

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Thursday, February 23, 2012

9:00 a.m.

Room 211

OPPOSITION to SB 2225 - PRISON LITIGATION

Aloha Chair Ige, Vice Chair Kidani and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars, always mindful that almost 1,800 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 2225 imposes certain limitations and conditions on in forma pauperis prisoner lawsuits. Community Alliance on Prisons opposes this measure because of the chilling effect it could have on legitimate claims filed pro se by incarcerated individuals. We strongly object to erecting barriers to litigation simply because a person is incarcerated and indigent. Hawai'i statutes already provide the courts with a remedy for declaring a person a 'vexatious litigant', so we fail to understand the need for this bill.

We have been told by attorneys that many cases are thrown out because the incarcerated individual may not have filled out the form correctly or for other similar reasons, not because it is considered 'frivolous'. This bill appears to say that those who can afford attorneys have more rights than those who are indigent. Community Alliance on Prisons asserts that this is patently unjust.

We are aware of many constitutional violations that have been overlooked by authorities. Bills like this make it difficult for individuals to have those violations addressed, especially since the correctional facility where the violations may have occurred would now be part of the process. In fact, prison litigation is sometimes the only way that reform happens and is sometimes the only way that the public knows what is going on in our correctional system.

Since the idea of curtailing the rights of incarcerated people to sue has been offered by the previous administration numerous times, we fail to understand why this bill continues to be heard, especially since PSD has been either unwilling or unable to provide the legislative committees with data on this 'perceived problem'.

SB 2225 just appears to us to be a mean-spirited and vexatious bill and we respectfully ask the committee to HOLD this measure. Mahalo for the opportunity to share our OPPOSITION to this bill.