
A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. The legislature finds that rape is a violent,
2 destructive crime--no less so when the victim is incarcerated.
3 Until recently, however, the public has viewed sexual abuse as
4 an inevitable feature of confinement. Even as courts and human
5 rights standards increasingly confirm that prisoners have the
6 same fundamental rights to safety, dignity, and justice as
7 individuals living at liberty in the community, vulnerable men,
8 women, and children continue to be sexually victimized by other
9 prisoners and corrections staff. Tolerance of sexual abuse of
10 prisoners in the government's custody is totally incompatible
11 with American values.

12 The United States Congress affirmed the duty to protect
13 incarcerated individuals from sexual abuse by unanimously
14 enacting the Prison Rape Elimination Act of 2003. The Act
15 called for the creation of a national commission to study the
16 causes and consequences of sexual abuse in confinement and to
17 develop standards for correctional facilities nationwide that



1 would set in motion a process considered impossible: the
2 elimination of prison rape.

3 The purpose of this Act is to establish policies and
4 standards to provide appropriate treatment to victims of prison
5 rape and to prevent the occurrence of prison rape.

6 SECTION 2. The department of public safety, to the best of
7 the department's ability, shall address sexual assault in prison
8 and make every effort to seek grant moneys from the federal
9 government to implement those efforts. The department shall
10 place priority upon establishing:

- 11 (1) Appropriate counseling services for sexual assault, to
12 be made available to victims of prison rape within
13 twenty-four hours of the report of an assault; and
14 (2) Development of policies and standards of transparency
15 to achieve a zero-tolerance policy on sexual assault.

16 SECTION 3. The department of public safety, no later than
17 twenty days prior to the convening of each regular session,
18 shall annually report data to the legislature regarding:

- 19 (1) Sexual assault by persons in custody against other
20 persons in custody;
21 (2) Sexual assault by correctional staff against persons
22 in custody;



1 (3) Non-criminal sexual misconduct by staff, including but
2 not limited to sexual harassment of persons in
3 custody;

4 (4) Criminal cases initiated and closed by dismissal,
5 plea, or verdict for sexual assaults by or upon a
6 person in custody; and

7 (5) Civil claims filed and closed by dismissal,
8 settlement, or verdict for sexual assaults by or upon
9 a person in custody.

10 SECTION 4. The department of public safety shall report to
11 the legislature no later than twenty days prior to the convening
12 of the Regular Session of 2011 on its efforts to implement the
13 federal Prison Rape Elimination Act in state correctional
14 facilities under the department's jurisdiction.

15 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Prison Rape

Description:

Requires the Department of Public Safety to address sexual assault in prison. Requires the department to provide annual data regarding acts of sexual assault and sexual misconduct. Requires the department to report to the Legislature on any implementation of the federal Prison Rape Elimination Act. Effective July 1, 2020. (HB2266 HD1)

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