

STAND. COM. REP. NO.

1320

Honolulu, Hawaii

, 2019

MAR 15

RE: S.B. No. 1077

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Public Safety, Veterans, & Military
Affairs, to which was referred S.B. No. 1077, 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 of this measure is to improve transparency and
accountability in reporting requirements and procedures relating
to a death of an employee or inmate in a state or contracted
correctional facility. Specifically, this measure:

- (1) Requires the Director of Public Safety to report within
forty-eight hours to the Governor and requires the
Governor to report to the Legislature certain
information concerning:
 - (A) The death of an inmate incarcerated in a state or
contracted correctional facility; or
 - (B) The death, or injury causing the death, of an
employee of a correctional facility or community
correctional center on the grounds of any facility
where Hawaii inmates reside; and



- (2) Authorizes the Director of Public Safety the discretion to withhold disclosure of the decedent's name or any information protected from disclosure by state or federal law pending notification of the death to the next of kin.

The Office of Hawaiian Affairs, Community Alliance on Prisons, Kauai Relatives and Friends of the Incarcerated, and a few concerned individuals supported this measure. The Department of the Attorney General, Department of Public Safety, and Hawaii Disability Rights Center offered comments on this measure.

Your Committee has amended this measure by:

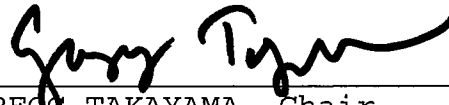
- (1) Requiring that any indication of sexual assault be included in the report to the Governor;
- (2) Specifying that the findings of a clinical mortality review shall be included in the report to the Governor, if available;
- (3) Deleting the limitation on the Director of Public Safety's discretion to withhold information pending notification of the death to the next of kin;
- (4) Requiring the collection and preservation of human biological specimens as evidence that may be used in a police investigation and any subsequent prosecution if there is any indication of sexual assault leading to the death of an inmate or correctional facility or community correctional center employee;
- (5) Changing its effective date to July 1, 2050, to encourage further discussion on this measure; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1077, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached



hereto as S.B. No. 1077, S.D. 1, H.D. 1, and be referred to your
Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Veterans, & Military Affairs,



GREG TAKAYAMA, Chair



