

STAND. COM. REP. NO.

671

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 603
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 603 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

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 by:

- (1) Establishing the maximum length of time that an inmate
may be held in administrative or disciplinary
segregation;
- (2) Establishing procedures for continued placement in
administrative or disciplinary segregation;
- (3) Creating restrictions on the deprivation of certain
necessities of an inmate in administrative or
disciplinary segregation;
- (4) Establishing guidelines for the use of administrative or
disciplinary segregation on a member of a vulnerable
population;



- (5) Establishing criteria for classifying an inmate as a member of a vulnerable population; and
- (6) Requiring all correctional facilities' staff who work with inmates held in administrative or disciplinary segregation to undergo appropriate training to develop the necessary skills for protecting the mental and physical health of inmates held in administrative or disciplinary segregation.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, American Civil Liberties Union of Hawai'i, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety. Your Committee received comments on this measure from one individual.

Your Committee finds that there are two types of solitary confinement that are commonly used in correctional facilities. Administrative segregation is used when inmates are deemed a risk to the safety of other inmates or correctional facility staff and can result in the inmate being placed into an isolation unit for months or years. Disciplinary segregation is used when inmates break the rules of the correctional facility and results in the inmate being separated from other inmates for a specified period of time.

Your Committee notes the concerns raised in written testimony that administrative segregation and disciplinary segregation can cause serious, long-lasting harm and have been used on vulnerable populations, such as juveniles, lesbian, gay, bisexual, transgender, and intersex inmates. Accordingly, this measure provides guidelines and criteria for the use of administrative segregation and disciplinary segregation to ensure inmates are provided basic standards of decency.

Your Committee further notes the written testimony submitted by the Department of Public Safety that this measure contradicts its existing departmental policy and practices regarding administrative segregation and disciplinary segregation. Your Committee believes that this issue merits further discussion as this measure moves through the legislative process.



Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 603, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 603, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



