

STAND. COM. REP. NO.

215

Honolulu, Hawaii

FEB 12 , 2021

RE: H.B. No. 796
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred H.B. No. 796 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITY AND COMMUNITY CORRECTIONAL CENTER DEATHS,"

begs leave to report as follows:

The purpose of this measure is to update the reporting requirements of the Department of Public Safety when employees and inmates die at correctional facilities and community correctional centers, including:

- (1) Requiring race and ancestry of the decedent to be included in the report;
- (2) Requiring the report to cite to any authority relied upon by the Department of Public Safety in determining that information to be included in the report is protected from disclosure by state or federal law; and
- (3) Making a copy of the report public and readily available to the decedent's family and press upon the Governor's receipt of the report.

Your Committee received testimony in support of this measure from the Office of the Public Defender, one member of the Kauai



County Council, Community Alliance on Prisons, Kokua Kalihi Valley, and twelve individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the added reporting requirements in this measure increase transparency, accountability, and accessibility of information to the decedent's family and the public. However, your Committee finds that whether an inmate's death was caused by an injury sustained while incarcerated may take additional time to resolve. Your Committee also notes that ancestry may be difficult to ascertain and that delays in notification of the decedent's family can sometimes occur because of outdated contact information.

Accordingly, your Committee has amended this measure by:

- (1) Removing language requiring the report to contain a finding of whether the inmate's death was caused by an injury sustained by the inmate while incarcerated;
- (2) Removing the decedent's ancestry from the reporting requirements;
- (3) Changing the timing for the Director of Public Safety to make the report public and readily available to the decedent's family and the press from the date upon which the Governor receives the report to the date the Director receives the medical examiner's report; and
- (4) Changing the effective date to July 1, 3050, to encourage further discussion.

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. 796, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 796, 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



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 215

Record of Votes of the Committee on Corrections, Military, & Veterans

Bill/Resolution No.: HB 796	Committee Referral: CMV, JHA, FIN	Date: 2/10/24		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CMV Members	Ayes	Ayes (WR)	Nays	Excused
1. OHNO, Takashi (C)	X			
2. GANADEN, Sonny (VC)	X			
3. BRANCO, Patrick Pihana		X		
4. KOBAYASHI, Bertrand	X			
5. KONG, Sam Satoru				X
6. MORIKAWA, Dee	X			
7. TARNAS, David A.	X			
8. McDERMOTT, Bob		X		
TOTAL (8)	5	2		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: SJB				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				