
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. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§353- Freedom of information requirement; contracts
5 with out-of-state detention facilities. (a) Contracts made
6 directly between the State and a nongovernmental entity or
7 through an interstate compact that provide for the incarceration
8 or detention of state prisoners or detainees in a privately
9 owned prison or other out-of-state detention facility shall:

10 (1) Require the contractor to provide access to the same
11 information as is required of the department of public
12 safety in chapter 92F; and

13 (2) Include the same remedies for the failure of
14 contractors to provide information as provided for
15 against government agencies in chapter 92F; provided
16 that these remedies shall not be available for
17 information that is entitled to protection pursuant to
18 section 92F-13 or is a trade secret pursuant to the
19 definition provided in section 482B-2.

20 (b) For purposes of this section, "privately owned prison
21 or other out-of-state detention facility" means any privately
22 owned prison or other out-of-state detention facility that



1 incarcerates or detains prisoners or detainees pursuant to a
2 contract with the State."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on July 1, 2008.



S.B. NO. 2341
S.D. 1
H.D. 1
C.D. 1

Report Title:

Public Safety; Freedom of Information

Description:

Requires out-of-state detention facilities holding Hawaii prisoners under a contract with the State to make public information about the operation of the prison. (CD1)

