

Honolulu, Hawaii

APR 04 2019

RE: H.B. No. 336
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 336, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAWAII STATE AND CONTRACTED CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Director of Public Safety, in the event of the death of an inmate who is in a state or contracted correctional facility, or death of a correctional facility or community correctional center employee, to report to the Governor, who shall then report to the Legislature, certain information regarding the death, subject to state and federal laws; and
- (2) Require the Department of Public Safety to preserve any forensic evidence consisting of human biological specimens if there is any indication of sexual assault leading to the death.

Your Committee received testimony in support of this measure from the Department of Public Safety, Office of Hawaiian Affairs, Community Alliance on Prisons, Planned Parenthood Votes Northwest and Hawaii, and three individuals.



Your Committee finds that the death of an inmate or an employee at a state or contracted correctional facility is a serious matter of concern. Your Committee further finds that transparency in the investigation of deaths and sexual assaults at correctional facilities is vital to their just and proper administration. This measure will improve transparency and urgency in the procedures surrounding the deaths and sexual assaults of inmates and correctional employees by requiring the Director or Department of Public Safety to expediently report inmate and employee deaths to the Governor, who shall then report to the Legislature; provide an annual report of inmate and employee sexual assaults; and preserve forensic evidence if there is any indication of sexual assault leading to the person's death. Your Committee notes, however, that clinical mortality reviews at correctional facilities follow a procedure that renders delivery of such a report impossible within the forty-eight hours required by this measure.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the report on the clinical mortality review to be submitted within thirty days of a death instead of within forty-eight hours; 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 that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 336, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 336, H.D. 2, S.D. 2.

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

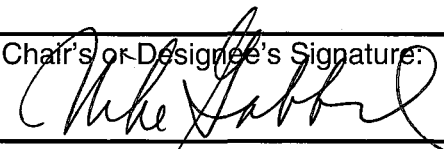


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB336, HD2, SD1	PSM, JDC	3/28/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)				✓
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	3	—	—	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes