

Honolulu, Hawaii

MAR 04 2022

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, 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 and intent of this measure is to:

- (1) Require pat downs and searches of female inmates be conducted by a female correctional facility employee unless the prisoner presents a risk of immediate harm to herself or others or risk of escape;
- (2) Prohibit male correctional facility employees from entering areas where female inmates may be in a state of undress including but not limited to restrooms, shower areas, or medical treatment areas, unless an inmate in the area presents a risk of immediate harm to herself 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 be documented within three days of the incident, reviewed by the warden, and retained by the institution for recordkeeping purposes;
- (4) Require the Department of Public Safety to increase its recruitment and training of female adult corrections



officers to satisfy the requirements of female gender specific posts; and

- (5) Require the Department of Public Safety to 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.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons and two individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety and one individual.

Your Committee finds that male staff touching female inmates' bodies and viewing them undress is damaging, harmful, and traumatizing for incarcerated women. At least forty percent of incarcerated women suffer from posttraumatic stress disorder symptoms and almost ninety percent of incarcerated women have suffered from sexual violence. This measure will prevent the further traumatization of female inmates by requiring pat downs and searches of female inmates be conducted by a female correctional facility unless certain conditions are met, prohibiting male correctional facility employees from entering certain areas unless certain conditions are met, requiring any prohibited search, pat down, or entry by a male correctional facility be documented, and requiring the Department of Public Safety to increase its recruitment and training of female adult corrections officers.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2777, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2777.SD1	PSM, JDC	03-01-22

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	-	-	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes