
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REQUIRE IN ITS
CONTRACTS THAT INCARCERATED MEN AND WOMEN BE FREE TO
PRACTICE MORE THAN ONE RELIGION.

1 WHEREAS, freedom to practice religion is guaranteed under
2 Article I, Section 4 of the Hawaii Constitution, which states,
3 "*No law shall be enacted respecting an establishment of*
4 *religion, or prohibiting the free exercise thereof, or abridging*
5 *the freedom of speech or of the press or the right of the people*
6 *peaceably to assemble and to petition the government for a*
7 *redress of grievances*"; and

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9 WHEREAS, after western contact, many Hawaiian ali'i
10 converted to Christianity, while also practicing their Hawaiian
11 religion and engaging in Hawaiian cultural and spiritual
12 practices; and

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14 WHEREAS, today, many Native Hawaiians continue to practice
15 two religions--their Hawaiian religion as well as another
16 religion, such as Christianity or Buddhism; and

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18 WHEREAS, Native Hawaiians who have been incarcerated in
19 out-of-state facilities have been forced to choose one religion
20 that they are allowed to practice; and

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22 WHEREAS, inmates of other ethnic and ancestral backgrounds
23 face a similar situation and must also choose between faiths;
24 and

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26 WHEREAS, the federal Religious Land Use and
27 Institutionalized Persons Act, Title 42 United States Code
28 Chapter 21C, prohibits the imposition of burdens on the ability
29 of prisoners to worship; and



1 WHEREAS, Title 42 United States Code Section 2000cc-1
 2 states that "No government shall impose a substantial burden on
 3 the religious exercise of a person residing in or confined to an
 4 institution . . . unless the government demonstrates that
 5 imposition of the burden on that person . . . is in furtherance
 6 of a compelling governmental interest; and . . . is the least
 7 restrictive means of furthering that compelling governmental
 8 interest"; now, therefore,
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10 BE IT RESOLVED by the House of Representatives of the
 11 Twenty-fifth Legislature of the State of Hawaii, Regular Session
 12 of 2010, the Senate concurring, that the Department of Public
 13 Safety (PSD) is requested to require in its new contracts, and
 14 to amend its existing contracts to require, that incarcerated
 15 men and women be allowed to practice more than one religion
 16 subject to reasonable health, safety, and administrative
 17 concerns; and
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19 BE IT FURTHER RESOLVED that PSD is requested to report to
 20 the Legislature on the implementation of the requested contract
 21 provisions no later than twenty days prior to the convening of
 22 the Regular Session of 2011; and
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24 BE IT FURTHER RESOLVED that PSD is requested to include in
 25 its report a copy of the language used in the requested contract
 26 provisions; and
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28 BE IT FURTHER RESOLVED that certified copies of this
 29 Concurrent Resolution be transmitted to the Governor, Director
 30 of Public Safety, Chair of the Senate Committee on Public Safety
 31 and Military Affairs, Chair of the House Committee on Public
 32 Safety, and Attorney General.