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# A BILL FOR AN ACT

RELATING TO HAWAII STATE AND CONTRACTED CORRECTIONAL FACILITIES.

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

1           SECTION 1. Chapter 353C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§353C-       Correctional facility and community correctional  
5 center deaths; reporting. (a) Within forty-eight hours, the  
6 director shall report to the governor, and the governor shall  
7 report to the legislature, the death of any:  
8           (1) Correctional facility or community correctional center  
9           employee who dies on the grounds of a correctional  
10           facility or community correctional center where Hawaii  
11           inmates reside or who sustains an injury on the  
12           grounds of a correctional facility or community  
13           correctional center where Hawaii inmates reside that  
14           causes the death of the employee; and  
15           (2) Hawaii inmate who is incarcerated in a state or  
16           contracted correctional facility.



1           (b) The report in subsection (a) shall include the  
2 following information:

3           (1) The name of the decedent;  
4           (2) The gender and age of the decedent;  
5           (3) Whether the decedent was an inmate or an employee;  
6           (4) The location of the death or injury leading to the  
7           death;  
8           (5) The date and time of the death;  
9           (6) The cause of death;  
10          (7) Any indication of sexual assault leading to the death;  
11          and  
12          (8) A report of the clinical mortality review conducted in  
13          response to the death, including correctional actions  
14          to be taken;  
15 provided that when the official cause of death has been  
16 determined, the director shall immediately report the official  
17 cause of death to the governor, and the governor shall  
18 immediately report the official cause of death to the  
19 legislature.



1        (c) The director shall have the discretion to withhold  
2 disclosure of the decedent's name or any information protected  
3 from disclosure by state or federal laws."

4        SECTION 2. Section 353C-8, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "[+] §353C-8 **Sexual assaults in prison.** (a) [+] The  
7 department of public safety, to the best of the department's  
8 ability, shall address sexual assault in prison and make every  
9 effort to seek grant moneys from the federal government to  
10 implement those efforts. The department shall place priority  
11 upon establishing:

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

17        [+] (b) [+] The department of public safety, no later than  
18 twenty days prior to the convening of each regular session,  
19 shall annually report data to the legislature regarding:

- 20        (1) Sexual assault by persons in custody against other  
21 persons in custody of the department of public safety;



1 (2) Sexual assault by correctional staff against persons  
2 in custody of the department of public safety;

3 (3) Non-criminal sexual misconduct by staff, including  
4 sexual harassment of persons in custody of the  
5 department of public safety;

6 (4) Criminal cases initiated, and closed by dismissal,  
7 plea, or verdict, for sexual assaults by or upon a  
8 person in custody of the department of public safety;  
9 and

10 (5) Civil claims filed and closed by dismissal,  
11 settlement, or verdict for sexual assaults by or upon  
12 a person in custody of the department of public  
13 safety.

14 (c) The department of public safety shall require the  
15 collection and preservation of human biological specimens as  
16 evidence that may be used in a police investigation and any  
17 subsequent prosecution if there is any indication of sexual  
18 assault leading to the death of any:

19 (1) Correctional facility or community correctional center  
20 employee who dies on the grounds of a correctional  
21 facility or community correctional center where Hawaii



1           inmates reside or who sustains an injury on the  
2           grounds of a correctional facility or community  
3           correctional center where Hawaii inmates reside that  
4           causes the death of the employee; and  
5           (2) Hawaii inmate who is incarcerated in a state or  
6           contracted correctional facility."

7           SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Correctional Facilities Deaths; Report; Sexual Assault Evidence

**Description:**

Requires the Director of Public Safety, in the event of the death of an inmate who is in a state or contracted correctional facility, or death of a correctional facility or community correctional center employee, to provide a report to the Governor and Legislature with certain information regarding the death, subject to state and federal laws. Requires the collection and preservation of any human biological specimens if there is any indication of sexual assault leading to the death.  
(HB336 HD2)

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

