

STAND. COM. REP. NO.

1444

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 336
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred H.B. No. 336, H.D. 2,
entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Director of Public Safety, in the event of the death of an inmate who is incarcerated in a state or contracted correctional facility, or the death of a correctional facility or community correctional center employee, to report within 48 hours to the Governor and Legislature certain information regarding the death, subject to state and federal laws; and
- (2) Require the collection and preservation of any human biological specimens for a criminal investigation and potential prosecution if there is any indication of sexual assault leading to the death.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, one councilmember of the Kaua'i County Council, Community Alliance on Prisons, Planned



Parenthood Votes Northwest and Hawaii, Hawai'i Friends of Restorative Justice, and eight individuals. Your Committee received comments on this measure from the Department of Public Safety and Hawaii Disability Rights Center.

Your Committee finds that inmate deaths have become a common occurrence in the State's criminal justice system and that information about these deaths is not informative or transparent. In recent years, many suicides have occurred while the inmate was in confinement, many of which were young Native Hawaiians. Your Committee further finds that, in part, this measure is a result of a Kauai prison death in which the Department of Public Safety did not provide full disclosure to the family of the deceased, nor did any elected officials seem to be aware of the death, which occurred in solitary confinement.

Your Committee believes that this measure will improve transparency and urgency in the procedures surrounding the deaths and sexual assaults of inmates and correctional employees by requiring the Director or Department of Public Safety to expediently report inmate and employee deaths to the Governor and Legislature, provide an annual report of inmate and employee sexual assaults, and preserve forensic evidence if there is any indication of sexual assault leading to the person's death.

Your Committee has amended this measure by clarifying that the Department of Public Safety is required to preserve forensic evidence consisting of human biological specimens for collection by the relevant criminal investigation entity or coroner if there is any indication of sexual assault leading to the death of an inmate or correctional employee.

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



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

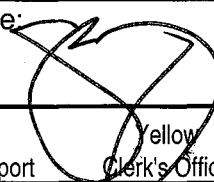
Clarence K Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 336, HD2	PSM, JDC	3/12/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
		<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
HARIMOTO, Breene	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes