

STAND. COM. REP. NO.

2022

Honolulu, Hawaii

FEB 02 2018

RE: S.B. No. 2859  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 2859 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONAL INSTITUTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to create  
restrictions and guidelines on the use of administrative  
segregation and disciplinary segregation in correctional  
facilities.

Your Committee received testimony in support of this measure  
from the Hawaii Disability Rights Center and one individual. Your  
Committee received testimony in opposition to this measure from  
the Young Progressives Demanding Action. Your Committee received  
comments on this measure from the Department of Public Safety and  
one individual.

Your Committee finds that administrative or disciplinary  
segregation on inmates is a significant action taken against  
inmates and use of either requires clearly established guidelines.  
Administrative and disciplinary segregation are actions ripe for  
abuse, and the impacts of any such abuse can be harmful and long-  
lasting. Accordingly, this measure:



- (1) Establishes the maximum length of time that an inmate may be held in administrative or disciplinary segregation;
- (2) Establishes procedures for continued placement in administrative or disciplinary segregation;
- (3) Creates restrictions on the deprivation of certain necessities of an inmate in administrative or disciplinary segregation;
- (4) Establishes guidelines for the use of administrative or disciplinary segregation on a member of a vulnerable population; and
- (5) Establishes criteria for classifying an inmate as a member of a vulnerable population.

However, your Committee finds that the issues surrounding this measure raise concerns that merit further discussion. Accordingly, your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2025, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2859, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2859, S.D. 1, and be referred to your Committee on Judiciary.



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

*Clarence K Nishihara*

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CLARENCE K. NISHIHARA, Chair



