

JAN 1 8 2019

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1 SECTION 1. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§353- Administrative segregation and disciplinary
5 segregation; restrictions on use; training. (a) Administrative
6 segregation and disciplinary segregation shall only be used when
7 less restrictive interventions are not available and when an
8 inmate commits an offense involving violence, escapes or
9 attempts to escape, or poses a serious threat to institutional
10 safety.

11 (b) The use of administrative segregation in correctional
12 facilities shall be restricted as follows:

13 (1) The maximum length of time that an inmate may be held
14 in administrative segregation shall be fourteen days
15 during any thirty-day period;

16 (2) On every third day, or sooner, following initial
17 placement in administrative segregation, the facility



1 program committee shall hold a hearing to determine if
2 continued placement in administrative segregation is
3 warranted; and

4 (3) An inmate held in administrative segregation shall not
5 be denied food, water, any other basic necessities, or
6 access to appropriate medical care, including
7 emergency services.

8 (c) The use of disciplinary segregation in correctional
9 facilities shall be restricted as follows:

10 (1) The maximum length of time that an inmate may be held
11 in disciplinary segregation shall be sixty days during
12 any one hundred eighty-day period;

13 (2) On every tenth day, or sooner, of disciplinary
14 segregation, an adjustment committee shall hold a
15 hearing and any recommendations to extend the
16 disciplinary segregation shall be approved by the
17 institution's division administrator, medical
18 director, and staff psychiatrist; and

19 (3) An inmate held in disciplinary segregation shall not
20 be denied food, water, any other basic necessities, or



1 access to appropriate medical care, including
2 emergency services.

3 (d) The use of administrative segregation or disciplinary
4 segregation on an inmate deemed to be a member of a vulnerable
5 population shall be restricted as follows:

6 (1) The use of administrative segregation or disciplinary
7 segregation against an inmate deemed a member of a
8 vulnerable population shall not be used unless the
9 facility has previously attempted all other less
10 restrictive means of intervention;

11 (2) An inmate deemed a member of a vulnerable population
12 shall undergo a mental and physical examination and be
13 cleared by the appropriate medical staff before being
14 placed in administrative segregation or disciplinary
15 segregation; and

16 (3) An inmate deemed a member of a vulnerable population
17 who is placed in administrative segregation or
18 disciplinary segregation shall be evaluated by health
19 and mental health clinicians daily while in
20 segregation.



1 (e) All correctional facilities' staff who work with
2 inmates held in administrative segregation or disciplinary
3 segregation shall undergo appropriate training as determined by
4 the department to develop necessary skills for protecting the
5 mental and physical health of inmates held in segregation.

6 (f) For purposes of this section:

7 "Administrative segregation" means temporary segregation of
8 an inmate on the order of a watch commander or higher authority,
9 when the inmate's continued presence in general population
10 presents an immediate threat to the safety of self or others,
11 jeopardizes the integrity of an investigation of alleged serious
12 misconduct or criminal activity, or endangers institutional
13 security.

14 "Disciplinary segregation" means segregation of an inmate
15 by placement of the inmate in a designated segregation housing
16 unit in a cell separated from the general population after being
17 found guilty of a misconduct violation and issued a sanction by
18 a formal adjustment committee hearing. "Disciplinary
19 segregation" includes the loss of certain privileges consistent
20 with the department's policies and as authorized by the
21 appropriate corrections officer.



- 1 "Member of a vulnerable population" means an inmate who:
- 2 (1) Is twenty-one years of age or younger;
- 3 (2) Is sixty-five years of age or older;
- 4 (3) Has a mental or physical disability, a history of
5 psychiatric hospitalization, or has recently exhibited
6 conduct, including but not limited to serious self-
7 mutilation, indicating the need for further
8 observation or evaluation to determine the presence of
9 mental illness;
- 10 (4) Has a developmental disability;
- 11 (5) Has significant auditory or visual impairment;
- 12 (6) Has a serious medical condition that cannot be
13 effectively treated in isolated confinement;
- 14 (7) Is pregnant, is in the postpartum period, or has
15 recently suffered a miscarriage or terminated
16 pregnancy; or
- 17 (8) Is perceived to be lesbian, gay, bisexual,
18 transgender, or intersex.

19 "Segregation" means confinement of an inmate in a cell that
20 is separated from the general inmate population."

21 SECTION 2. New statutory material is underscored.



S.B. NO. 608

1 SECTION 3. This Act shall take effect on July 1, 2019.

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INTRODUCED BY: Cherian K. Frischie

DKM
RS
RS
Randy H. Bell



S.B. NO. 608

Report Title:

Corrections; Correctional Facilities; Administrative Segregation; Disciplinary Segregation; Restrictions

Description:

Creates restrictions on the use of administrative segregation and disciplinary segregation in corrections facilities.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

