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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. Section 353-16.35, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§353-16.35 Development or expansion of in-state**  
4 **correctional facilities**~~[**-**]~~; **private correctional facilities**  
5 **prohibited.** (a) Notwithstanding any other law to the contrary,  
6 the governor, with the assistance of the director, may negotiate  
7 with any person for the development or expansion of [~~private in-~~  
8 ~~state correctional facilities or~~] public in-state turnkey  
9 correctional facilities to reduce prison overcrowding; provided  
10 that if an environmental assessment or environmental impact  
11 statement is required for a proposed site or for the expansion  
12 of an existing correctional facility under section 343-5, then  
13 notwithstanding the time periods specified for public review and  
14 comments under section 343-5, the governor shall accept public  
15 comments for a period of sixty days following public  
16 notification of either an environmental assessment or an  
17 environmental impact statement.



1 (b) Any development or expansion proposal shall address  
2 the construction of the facility separate from the operation of  
3 the facility and shall consider and include:

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

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

10 (3) The facility's impact on available modes of  
11 transportation, including airports, roads, and  
12 highways; and

13 (4) A useful life costs analysis.

14 (c) No private correctional facility shall be established  
15 within the State.

16 [~~e~~] (d) For the purposes of this section, "useful life  
17 costs" means an economic evaluation that compares alternate  
18 building and operating methods and provides information on the  
19 design, construction methods, and materials to be used with  
20 respect to efficiency in building maintenance and facilities  
21 operation."



1 SECTION 2. Section 353-16.36, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~353-16.36~~§~~] **Contracts for construction of**  
4 **correctional facilities by private entities.** The governor may  
5 enter into and execute contracts in the name of the State with  
6 any private entity to construct [~~and then lease or purchase~~]  
7 correctional facilities on public or private lands for the  
8 benefit of the State~~[-]~~; provided that the correctional facility  
9 is operated by the department."

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 May 6, 2137.



**Report Title:**

In-State Private Correctional Facility; Prohibition; Department of Public Safety

**Description:**

Repeals the authorization for the governor to negotiate with any person for the development or expansion of private in-state correctional facilities. Prohibits the establishment of private correctional facilities within the State. Allows the governor to enter into a contract with a private entity to construct correctional facilities on public or private lands for the benefit of the State if the facilities are operated by the Department of Public Safety. Repeals the authorization of the governor to enter into a contract with a private entity for the lease or purchase of correctional facilities the entity constructs. Effective 5/6/2137. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

