

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2115
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2115 entitled:

"A BILL FOR AN ACT RELATING TO THE ROOM CONFINEMENT OF MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to protect minors who are being confined at detention and shelter facilities by defining specific conditions and time limits under which they may be confined.

Your Committee received testimony in support of this measure from the Department of Health, Judiciary, Office of the Public Defender, Office of Youth Services, American Civil Liberties Union of Hawai'i, Opportunity Youth Action Hui, and one individual.

Your Committee finds that solitary confinement is actively harmful to youth health and development. Studies show that extreme social isolation and lack of environmental stimulation can impose serious cognitive, emotional, and psychological harm, even after only a short period of confinement and even absent additional harsh conditions. Your Committee further finds that juvenile solitary confinement in Hawai'i has been used as punishment, despite the purpose of detention being rehabilitation. Using solitary confinement as punishment is retaliatory in nature, overly punitive, and creates tension within the facility when



therapies and educational services are also provided. Your Committee further finds that solitary confinement is often disproportionately applied to native Hawaiian or Pacific Islander youth, youth with disabilities, and LGBTQ youth. This measure will better protect minors by codifying room confinement conditions and limitations.

Your Committee has amended this measure by:

- (1) Requiring that any decision to place or hold a minor in room confinement due to a mental health emergency be made by a mental health professional and based upon the mental health professional's examination of the minor;
- (2) Replacing "qualified mental health professional" with "mental health professional";
- (3) Prohibiting the use of consecutive periods of room confinement to evade the spirit and purpose of this measure;
- (4) Requiring the Department of Human Services to post on the Department of Human Services' official website quarterly reports listing all shelters' and detention centers' compliance with this measure; and
- (5) 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. 2115, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2115, S.D. 1.

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




KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 215	PSM, JDC	02-25-22		
<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)				✓
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	6	-	-	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes