

JAN 26 2009

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# A BILL FOR AN ACT

RELATING TO RESTRICTED ACCESS TO CORRECTIONAL FACILITIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 353-11.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§353-11.5 Restricted access to correctional facilities.**

4 (a) Except for the director and employees of the  
5 department of public safety, members of the Hawaii paroling  
6 authority, and those persons specified in section 353-29, no  
7 person shall enter or remain on the grounds of any state  
8 correctional facility unless permission to so enter or remain  
9 has been obtained from the administrator of the correctional  
10 facility, the administrator's designated representatives, or the  
11 director.

12 (b) Entry of any person or vehicle to state correctional  
13 or detention facility grounds may be conditioned upon a search  
14 for weapons or contraband.

15 [~~(b)~~] (c) Signs shall be posted at reasonable intervals  
16 along the boundary of correctional facilities, informing the  
17 public of the restriction against access provided in subsection

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1 (a) ~~(a)~~ and of the consent to search persons or vehicles set  
2 forth in subsection (b).

3 ~~(c)~~ (d) Any person who violates subsection (a) shall be  
4 guilty of a misdemeanor."

5 SECTION 2.. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8  
9 INTRODUCED BY: \_\_\_\_\_

10 BY REQUEST

**Report Title:**

Restricted Access to Correctional Facilities; Property Search

**Description:**

Permits the search of persons and vehicles entering state correctional facility grounds.

SB 969

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO RESTRICTED ACCESS TO CORRECTIONAL FACILITIES.

PURPOSE: Expressly grants authority for correctional staff to search persons and vehicles that enter on state correctional facility grounds.

MEANS: Amend section 353-11.5, Hawaii Revised Statutes.

JUSTIFICATION: Correctional staff in the Department of Public Safety (PSD) are not law enforcement personnel. Therefore, they have no authority to search any person or vehicle that brings weapons or contraband on correctional facility grounds without this authority. There has been a history of contraband being introduced into correctional facilities in PSD. This bill will assist staff in combating the introduction of contraband and/or weapons, and more importantly assist staff in making the facilities safer and more secure for both staff and inmates.

Impact on the public: This bill will provide a means to make correctional facilities safer and more secure for the public, inmates and staff. This is clearly a measure to ensure public safety.

Impact on the department and other agencies: This measure will provide the department with authority to perform the necessary measures to ensure safety and security. The measure would assist in the prosecution of anyone attempting to smuggle contraband into the facilities. This measure would also assist in clarifying legal authority to search persons and vehicles on state grounds, since the manifest intent of the

measure is to give correctional staff authority to do so.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: PSD 900.

OTHER AFFECTED AGENCIES: Department of the Attorney General, county departments of the prosecuting attorney, Judiciary.

EFFECTIVE DATE: Upon approval.