

JAN 17 2020

A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE.

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

1 SECTION 1. The legislature finds that, for incarcerated
2 individuals, contact visitation is an important tool for
3 reducing recidivism. The ability to maintain meaningful
4 connections with family members can make the individual's
5 reintegration into society easier. Studies demonstrate that
6 contact visitation also produces better outcomes for
7 correctional facilities, with incarcerated individuals
8 displaying improved institutional adjustment, better
9 psychological well-being, reduced behavioral infractions, and
10 less frequent violent behavior. The benefits of contact
11 visitations extend to family members, particularly children, and
12 can help to strengthen the parent-child relationship while
13 reducing the trauma children may experience when separated from
14 a parent.

15 The legislature recognizes that non-contact visitation is
16 currently the practice for at least three facilities operated by
17 the department of public safety. Oahu community correctional



1 center, Maui community correctional center, and Halawa
2 correctional facility all forbid contact visitation.

3 Accordingly, the purpose of this Act is to codify and
4 reaffirm that contact visitation shall be the policy and
5 practice at all state correctional facilities, in accordance
6 with recognized best practices in criminal justice.

7 SECTION 2. Section 353-28.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[~~§~~353-28.5] [~~Visits from family members.]~~ Visitation.

10 (a) Family members shall be allowed to [~~visit~~] engage in
11 contact visitation with an inmate at any state correctional
12 facility during official visiting hours.

13 (b) A visit from a family member shall be preapproved and
14 prescheduled. Notwithstanding any other law to the contrary,
15 preapproved and prescheduled visits for which family members
16 have incurred substantial costs, including but not limited to
17 travel from a neighbor island or the mainland, shall not be
18 canceled due to staff absenteeism or any nonemergency situation.

19 (c) All state correctional facilities shall provide each
20 inmate with the opportunity for a minimum of two contact visits



1 per week, with each visit lasting at least one hour. No facility
2 shall:

3 (1) Prohibit, eliminate, or unreasonably limit contact
4 visitation; or

5 (2) Coerce, compel, or otherwise pressure an inmate to
6 forego or limit contact visits;

7 provided that the facility may temporarily suspend visitation
8 privileges during an emergency or for good cause.

9 (d) Correctional facilities may use video or other types
10 of electronic communication to support inmate visits; provided
11 that such communication shall be in addition to and shall not
12 replace contact visitation.

13 ~~(e)~~ (e) The department shall develop internal policies
14 and procedures consistent with this section.

15 ~~(d)~~ (f) For the purposes of this section, "family
16 members" means persons who are related to each other by blood,
17 marriage, adoption, or legal guardianship, or as reciprocal
18 beneficiaries."

19 SECTION 3. No later than _____ days after the effective
20 date of this Act, the department shall adopt rules pursuant to
21 chapter 91 that provide each inmate at all state correctional



1 facilities with a minimum of two contact visits per week, with
2 each visit lasting at least one hour. Upon adoption, the rules
3 shall be made publicly available and shall be posted on the
4 department's website.

5 SECTION 4. This Act shall take effect on July 1, 2020.

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S.B. NO. 2349

Report Title:

DPS; Keiki Caucus; Incarceration; Contact Visitation

Description:

Requires all state correctional facilities to allow family members to engage in contact visitation with inmates at any state correctional facility during official visiting hours. Provides that the correctional facility shall provide each inmate with the opportunity for a minimum of two in-person, contact visits per week, with each visit lasting at least one hour.

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