

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 3344

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

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 3344 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit indefinite solitary confinement;
- (2) Prohibit prolonged solitary confinement;
- (3) Prohibit placement of an inmate in a dark or constantly lit cell;
- (4) Restrict the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain specified exceptions;
- (5) Prohibit inmates incarcerated or detained in state-operated or state-contracted correctional facilities from being placed in solitary confinement, unless there is reasonable cause to believe that an inmate or other persons would be at substantial risk of immediate serious harm as evidenced by recent threats or conduct, and that a less restrictive intervention would be insufficient to reduce this risk; and



- (6) Prohibit the use of solitary confinement for a member of a vulnerable population.


Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, Hawai'i Health & Harm Reduction Center, Hawai'i Friends for Restorative Justice, and six 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 Hawaii Disability Rights Center and one individual.

Your Committee finds that solitary confinement is a severe form of punishment that is closely associated with long-lasting psychological harm and poor post-release outcomes. Experts have long documented the detrimental effects of solitary confinement on individuals. Spending time in solitary confinement has been found to increase the risk of premature death, even after release from incarceration. Your Committee further finds that in 2019, twenty-eight states introduced legislation to ban or restrict the use of solitary confinement and twelve states have passed reform legislation. Additionally, the United Nations Standard Minimum Rules for the Treatment of Prisoners restrict the use of solitary confinement as a measure of last resort, to be used only in exceptional circumstances, and prohibit the use of solitary confinement for a time period exceeding fifteen consecutive days. This measure will allow the State to facilitate more humane and effective practices in prisons and jails by restricting the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain specified exceptions, and requiring the Department of Public Safety to use appropriate alternatives to solitary confinement for inmates who are members of a vulnerable population.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3344 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,




CLARENCE K. NISHIHARA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3344	PSM, JDC	2/15/2022		
<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 checked="" type="checkbox"/> Pass, unamended 2312				
<input type="checkbox"/> Pass, with amendments 2311				
<input type="checkbox"/> Hold 2310				
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
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