

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1077
S.D. 1

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

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 1077 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 create greater
accountability of the state correctional system by requiring the
Director of Public Safety to report to the Governor and
Legislature any death of an inmate or employee of a correctional
facility.

Your Committee received testimony in support of this measure
from the Community Alliance on Prisons, Ho'omanapono Political
Action Committee, and one individual. Your Committee received
testimony in opposition to this measure from the City and County
of Honolulu Police Department. Your Committee received comments
on this measure from the Department of Public Safety, Department
of the Attorney General, and Hawaii Disability Rights Center.

Your Committee finds that inmates in state or state-
contracted correctional facilities have died while incarcerated
with questions surrounding their cause of death. Your Committee
heard testimony that in addition to this measure's reporting
requirement, the State should consider conducting a special
investigation surrounding all deaths. Special investigations



would allow for additional data from rape test kits, documented disabilities, and other events leading up to the death to help determine the cause of death, particularly in cases of suicide.

Your Committee has amended this measure, as suggested by the Attorney General, by:

- (1) Stating that the Director of Public Safety has discretion to withhold any information protected by state or federal law pending next-of-kin notification, rather than discretion to only withhold the decedent's name; and
- (2) Making a technical, nonsubstantive amendment 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. 1077, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1077, S.D. 1, and be placed on the calendar for Third Reading.

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


CLARENCE K. NISHIHARA, Chair



