
A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

1 SECTION 1. The legislature finds that the department of
2 public safety operates correctional facilities throughout the
3 State and promotes community safety not only by keeping
4 prisoners and detainees separate from the community, but also by
5 ensuring the safety of prisoners, detainees, and staff within
6 correctional facilities. However, there have been incidents in
7 Hawaii and across the country where visitors to correctional
8 facilities have brought in drugs, weapons, and other contraband
9 on their persons and in their vehicles. It can be difficult to
10 stop the flow of contraband into correctional facilities because
11 correctional staff generally do not have all of the search and
12 arrest powers granted to law enforcement officers.

13 The purpose of this Act is to improve the ability of
14 correctional staff to maintain public safety, by providing that
15 any person who enters state correctional or detention facilities
16 is deemed to have consented to a search for weapons or
17 contraband.



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

3 "§353-11.5 Restricted access to correctional
4 facilities~~[-]~~; implied consent to searches. (a) Except for the
5 director and employees of the department of public safety,
6 members of the Hawaii paroling authority, and those persons
7 specified in section 353-29, no person shall enter or remain on
8 the grounds of any state correctional facility unless permission
9 to so enter or remain has been obtained from the administrator
10 of the correctional facility, the administrator's designated
11 representatives, or the director.

12 (b) Any person who enters the grounds of any state
13 correctional or detention facility shall be deemed to have given
14 consent to a search for weapons or contraband, including a
15 search of the person's vehicle entering the grounds.

16 ~~[(b)]~~ (c) Signs shall be posted at reasonable intervals
17 along the boundary of correctional facilities, informing the
18 public of the ~~[restriction against access provided]~~ restricted
19 access and implied consent provisions in ~~[subsection] (a).~~
20 subsections (a) and (b), respectively.

21 ~~[(e)]~~ (d) Any person who violates subsection (a) shall be
22 guilty of a misdemeanor.



H.B. NO. 1459

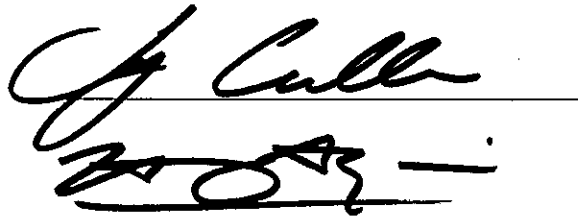
1 (e) For the purposes of this section, the term
2 "correctional facility" shall be deemed to include a detention
3 facility."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY:



JAN 26 2011



Report Title:

Correctional Facilities; Implied Consent to Searches

Description:

Provides that any person who enters state correctional or detention facility grounds is deemed to have consented to a search for weapons or contraband. Requires signs describing the implied consent provision to be posted along the boundary of correctional facilities.

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