



GOV. MSG. NO. 1349

July 12, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

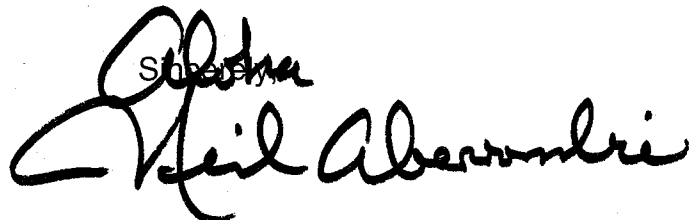
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

I am transmitting herewith SB49 SD1 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB49 SD1 HD2 CD1

RELATING TO CORRECTIONAL FACILITIES



NEIL ABERCROMBIE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 49

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 49, entitled "A Bill for an Act Relating to Correctional Facilities."

The purpose of this bill is to amend chapter 353C of Hawaii Revised Statutes to require the director of the Department of Public Safety (Department) to report the death of any Hawaii inmate, or any death or injury causing the death of an employee at a correctional facility or center where Hawaii inmates reside, to the Governor within forty-eight hours. In addition, the director of the Department is required to immediately notify the Governor of the official cause of death once it is determined. In both instances, the Governor is required to then immediately report the information to the Legislature.

This bill is objectionable because it is unnecessary. The Department already has procedures in place that include notification to the Governor's Office of serious incidents involving staff, inmates, or visitors. Further, it is unprecedented and inappropriate that the Governor report such occurrences to the Legislature.

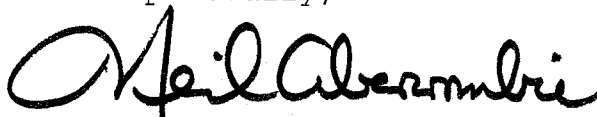
If the Legislature wishes further information based on the reports it requires of the Department, it already has at its

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SENATE BILL NO. 49
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disposal a statutorily defined process through which this information can be obtained.

For the foregoing reasons, I am returning Senate Bill No. 49 without my approval.

Respectfully,

A handwritten signature in black ink that reads "Neil Abercrombie". The signature is written in a cursive style with a large, prominent initial "N".

NEIL ABERCROMBIE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

1 SECTION 1. Chapter 353C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§353C- Correctional facility and community correctional
5 center deaths; reporting. (a) Within forty-eight hours, the
6 director shall report to the governor, and the governor shall
7 report to the legislature, the death of any:

8 (1) Correctional facility or community correctional center
9 employee who dies on the grounds of a correctional
10 facility or community correctional center where Hawaii
11 inmates reside or who sustain an injury on the grounds
12 of a correctional facility or community correctional
13 center where Hawaii inmates reside that causes the
14 death of the employee; and

15 (2) Hawaii inmate who is incarcerated in a correctional
16 facility or community correctional center.

17 (b) The report in subsection (a) shall include the
18 following information:



- 1 (1) The name of the decedent;
- 2 (2) Whether the decedent was an inmate or employee;
- 3 (3) The location of the death or injury leading to the
- 4 death;
- 5 (4) The date and time of the death; and
- 6 (5) The cause of death;

7 provided that when the official cause of death has been
8 determined, the director shall immediately report the official
9 cause of death to the governor, and the governor shall
10 immediately report the official cause of death to the
11 legislature.

12 (c) The director shall have the discretion to withhold
13 disclosure of the decedent's name pending notification of the
14 death to the next of kin or if the decedent's identity is
15 protected from disclosure by state or federal laws."

16 SECTION 2. New statutory material is underscored.

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

APPROVED this day of , 2011

GOVERNOR OF THE STATE OF HAWAII