

JAN 20 2023

A BILL FOR AN ACT

RELATING TO DEATHS WITHIN THE CORRECTIONAL SYSTEM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 353-40, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~+~~§353-40~~+~~ **Correctional facility and community**
4 **correctional center deaths; reporting.** (a) Within forty-eight
5 hours, the director shall report to the governor, and the
6 governor shall report to the legislature, the death of any:

7 (1) Correctional facility or community correctional center
8 employee who:

9 (A) Dies on the grounds of or while on duty at a
10 correctional facility or community correctional
11 center where Hawaii inmates reside; or

12 (B) Sustains an injury on the grounds of or while on
13 duty at a correctional facility or community
14 correctional center where Hawaii inmates reside
15 that causes the death of the employee; or

16 (2) Hawaii inmate who is incarcerated [~~in a~~] by or under
17 the care and custody of:



- 1 (A) A state or contracted correctional facility[-];
- 2 or
- 3 (B) An agent of a state or contracted correctional
- 4 facility.

5 Within seven days of the director's submission of the
6 report to the governor, the department shall post a copy of the
7 report on its public website.

8 (b) The report in subsection (a) shall include the
9 following information:

- 10 (1) The name of the decedent; [~~provided that this~~
- 11 ~~information is not protected from disclosure by state~~
- 12 ~~or federal law;]~~
- 13 (2) The gender and age of the decedent;
- 14 (3) Whether the decedent was an inmate or an employee;
- 15 (4) The location of the death or injury leading to the
- 16 death;
- 17 (5) The date and time of the death;
- 18 (6) The cause of death; and
- 19 (7) Any indication of sexual assault leading to the
- 20 death[+]



1 ~~provided that when the official cause of death has been~~
2 ~~determined, the director shall immediately report the official~~
3 ~~cause of death to the governor, and the governor shall~~
4 ~~immediately report the official cause of death to the~~
5 ~~legislature].~~

6 (c) ~~[Within thirty days of a death described in subsection~~
7 ~~(a),]~~ When the official cause of death has been determined, the
8 director shall submit a report to the governor, and the governor
9 shall submit the report to the legislature~~[, of the clinical~~
10 ~~mortality review conducted in response to the death, including~~
11 ~~correctional actions to be taken.]~~ that shall include the
12 following information:

- 13 (1) The clinical mortality review conducted in response to
14 the death, including correctional actions to be taken;
15 (2) The cause of death; and
16 (3) Any indication of sexual assault leading to the death.

17 (d) ~~[The director may disclose other information not~~
18 ~~specified in subsection (b); provided that the director shall~~
19 ~~not disclose information protected from disclosure by state or~~
20 ~~federal law.]~~ The information specified in paragraphs (c) (2)
21 and (3) shall be open to public inspection, unless:

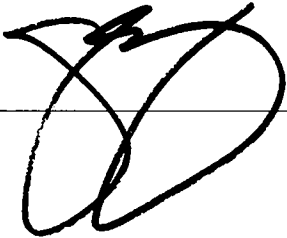


- 1 (1) Any state or federal law protects the information from
- 2 disclosure; provided that the report shall cite the
- 3 applicable state or federal law; or
- 4 (2) The disclosure of the information would materially
- 5 impair an ongoing criminal investigation."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on January 1, 2024.

12 INTRODUCED BY: 

S.B. NO. 456

Report Title:

Corrections; Facilities; Deaths; Reports; Information

Description:

Expands the scope of inmate deaths that are to reported to the Governor and Legislature. Requires reports to be published on the Department of Corrections and Rehabilitation website. Requires reports on the cause of death and mandates public access to certain information within those reports. Takes effect on the effective date of section 353-40, Hawaii Revised Statutes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

