
A BILL FOR AN ACT

RELATING TO HAWAII STATE AND CONTRACTED CORRECTIONAL FACILITIES.

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

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

4 "§353C- Correctional facility and community correctional
5 center deaths; reporting. (a) Within forty-eight hours, the
6 director shall report to the governor, and the governor shall
7 report to the legislature, the death of any:

8 (1) Correctional facility or community correctional center
9 employee who dies on the grounds of a correctional
10 facility or community correctional center where Hawaii
11 inmates reside or who dies from an injury sustained on
12 the grounds of a correctional facility or community
13 correctional center where Hawaii inmates reside; and

14 (2) Hawaii inmate who is incarcerated in a state or
15 contracted correctional facility.

16 (b) The report in subsection (a) shall include the
17 following information:



- 1 (1) The name of the decedent;
- 2 (2) The gender and age of the decedent;
- 3 (3) Whether the decedent was an inmate or an employee;
- 4 (4) The location of the death or injury leading to the
5 death;
- 6 (5) The date and time of the death;
- 7 (6) The cause of death;
- 8 (7) Any indication of sexual assault that contributes to
9 the death; and
- 10 (8) If available, a report of the clinical mortality
11 review conducted in response to the death, including
12 correctional actions to be taken;
13 provided that when the official cause of death has been
14 determined, the director shall immediately report the official
15 cause of death to the governor, and the governor shall
16 immediately report the official cause of death to the
17 legislature.
- 18 (c) The director shall have the discretion to withhold
19 disclosure of the decedent's name or any information protected
20 from disclosure by state or federal laws."



1 SECTION 2. Section 353C-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§353C-8 Sexual assaults in prison. (a) [+] The
4 department of public safety, to the best of the department's
5 ability, shall address sexual assault in prison and make every
6 effort to seek grant moneys from the federal government to
7 implement those efforts. The department shall place priority
8 upon establishing:

- 9 (1) Appropriate counseling services for sexual assault, to
10 be made available to victims of prison rape within
11 twenty-four hours of the report of an assault; and
12 (2) Policies and standards of transparency to achieve a
13 zero-tolerance policy for sexual assault.

14 [+] (b) [+] The department of public safety, no later than
15 twenty days prior to the convening of each regular session,
16 shall annually report data to the legislature regarding:

- 17 (1) Sexual assault by persons in custody against other
18 persons in custody of the department of public safety;
19 (2) Sexual assault by correctional staff against persons
20 in custody of the department of public safety;



1 (3) Non-criminal sexual misconduct by staff, including
2 sexual harassment of persons in custody of the
3 department of public safety;

4 (4) Criminal cases initiated, and closed by dismissal,
5 plea, or verdict, for sexual assaults by or upon a
6 person in custody of the department of public safety;
7 and

8 (5) Civil claims filed and closed by dismissal,
9 settlement, or verdict for sexual assaults by or upon
10 a person in custody of the department of public
11 safety.

12 (c) The department of public safety shall preserve any
13 forensic evidence consisting of human biological specimens for
14 collection by the relevant criminal investigation entity or
15 coroner, if there is any indication of sexual assault leading to
16 the death of any:

17 (1) Correctional facility or community correctional center
18 employee who dies on the grounds of a correctional
19 facility or community correctional center where Hawaii
20 inmates reside or who sustains an injury on the
21 grounds of a correctional facility or community

1 correctional center where Hawaii inmates reside that
2 causes the death of the employee; and
3 (2) Hawaii inmate who is incarcerated in a state or
4 contracted correctional facility."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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



Report Title:

Correctional Facilities Deaths; Report; Sexual Assault Evidence

Description:

Requires 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 provide a report to the Governor and Legislature with certain information regarding the death, subject to state and federal laws. Requires the collection and preservation of any human biological specimens if there is any indication of sexual assault leading to the death.
(SB1077 HD2)

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