

STAND. COM. REP. NO. **3280**

Honolulu, Hawaii

**FEB 28 2020**

RE: S.B. No. 2523  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2523 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Director of Public Safety to include in the report regarding a death at a correctional facility or a community correctional center that is submitted to the Governor, a description of the circumstances and cause of death of the individual in a manner that does not identify the decedent.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Hui Aloha 'Āina o Ka Lei Maile Ali'i, and six individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that, according to the testimony of the Department of Public Safety, the Department of the Attorney General has cautioned that release of certain information regarding the death of incarcerated persons, including the decedent's name, may be in violation of the federal Health Insurance Portability and Accountability Act. However, your Committee further finds that the Arizona Department of Corrections



and Nevada Department of Corrections currently post information on their respective websites listing the deaths of incarcerated persons, including the person's name. Your Committee believes that the Department of Public Safety should be required to demonstrate similar transparency and release the name of any incarcerated person who dies while in the custody of the Department.

Your Committee has amended this measure by:

- (1) Requiring the Director of Public Safety to include the name of the decedent in the report;
- (2) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (3) 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 S.B. No. 2523, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2523, S.D. 1.

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



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2523</b>	Committee Referral: <b>PSM, JDC</b>	Date: <b>2/27/2020</b>		
<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)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes