

STAND. COM. REP. NO.

617

Honolulu, Hawaii

, 2021

FEB 19

RE: H.B. No. 796

H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 796, H.D. 1, 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 inmate and employee deaths occur at correctional facilities and community correctional centers, including:

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

2021-1908 HB796 HD2 HSCR HMSO



Your Committee received testimony in support of this measure from the Office of the Public Defender, Common Cause Hawaii, Community Alliance on Prisons, and five 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 and Civil Beat Law Center for the Public Interest.

Your Committee finds that the additional reporting requirements added by this measure will increase transparency, accountability, and accessibility of information regarding deaths at correctional facilities and community correctional centers. Your Committee further finds that the public, including the Legislature, has a compelling interest in the timely reporting of this information.

Your Committee has amended this measure by:

- (1) Inserting a preamble to provide that the public, including the Legislature, has a compelling interest in the timely reporting of the deaths of inmates and others at the State's correctional facilities and community correctional centers;
- (2) Requiring the Director of Public Safety to make a copy of the report public and readily available first to the family member or other person designated by the decedent and then to the press upon the Director of Public Safety's receipt of the Medical Examiner's report, subject to certain conditions; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 796, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 796, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



