates

Description:

Requires the return of all out-of-state inmates by 12/31/20 if adequate bed space exists in Hawaii's prisons and correctional facilities. Provides that no more than 500 Hawaii inmates shall be detained in out-of-state prisons by 12/31/19. Requires the Department of Public Safety to plan, design, and construct sufficient facilities to house inmates in Hawaii and to pursue alternatives to incarceration for returning inmates. Authorizes the issuance of general obligation bonds.

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