

Honolulu, Hawaii

MAR 24 , 2022

RE: S.B. No. 2777
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred S.B. No. 2777, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEARCHES OF FEMALE INMATES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require pat downs and searches of female inmates to be conducted by a female correctional facility employee unless the inmate presents a risk of immediate harm to self or others or a risk of escape;
- (2) Prohibit male correctional facility employees from entering areas where female inmates may be in a state of undress unless an inmate in the area presents a risk of immediate harm to self or others or if there is a medical emergency in the area;
- (3) Require any prohibited search, pat down, or entry by a male correctional facility employee to be documented within three days of the incident, reviewed by the warden, and retained by the institution for reporting purposes;



- (4) Require that the Department of Public Safety increase its recruitment and training of female adult corrections officers to satisfy the requirements of female gender specific posts;
- (5) Require that the Department of Public Safety make every effort within the law to address the concerns of the advocates, the requirements of the Prison Rape Elimination Act, and staffing shortages of female gender specific posts, as well as the hiring and training of female adult corrections officers; and
- (6) Require a report to the Legislature concerning the Department of Public Safety's efforts in recruiting, hiring, and training female adult corrections officers.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Women's Prison Project, Hawai'i Friends of Restorative Justice, and five individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety.

Your Committee finds that this measure will help to ensure the protection of incarcerated women, many of whom have experienced sexual violence and suffer from post-traumatic stress disorder symptoms.

Your Committee has amended this measure by:

- (1) Clarifying that the male correctional facility employee shall not enter into an area of the institution where the male employee can view females in a state of undress for the purpose of conducting a search of a female inmate;
- (2) Deleting the requirement that the Department of Public Safety increase its recruitment and training of female adult corrections officers;
- (3) Deleting the requirement that the Department of Public Safety make every effort within the law to address the concerns of the advocates, the requirements of the Prison Rape Elimination Act, and staffing shortages of



female gender specific posts, as well as the hiring and training of female adult corrections officers;

- (4) Deleting the requirement of a report to the Legislature;
- (5) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2777, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2777, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,



TAKASHI OHNO, Chair



