

JAN 24 2018

A BILL FOR AN ACT

RELATING TO CORRECTIONAL INSTITUTIONS.

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

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

"§353- Administrative and disciplinary segregation; restrictions on use; training. (a) Administrative and disciplinary segregation shall only be used when less restrictive interventions are not available and when an inmate commits an offense involving violence, escapes or attempts to escape, or poses a serious threat to institutional safety.

(b) The use of administrative segregation in correctional facilities shall be restricted as follows:

(1) The maximum length of time that an inmate may be held in administrative segregation shall be fourteen days during any thirty-day period;

(2) On every third day, or sooner, following initial placement in administrative segregation, the facility program committee shall hold a hearing to determine if



1 continued placement in administrative segregation is
2 warranted; and

3 (3) An inmate held in administrative segregation shall not
4 be denied food, water, any other basic necessities, or
5 access to appropriate medical care, including
6 emergency services.

7 (c) The use of disciplinary segregation in correctional
8 facilities shall be restricted as follows:

9 (1) The maximum length of time that an inmate may be held
10 in disciplinary segregation shall be sixty days during
11 any one hundred eighty-day period;

12 (2) On every tenth day, or sooner, of disciplinary
13 segregation, an adjustment committee shall hold a
14 hearing and any recommendations to extend the
15 disciplinary segregation shall be approved by the
16 institutions division administrator, medical director,
17 and staff psychiatrist; and

18 (3) An inmate held in disciplinary segregation shall not
19 be denied food, water, any other basic necessities, or
20 access to appropriate medical care, including
21 emergency services.



1 (d) The use of administrative segregation or disciplinary
2 segregation on an inmate deemed to be a member of a vulnerable
3 population shall be restricted as follows:

4 (1) The use of administrative segregation or disciplinary
5 segregation against an inmate deemed a member of a
6 vulnerable population shall not be used unless the
7 facility has previously attempted all other less
8 restrictive means of intervention;

9 (2) An inmate deemed a member of a vulnerable population
10 shall undergo a mental and physical examination and be
11 cleared by the appropriate medical staff before being
12 placed in administrative segregation or disciplinary
13 segregation; and

14 (3) An inmate deemed a member of a vulnerable population
15 who is placed in administrative segregation or
16 disciplinary segregation shall be evaluated by health
17 and mental health clinicians daily while in
18 segregation.

19 (e) All correctional facilities' staff who work with
20 inmates held in administrative or disciplinary segregation shall
21 undergo appropriate training as determined by the department to



1 develop necessary skills for protecting the mental and physical
2 health of inmates held in segregation.

3 (f) For purposes of this section:

4 "Administrative segregation" means temporary segregation of
5 an inmate on the order of a watch commander or higher authority,
6 when the inmate's continued presence in general population
7 presents an immediate threat to the safety of self or others,
8 jeopardizes the integrity of an investigation of alleged serious
9 misconduct or criminal activity, or endangers institutional
10 security.

11 "Disciplinary segregation" means segregation of an inmate
12 by placement of the inmate in a designated segregation housing
13 unit in a cell separated from the general population after being
14 found guilty of a misconduct violation and issued a sanction by
15 a formal adjustment committee hearing. "Disciplinary
16 segregation" includes the loss of certain privileges consistent
17 with the department's policies and as authorized by the
18 appropriate corrections officer.

19 "Member of a vulnerable population" means an inmate who:

20 (1) Is twenty-one years of age or younger;

21 (2) Is sixty-five years of age or older;



1 (3) Has a mental or physical disability, a history of
2 psychiatric hospitalization, or has recently exhibited
3 conduct, including but not limited to serious self-
4 mutilation, indicating the need for further
5 observation or evaluation to determine the presence of
6 mental illness;

7 (4) Has a developmental disability;

8 (5) Has significant auditory or visual impairment;

9 (6) Has a serious medical condition that cannot be
10 effectively treated in isolated confinement;

11 (7) Is pregnant, is in the postpartum period, or has
12 recently suffered a miscarriage or terminated
13 pregnancy; or

14 (8) Is perceived to be lesbian, gay, bisexual,
15 transgender, or intersex.

16 "Segregation" means confinement of an inmate in a cell that
17 is separated from the general inmate population."


18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect on July 1, 2018.

20
INTRODUCED BY: Clarence K. Wiskirren



S.B. NO. 2859

A stylized, handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Ronald H. Brown
Will E.



S.B. NO. 2859

Report Title:

Corrections; Administrative and Disciplinary Segregation

Description:

Establishes procedures for the use of administrative and disciplinary segregation in correctional institutions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

