

STAND. COM. REP. NO. **883** -24

Honolulu, Hawaii

MAR 01, 2024

RE: H.B. No. 1812
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1812, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Restrict the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain exceptions;
- (2) Require the Department of Corrections and Rehabilitation (Department) to develop written policies and procedures regarding solitary confinement by July 1, 2025;
- (3) Require the Department to develop policies and procedures to review committed persons placed in solitary confinement and develop a plan for committed persons currently in solitary confinement by April 1, 2025; and
- (4) Require the Department to submit a report to the Legislature and Hawaii Correctional System Oversight Commission.

2024-1811 HB1812 HD2 HSCR HMSO



Your Committee received testimony in support of this measure from the Office of the Public Defender; Disability and Communications Access Board; Community Alliance on Prisons; Hawaii Disability Rights Center; National Alliance on Mental Illness Hawaii; Hawai'i Health & Harm Reduction Center; Drug Policy Forum of Hawaii; Opportunity Youth Action Hawai'i; American Civil Liberties Union of Hawai'i; Life of the Land; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of Corrections and Rehabilitation. Your Committee received comments on this measure from one individual.

Your Committee finds that there are insufficient restrictions, policies, and procedures on the use of solitary confinement in the State. Your Committee believes that this measure addresses this need by restricting certain solitary confinement practices and requiring the Department of Corrections and Rehabilitation to develop policies and procedures for solitary confinement.

Your Committee notes that the effective date for the substantive provisions of this measure is July 1, 2025, which should give the Department of Corrections and Rehabilitation sufficient time to effectuate this measure.

Your Committee has amended this measure by:

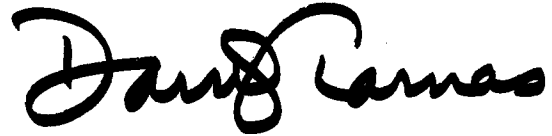
- (1) Requiring the initial hearing for the placement of an individual into solitary confinement to occur within twenty-four hours of placement, instead of seventy-two hours, and deleting the requirement that a review occur every fifteen days thereafter;
- (2) Requiring the Department of Corrections and Rehabilitation to notify and transmit documentation and evidence to the Hawaii Correctional System Oversight Commission following the initial hearing for the placement of an individual into solitary confinement;
- (3) Establishing requirements for the Hawaii Correctional System Oversight Commission to review certain housing placements; and



- (4) 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. 1812, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1812, H.D. 2.

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



DAVID A. TARNAS, Chair



