

JAN 24 2018

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Section 353-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§353-16 Transfer of committed felon to federal**
4 **institution.** (a) The director may effect the transfer of [a]
5 any committed felon incarcerated for a violent crime under
6 section 351-32 to any federal correctional institution for
7 imprisonment, subsistence, care, and proper employment of such a
8 felon.

9 (b) A committed felon incarcerated in an out-of-state
10 federal correctional institution for a crime that is not a
11 violent crime under section 351-32 shall be returned to Hawaii
12 no later than July 1, 2020."

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

15 "**§353-16.2 Transfer of inmates to out-of-state**
16 **institutions.** (a) The director may effect the transfer of a
17 committed felon incarcerated for a violent crime under section



1 351-32 to any correctional institution located in another state
2 regardless of whether the state is a member of the Western
3 Interstate Corrections Compact; provided that the institution is
4 in compliance with appropriate health, safety, and sanitation
5 codes of the state, provides a level of program activity for the
6 inmate that is suitable, and is operated by that state~~[7]~~ or by
7 any of its political subdivisions ~~[7, or by a private~~
8 ~~institution]~~; and provided further that the transfer is either:

9 (1) In the interest of the security, management of the
10 correctional institution where the inmate is presently
11 placed, or the reduction of prison overcrowding; or

12 (2) In the interest of the inmate.

13 (b) Terms and conditions of the transfer and any
14 reimbursement for expenses shall be agreed upon between the
15 department and the out-of-state correctional institution prior
16 to transfer.

17 (c) A committed felon incarcerated in an out-of-state
18 correctional institution for a crime that is not a violent crime
19 under section 351-32 shall be returned to Hawaii no later than
20 July 1, 2020."



1 SECTION 3. Section 353-16.35, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

16 SECTION 4. Section 353-16.36, Hawaii Revised Statutes, is
17 repealed.

18 [~~§353-16.36~~] ~~Contracts for construction of correctional~~
19 ~~facilities by private entities.~~ The governor may enter into and
20 execute contracts in the name of the State with any private
21 entity to construct and then lease or purchase correctional



S.B. NO. 2919

1 ~~facilities on public or private lands for the benefit of the~~
2 ~~State."]~~

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.
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INTRODUCED BY:

Paul E. Bell

John G. ...

Clarence K. Fishbein

Will Egan

James Mendoza King

Karl Alford

Francine R. Anway
Breene Hunt

David O. ...

David ...

Randy & Baker

Spalding

855



S.B. NO. 2979

Report Title:

Corrections; Inmate Transfer; Out-of-State Correctional Institutions; Private Correctional Facilities

Description:

Limits the Director of Public Safety's ability to transfer convicted felons to any federal correctional institution or a correctional institution in another state to only those felons incarcerated for violent crimes under HRS section 351-32. Requires that all felons incarcerated in an out-of-state correctional institution or an out-of-state federal correctional institution for a crime that is not a violent crime under HRS section 351-32 be returned to Hawaii no later than July 1, 2020. Repeals the Governor's authority to negotiate or contract for expansion or construction of private correctional facilities.

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