

Honolulu, Hawaii

Feb 8, 2006

RE: H.B. No. 355
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 355 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

begs leave to report as follows:

The purpose of this bill is to improve the grievance process in prisons and jails for incarcerated adult and juvenile offenders, by:

- (1) Establishing a community oversight panel to assist in the resolution of serious grievances; and
- (2) Setting forth minimum requirements for adequate grievance systems.

The Community Alliance on Prisons, A Woman's Voice, International, and numerous concerned individuals testified in support of this bill. The Department of the Attorney General opposed this measure. The Department of Public Safety (DPS) and the Office of Youth Services testified that they did not support this bill.

Your Committee has amended this bill by:


- (1) Changing the name and function of the panel to advisory;



- (2) Expanding the scope of the panel's review, from serious grievances to all grievances;
- (3) Removing the ability of the panel to review records that are privileged or otherwise protected;
- (4) Clarifying that the provisions of this bill concerning juvenile offenders relate to the Department of Human Services (DHS);
- (5) Clarifying that the panel may issue subpoenas in its review of grievances;
- (6) Requiring the panel, in lieu of the minimum requirements for adequate grievance systems, to evaluate and recommend the elements of such a system, for consideration by DPS and DHS for promulgation into their respective grievance policies;
- (7) Inserting an appropriation for the panel;
- (8) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 355, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 355, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


for SYLVIA LUKE, Chair



