

STAND. COM. REP. NO. 1219

Honolulu, Hawaii

March 27, 2009

RE: S.B. No. 969
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred S.B. No. 969, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO RESTRICTED ACCESS TO CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose of this bill is to ensure the security of the State's correctional and detention facilities by authorizing the conditional search of persons and vehicles entering the grounds of a state correctional or detention facility.

The Department of Public Safety supported this bill. The American Civil Liberties Union of Hawaii and Community Alliance on Prisons opposed this measure.

Your Committee has amended this bill by:

- (1) Deleting provisions requiring correctional facility staff to have probable cause prior to performing a strip search of a person who seeks to enter the facility;
- (2) Providing that a person may decline a search and be refused entry to the facility;



- (3) Making the crime of entering or remaining on the grounds of a state correctional or detention facility without permission a class C felony; and
- (4) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 969, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 969, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,

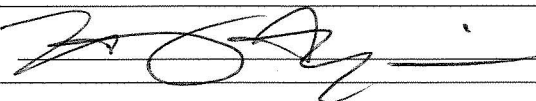


FAYE HANOANO, Chair



HSC 1219

Record of Votes of the Committee on Public Safety

Bill/Resolution No.: SB 969, SD2	Committee Referral: PBS, JUD	Date: 3-19-2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	/			
2. AQUINO, Henry J.C. (VC)	/			
3. AWANA, Karen Leinani	/			
4. KEITH-AGARAN, Gilbert S.C.	/			
5. LEE, Marilyn B.	/			
6. NAKASHIMA, Mark M.				/
7. RHOADS, Karl		/		
8. SAIKI, Scott K.	/			
9. SOUKI, Joseph M.	/			
10. TAKUMI, Roy M.				/
11. YAMASHITA, Kyle T.	/			
12. PINE, Kymberly Marcos	/			
TOTAL (12)	9	1		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				