

STAND. COM. REP. NO.

340

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 969

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred S.B. No. 969 entitled:

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

begs leave to report as follows:

The purpose of this measure is to permit a conditional search of any person or vehicle entering upon the grounds of a correctional or detention facility.

Testimony in support of this measure was submitted by one state agency. Testimony in opposition of this measure was submitted by one private organization. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that it is in the best interest of public safety that any person or vehicle entering upon the grounds of a correctional or detention facility be subject to a conditional search. Your Committee also finds that currently the correctional staff of the Department of Public Safety do not have the authority to search any person or vehicle for contraband. This measure provides the correctional staff with the authority to request a conditional search of a person or a vehicle when the correctional staff has reasonable suspicion of a person possessing or a vehicle containing a weapon or contraband.

Your Committee has amended this measure by:

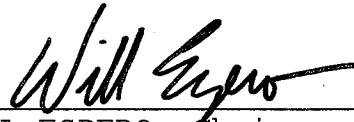
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- (1) Clarifying that the correctional staff shall give the person notice and an opportunity to decline a conditional search prior to searching a person or their vehicle;
- (2) Adding that the correctional staff shall have probable cause of contraband on a person prior to requiring a strip search of that person;
- (3) Changing the effective date to July 1, 2050 to provide further discussion on this measure; and
- (4) Making technical, nonsubstantive amendments for the purpose of clarity.

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

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,



WILL ESPERO, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* <i>SB 969</i>	Committee Referral: <i>PSM, JGO</i>	Date: <i>2-12-09</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	<i>X</i>			
BUNDA, Robert (VC)	<i>X</i>			
ENGLISH, J. Kalani				<i>X</i>
GABBARD, Mike				<i>X</i>
GALUTERIA, Brickwood	<i>X</i>			
KIDANI, Michelle N.	<i>X</i>			
HEMMINGS, Fred				<i>X</i>
TOTAL	<i>4</i>			<i>3</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes