

JAN 18 2008

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that since 1996, Hawaii
2 has transferred prisoners to private prisons on the United
3 States mainland to ease overcrowding in Hawaii state prisons.

4 Currently, Hawaii has contracted with one vendor,
5 Corrections Corporation of America, to house and provide
6 services for all prisoners transferred out-of-state, except for
7 those transferred under the interstate compact act.

8 The legislature further finds that despite the \$50,000,000
9 in public funds expended annually for this purpose, these
10 contracts have never been posted on the department of public
11 safety's website and information concerning these contracts and
12 their enforcement has never been accessible to the public.

13 The purpose of this Act is to provide accountability and
14 transparency to the public regarding the services provided by
15 any vendor for any contract made with the State to house Hawaii
16 prisoners.



1 SECTION 2. Freedom of information requirement for contract
2 interstate compact prisons. (a) In general. Each
3 nongovernmental entity contracting with the State directly or
4 through an interstate compact to incarcerate or detain state
5 prisoners or detainees in a privately owned prison or other
6 detention facility shall have the same duty to release
7 information about the operation of that prison or detention
8 facility that a state agency operating such a facility in Hawaii
9 would have under chapter 92F, Hawaii Revised Statutes.

10 (b) Rules. A state agency that contracts with a
11 nongovernmental entity, enters into a government-to-government
12 contract for holding Hawaii prisoners in a private prison, or
13 enters into an interstate compact agreement under which Hawaii
14 inmates are held in a prison in another state, shall adopt rules
15 under chapter 91 to ensure compliance by any nongovernmental
16 entity involved in the contracts or agreements.

17 (c) Civil action. Any party aggrieved by a violation of
18 the duty established in subsection (a), may obtain appropriate
19 relief in a civil action, against the nongovernmental or
20 governmental entity operating the facility or against any other
21 proper party.



1 (d) Definitions. As used in this section, "privately
2 owned prison or other detention facility" means any privately
3 owned prison or other detention facility that incarcerates or
4 detains prisoners or detainees pursuant to a contract with the
5 State.

6 SECTION 3. This Act shall take effect on July 1, 2008.

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Report Title:

Public Safety; Freedom of Information

Description:

Requires prisons holding Hawaii prisoners under a contract with the State to make public information about the operation of the prison.

