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## HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REQUIRE IN ITS CONTRACTS THAT INCARCERATED NATIVE HAWAIIANS BE FREE TO PRACTICE THEIR NATIVE HAWAIIAN RELIGION AS WELL AS ONE OTHER FAITH.

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, the federal Religious Land Use and  
23 Institutionalized Persons Act, Title 42 United States Code  
24 Chapter 21C, prohibits the imposition of burdens on the ability  
25 of prisoners to worship; and  
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27           WHEREAS, Title 42 United States Code Section 2000cc-1  
28 states that "No government shall impose a substantial burden on  
29 the religious exercise of a person residing in or confined to an  
30 institution . . . unless the government demonstrates that  
31 imposition of the burden on that person . . . is in furtherance  
32 of a compelling governmental interest; and . . . is the least



1 restrictive means of furthering that compelling governmental  
2 interest"; now, therefore,

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4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
6 of 2010, that the Department of Public Safety is requested to  
7 require in its new contracts, and to amend its existing  
8 contracts to require, that incarcerated Native Hawaiians be  
9 allowed to practice their Native Hawaiian religion as well as  
10 one other religion, subject to reasonable health, safety, and  
11 administrative concerns; and

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13 BE IT FURTHER RESOLVED that the Department of Public Safety  
14 is requested to report to this body on the implementation of the  
15 requested contract provisions no later than twenty days prior to  
16 the convening of the Regular Session of 2011; and

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18 BE IT FURTHER RESOLVED that the Department of Public Safety  
19 is requested to include in its report a copy of the language  
20 used in the requested contract provisions; and

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22 BE IT FURTHER RESOLVED that certified copies of this  
23 Resolution be transmitted to the Governor, the Director of  
24 Public Safety, the Chair of the Senate Committee on Public  
25 Safety and Military Affairs, the Chair of the House Committee on  
26 Public Safety, and the Attorney General.

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OFFERED BY: 

MAR 04 2010

