WHEREAS, freedom to practice religion is guaranteed under Article I, Section 4 of the Hawaii Constitution, which states, "No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances"; and

WHEREAS, after western contact, many Hawaiian ali'i converted to Christianity, while also practicing their Hawaiian religion and engaging in Hawaiian cultural and spiritual practices; and

WHEREAS, today, many Native Hawaiians continue to practice two religions--their Hawaiian religion as well as another religion, such as Christianity or Buddhism; and

WHEREAS, Native Hawaiians who have been incarcerated in out-of-state facilities have been forced to choose one religion that they are allowed to practice; and

WHEREAS, inmates of other ethnic and ancestral backgrounds face a similar situation and must also choose between faiths; and

WHEREAS, the federal Religious Land Use and Institutionalized Persons Act, Title 42 United States Code Chapter 21C, prohibits the imposition of burdens on the ability of prisoners to worship; and

WHEREAS, Title 42 United States Code Section 2000cc-1 states that "No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution . . . unless the government demonstrates that
imposition of the burden on that person ... is in furtherance of a compelling governmental interest; and ... is the least restrictive means of furthering that compelling governmental interest"; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that the Department of Public Safety (PSD) is requested to require in its new contracts, and to amend its existing contracts to require, that incarcerated men and women be allowed to practice more than one religion subject to reasonable health, safety, and administrative concerns; and

BE IT FURTHER RESOLVED that PSD is requested to report to the Legislature on the implementation of the requested contract provisions no later than twenty days prior to the convening of the Regular Session of 2011; and

BE IT FURTHER RESOLVED that PSD is requested to include in its report a copy of the language used in the requested contract provisions; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, Director of Public Safety, Chair of the Senate Committee on Public Safety and Military Affairs, Chair of the House Committee on Public Safety, and Attorney General.