
A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITY AND COMMUNITY CORRECTIONAL
CENTER DEATHS.

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

1 SECTION 1. The legislature finds that the public has a
2 compelling interest in the timely reporting of the deaths of
3 inmates and others at the State's correctional facilities and
4 community correctional centers. This compelling interest
5 includes oversight responsibilities of the legislature.

6 The purpose of this Act is to update the reporting
7 requirements of the department of public safety when inmate and
8 employee deaths occur at correctional facilities and community
9 correctional centers, including:

- 10 (1) Requiring the race of the decedent to be included in
11 the report;
- 12 (2) Requiring the report to cite any authority relied upon
13 by the director of public safety in determining that
14 information to be included in the report is protected
15 by state or federal law; and



1 (3) Making a copy of the report public and readily
 2 available first to the family member or other person
 3 designated by the decedent and then to the press upon
 4 the director of public safety's receipt of the medical
 5 examiner's report, subject to certain conditions.

6 SECTION 2. Section 353C-8.5, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "[+]§353C-8.5[+] **Correctional facility and community**
 9 **correctional center deaths; reporting.** (a) Within forty-eight
 10 hours, the director shall report to the governor, and the
 11 governor shall report to the legislature, the death of any:

12 (1) Correctional facility or community correctional center
 13 employee who dies on the grounds of or while on duty
 14 at a correctional facility or community correctional
 15 center where Hawaii inmates reside or who sustains an
 16 injury on the grounds of or while on duty at a
 17 correctional facility or community correctional center
 18 where Hawaii inmates reside that causes the death of
 19 the employee; or



1 (2) Hawaii inmate who is incarcerated in a state or
2 contracted correctional facility~~[-]~~ or community
3 correctional center.

4 (b) The report in subsection (a) shall include the
5 following information:

6 (1) The name of the decedent;

7 (2) The gender and age of the decedent;

8 (3) Whether the decedent was an inmate or an employee;

9 (4) The location ~~[of]~~ where the death or injury leading to
10 the death~~[+]~~ occurred;

11 (5) The date and time of the death;

12 (6) The cause of death; ~~[and]~~

13 (7) The race of the decedent; and

14 ~~[-7-]~~ (8) Any indication of sexual assault leading to the
15 death;

16 provided that when the official cause of death has been
17 determined, the director shall immediately report the official
18 cause of death to the governor, and the governor shall
19 immediately report the official cause of death to the
20 legislature.



1 (c) Within thirty days of a death described in
2 subsection (a), the director shall submit a report to the
3 governor, and the governor shall submit the report to the
4 legislature, of the clinical mortality review conducted in
5 response to the death, including correctional actions to be
6 taken.

7 (d) The director shall not have the discretion to withhold
8 disclosure of the decedent's name or any information, unless the
9 name or information is otherwise protected from disclosure by
10 state or federal laws[-]; provided that the report shall cite
11 the state or federal law the director relied upon to withhold
12 disclosure.

13 (e) Upon receipt of the report from the medical examiner,
14 the director shall make a copy of the report required by
15 subsection (a) public and readily available first to the family
16 member or other person designated by the decedent and then to
17 the press; provided that the director may withhold information
18 related to an ongoing criminal investigation and prosecution or
19 information that shall otherwise remain confidential in order to
20 avoid the frustration of a legitimate government function.



1 (f) For the purposes of this section, "family member"
2 means the decedent's spouse or reciprocal beneficiary, as
3 defined in section 572C-3, and any child, parent, grandparent,
4 or sibling of the decedent, and the spouses or reciprocal
5 beneficiaries of these persons."

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

8 SECTION 4. This Act shall take effect on July 1, 3050.



H.B. NO. 796 H.D. 2

Report Title:

Correctional Inmates and Employees; Deaths; Reporting; PSD

Description:

Updates reporting requirements by the PSD when inmate and employee deaths occur at correctional facilities and community correctional centers. Requires the report to include the race of the decedent. Requires the report to cite to any authority relied upon by the PSD in determining that information is protected by state or federal law. Provides for disclosure of the report, subject to certain conditions. Effective 7/1/3050. (HD2)

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