A BILL FOR AN ACT

RELATING TO CORRECTIONAL INSTITUTIONS.

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

SECTION 1. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§353- Administrative and disciplinary segregation; restrictions on use; training. (a) Administrative segregation and disciplinary segregation shall only be used when less restrictive interventions are not available and when an inmate commits an offense involving violence, escapes or attempts to escape, or poses a serious threat to institutional safety.

(b) The use of administrative segregation in correctional facilities shall be restricted as follows:

(1) The maximum length of time that an inmate may be held in administrative segregation shall be fourteen days during any thirty-day period;

(2) On every third day, or sooner, following initial placement in administrative segregation, the facility program committee shall hold a hearing to determine if
continued placement in administrative segregation is warranted; and

(3) An inmate held in administrative segregation shall not be denied food, water, any other basic necessities, or access to appropriate medical care, including emergency services.

(c) The use of disciplinary segregation in correctional facilities shall be restricted as follows:

(1) The maximum length of time that an inmate may be held in disciplinary segregation shall be sixty days during any one hundred eighty day period;

(2) On every tenth day, or sooner, of disciplinary segregation, an adjustment committee shall hold a hearing and any recommendations to extend the disciplinary segregation shall be approved by the institutions division administrator, medical director, and staff psychiatrist; and

(3) An inmate held in disciplinary segregation shall not be denied food, water, any other basic necessities, or access to appropriate medical care, including emergency services.
(a) The use of administrative segregation or disciplinary segregation on an inmate deemed to be a member of a vulnerable population shall be restricted as follows:

(1) The use of administrative segregation or disciplinary segregation against an inmate deemed a member of a vulnerable population shall not be used unless the facility has previously attempted all other less restrictive means of intervention;

(2) An inmate deemed a member of a vulnerable population shall undergo a mental and physical examination and be cleared by the appropriate medical staff before being placed in administrative segregation or disciplinary segregation; and

(3) An inmate deemed a member of a vulnerable population who is placed in administrative segregation or disciplinary segregation shall be evaluated by health and mental health clinicians daily while in segregation.

(e) All correctional facilities' staff who work with inmates held in administrative segregation or disciplinary segregation shall undergo appropriate training as determined by
the department to develop necessary skills for protecting the
mental and physical health of inmates held in segregation.

(f) For purposes of this section:

"Administrative segregation" means temporary segregation of
an inmate on the order of a watch commander or higher authority,
when the inmate's continued presence in general population
presents an immediate threat to the safety of self or others,
jeopardizes the integrity of an investigation of alleged serious
misconduct or criminal activity, or endangers institutional
security.

"Disciplinary segregation" means segregation of an inmate
by placement of the inmate in a designated segregation housing
unit in a cell separated from the general population after being
found guilty of a misconduct violation and issued a sanction by
a formal adjustment committee hearing. "Disciplinary
segregation" includes the loss of certain privileges consistent
with the department's policies and as authorized by the
appropriate corrections officer.

"Member of a vulnerable population" means an inmate who:

(1) Is twenty-one years of age or younger;

(2) Is sixty-five years of age or older;
(3) Has a mental or physical disability, a history of psychiatric hospitalization, or has recently exhibited conduct, including but not limited to serious self-mutilation, indicating the need for further observation or evaluation to determine the presence of mental illness;

(4) Has a developmental disability;

(5) Has significant auditory or visual impairment;

(6) Has a serious medical condition that cannot be effectively treated in isolated confinement;

(7) Is pregnant, is in the postpartum period, or has recently suffered a miscarriage or terminated pregnancy; or

(8) Is perceived to be lesbian, gay, bisexual, transgender, or intersex.

"Segregation" means confinement of an inmate in a cell that is separated from the general inmate population."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2025.
Report Title:  
Corrections; Administrative and Disciplinary Segregation  

Description:  
Establishes procedures for the use of administrative and disciplinary segregation in correctional institutions. Takes effect 1/1/2025. (SD1)

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