

Honolulu, Hawaii

MAR 04 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 Judiciary, 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 restrict the use of solitary confinement whether for punitive or prison management purposes, as follows:

- (1) Prohibiting indefinite solitary confinement;
- (2) Prohibiting prolonged solitary confinement;
- (3) Prohibiting placement of an inmate in a dark or constantly lit cell;
- (4) Restricting the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain specified exceptions;
- (5) Prohibiting 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) Prohibiting 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, Hawaii Disability Rights Center, and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety and one individual.

Your Committee finds that solitary confinement often causes negative psychological reactions in persons subjected to it and can bring on mental illness where it did not exist before. Your Committee further finds that solitary confinement results in extreme societal costs because incarcerated people deprived of normal human contact often cannot properly reintegrate into society, resulting in higher recidivism rates. This measure will promote 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 Judiciary 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 Third Reading.

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:		
SB3344	PSM, JDC	03-03-22		
<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 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
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: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes