

STAND. COM. REP. NO. **206**-22

Honolulu, Hawaii

FEB 10, 2022

RE: H.B. No. 1738
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred H.B. No. 1738 entitled:

"A BILL FOR AN ACT RELATING TO CONFINEMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish policies and procedures for long-term confinement, disciplinary confinement, and administrative confinement of inmates in the State's correctional facilities; and
- (2) Require any agreement negotiated with an out-of-state jurisdiction for development of out-of-state correctional facilities to adhere to the same standards of care and health and safety policies adopted by the Department of Public Safety, including policies and procedures for appeal for confinement.

Your Committee received comments on this measure from the Department of Public Safety and Community Alliance on Prisons.

Your Committee finds that this measure is intended to provide greater transparency in confinement processes, ensure opportunities for time outside the cell and other rights while

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subject to confinement, and a hearings procedure for inmates faced with confinement. This measure will also require that out-of-state correctional facilities be held to the same standards of care and health and safety policies adopted by the Department of Public Safety.

Your Committee has amended this measure by:

- (1) Making the provisions relating to what confinement is effective January 1, 2023, and the provisions for redress effective January 1, 2024;
- (2) Delaying the effective date for compliance by out-of-state correctional facilities until August 1, 2024, because of ongoing contracts;
- (3) Clarifying that disciplinary confinement applies when the specified acts occur within the immediately preceding year while incarcerated;
- (4) Clarifying that the hearing prior to long-term confinement shall occur within ten days of written notice unless the Director of Public Safety certifies that there is an imminent threat to the safety and security of the correctional facility;
- (5) Improving internal consistency in hearing procedures for long-term confinement;
- (6) Resolving an inconsistency in the maximum duration for long-term confinement;
- (7) Providing for the Director of Public Safety's certification in writing of an imminent threat to the safety and security of the facility in all three types of confinement which are the subject of this measure;
- (8) Providing that effective July 1, 2022, the Department of Public Safety and Hawaii Correctional System Oversight Commission shall conduct their ongoing reviews of the policies, standards, and treatment of inmates subject to confinement and annually report on long-term confinement practices;



- (9) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1738, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1738, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,



TAKASHI OHNO, Chair



