
A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

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

4 "§353- Administrative segregation and disciplinary
5 segregation; restrictions on use; training. (a) Administrative
6 segregation and disciplinary segregation shall only be used when
7 less restrictive interventions are not available and when an
8 inmate commits an offense involving violence, escapes or
9 attempts to escape, or poses a serious threat to institutional
10 safety.

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

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

16 (2) On every third day, or sooner, following initial
17 placement in administrative segregation, the facility



1 program committee shall hold a hearing to determine if
2 continued placement in administrative segregation is
3 warranted; and

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

8 (c) To the extent possible, prisoners in administrative
9 segregation shall be afforded the right to:

10 (1) In cell programing;

11 (2) Frequent face-to-face interaction with staff;

12 (3) Access to television or radio;

13 (4) Access to phone calls and correspondence;

14 (5) Access to reading materials;

15 (6) Progress gradually toward more privileges and fewer
16 restrictions, even if they continue to require
17 physical separation;

18 (7) Exercise outside, weather permitting;

19 (8) At minimum:

20 (A) A bed and mattress raised off the floor;

21 (B) A writing area and seating;



- 1 (C) A storage compartment;
- 2 (D) Natural light; and
- 3 (E) Light sufficient to permit reading; and
- 4 (9) A hearing, with substantial due process rights, on
- 5 whether long-term segregation is necessary or
- 6 appropriate, for prisoners being considered for
- 7 long-term segregation.

8 The director may adopt rules pursuant to chapter 91 to require
9 any of the provisions of this subsection.

10 (d) The use of disciplinary segregation in correctional
11 facilities shall be restricted as follows:

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

15 (2) On every tenth day, or sooner, of disciplinary
16 segregation, an adjustment committee shall hold a
17 hearing, and any recommendation to extend the
18 disciplinary segregation shall be approved by the
19 institution's division administrator, medical
20 director, and staff psychiatrist; and



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

5 (e) The use of administrative segregation or disciplinary
6 segregation on an inmate deemed to be a member of a vulnerable
7 population shall be restricted as follows:

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

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

18 (3) An inmate deemed a member of a vulnerable population
19 who is placed in administrative segregation or
20 disciplinary segregation shall be evaluated by health



1 and mental health clinicians daily while in
2 segregation.

3 (f) All correctional facilities' staff who work with
4 inmates held in administrative segregation or disciplinary
5 segregation shall undergo appropriate training as determined by
6 the department to develop necessary skills for protecting the
7 mental and physical health of inmates held in segregation.

8 (g) For purposes of this section:

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

16 "Disciplinary segregation" means segregation of an inmate
17 by placement of the inmate in a designated segregation housing
18 unit in a cell separated from the general population after being
19 found guilty of a misconduct violation and issued a sanction by
20 a formal adjustment committee hearing. "Disciplinary
21 segregation" includes the loss of certain privileges consistent



1 with the department's policies and as authorized by the
2 appropriate corrections officer.

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

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

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

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

12 (4) Has a developmental disability;

13 (5) Has significant auditory or visual impairment;

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

16 (7) Is pregnant, is in the postpartum period, or has
17 recently suffered a miscarriage or terminated
18 pregnancy; or

19 (8) Is perceived to be lesbian, gay, bisexual,
20 transgender, or intersex.



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

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect on July 1, 2050.

5



Report Title:

Corrections; Correctional Facilities; Administrative Segregation; Disciplinary Segregation; Restrictions

Description:

Creates restrictions on the use of administrative segregation and disciplinary segregation in corrections facilities. Takes effect 7/1/2050. (SD1)

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