
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; or

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; and
10 (7) Any indication of sexual assault leading to the death;
11 provided that when the official cause of death has been
12 determined, the director shall immediately report the official
13 cause of death to the governor, and the governor shall
14 immediately report the official cause of death to the
15 legislature.

16 (c) Within thirty days of a death described in subsection
17 (a), the director shall submit a report to the governor, and the
18 governor shall submit the report to the legislature, of the
19 clinical mortality review conducted in response to the death,
20 including correctional actions to be taken.



1 (d) 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 preserve any
15 forensic evidence consisting of human biological specimens for
16 collection by the relevant criminal investigation entity or
17 coroner, if there is any indication of sexual assault leading to
18 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:

Department of Public Safety; 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 report to the Governor, who shall then report to the Legislature, certain information regarding the death, subject to state and federal laws. Requires the Department of Public Safety to preserve any forensic evidence consisting of human biological specimens if there is any indication of sexual assault leading to the death.
(SD2)

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