

STAND. COM. REP. NO.

116A

Honolulu, Hawaii

, 2019

MAR 01

RE: H.B. No. 336

H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 336, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAWAII STATE AND CONTRACTED CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to require the Director of Public Safety to report within 48 hours to the Governor and require the Governor to report to the Legislature certain information concerning:

- (1) The death of an inmate incarcerated in a state or contracted correctional facility; or
- (2) The death, or injury causing the death, of an employee of a correctional facility or community correctional center on the grounds of any facility where Hawaii inmates reside.

The Office of Hawaiian Affairs, Community Alliance on Prisons, Hawai'i Friends of Restorative Justice, and an individual testified in support of this measure. The Department of the Attorney General, Department of Public Safety, and Hawaii Disability Rights Center provided comments.

HB336 HD2 HSCR JUD HMS 2019-2403



Your Committee has amended this measure by:

- (1) Deleting the limitation on the Director of Public Safety's discretion to withhold information pending notification of the death to the next of kin;
- (2) Requiring the collection and preservation of human biological specimens as evidence that may be used in a police investigation and any subsequent prosecution if there is any indication of sexual assault leading to the death of an inmate or correctional facility or community correctional center employee; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 336, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 336, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: H0336 HD1		Committee Referral: PUM, Juo		Date: 2/20/19
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.				/
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.		/		
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia	/			
TOTAL (11)	8	1		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted if joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				