A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

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

SECTION 1. The legislature finds that allowing incarcerated individuals to maintain contact and build meaningful relationships with friends and family will enable these individuals to reintegrate themselves into society. The legislature also finds that the department of public safety has instituted a policy of no-contact visits at the Oahu community correctional center, Maui community correctional center, and Halawa correctional facility. However, an official no-contact visitation policy does not appear to be included in the department's policies and procedures regarding visitation.

The legislature notes that each month less than one-third of incarcerated individuals in the State receive a visit from a friend or family member. The legislature acknowledges that in-person visitation reduces recidivism and is an important tool for correctional management. Specifically, traditional, in-person visitations have been found to benefit incarcerated individuals by improving the individual's post-institutional
adjustment and psychological well-being; reducing the possibility of future behavioral infractions, substance abuse, and violent behavior; increasing the individuals' motivation to participate in correctional programs and work towards release from the correctional facility; and aiding the individual in returning to the workforce.

The legislature also recognizes that, according to a consultant hired by the United States Department of Justice, "[t]raditional, in-person visiting is a best practice that should continue in all correctional settings when possible." However, the legislature notes that many corrections policies currently in force are based on archaic policies that focus on punishment in lieu of rehabilitation. Nevertheless, the legislature believes that modern corrections policies should reflect the public's shift toward rehabilitation over punishment.

Accordingly, the purpose of this Act is to prohibit correctional facilities from restricting an otherwise eligible committed person's access to in-person visitations.
SECTION 2. 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- In-person visitations. (a) No correctional facility shall:

(1) Prohibit, eliminate, unreasonably limit, or otherwise restrict a committed person's access to in-person visitations, including but not limited to providing an otherwise eligible committed person with fewer than two opportunities for in-person visitations with a minimum duration of one hour during any seven-day period; or

(2) Coerce, compel, or otherwise pressure a committed person to forego or limit in-person visitations;

provided that a correctional facility may restrict a committed person's access to in-person visitations for cause, including but not limited to misbehavior of the committed person or an emergency situation.

(b) Each correctional facility may allow the use of video or other forms of non-personal communications between committed persons and eligible visitors; provided that nothing in this
section shall be construed as authorizing a correctional
facility to restrict a committed person's access to in-person
visitations in violation of subsection (a).

(c) The department shall adopt rules pursuant to chapter
91 to implement this section."

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:
Report Title:
Department of Public Safety; Correctional Facilities; In-Person Visitations; Administrative Rules

Description:
Prohibits any correctional facility from restricting a committed person's access to in-person visitations without cause.

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