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## HOUSE 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  
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31           WHEREAS, Title 42 United States Code Section 2000cc-1  
32 states that "*No government shall impose a substantial burden on*  
33 *the religious exercise of a person residing in or confined to an*  
34 *institution . . . unless the government demonstrates that*



1 *imposition of the burden on that person . . . is in furtherance*  
2 *of a compelling governmental interest; and . . . is the least*  
3 *restrictive means of furthering that compelling governmental*  
4 *interest"; now, therefore,*

5  
6 BE IT RESOLVED by the House of Representatives of the  
7 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
8 of 2010, that the Department of Public Safety (PSD) is requested  
9 to require in its new contracts, and to amend its existing  
10 contracts to require, that incarcerated men and women be allowed  
11 to practice more than one religion subject to reasonable health,  
12 safety, and administrative concerns; and

13  
14 BE IT FURTHER RESOLVED that PSD is requested to report to  
15 the Legislature on the implementation of the requested contract  
16 provisions no later than twenty days prior to the convening of  
17 the Regular Session of 2011; and

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

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

