

JAN 21 2022

A BILL FOR AN ACT

RELATING TO SEARCHES OF FEMALE INMATES.

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 be appropriately designated
3 and to read as follows:

4 "§353- Searches of female inmates. (a) A male
5 correctional facility employee shall not conduct a pat down
6 search of a female inmate unless the prisoner presents a risk of
7 immediate harm to herself or others or risk of escape and a
8 female correctional facility employee is not available to
9 conduct the search.

10 (b) A male correctional facility employee shall not enter
11 into an area of the institution where female inmates may be in a
12 state of undress, or be in an area where they can view females
13 in a state of undress, including but not limited to restrooms,
14 shower areas, or medical treatment areas, unless an inmate in
15 the area presents a risk of immediate harm to herself or others
16 or if there is a medical emergency in the area. A male
17 correctional facility employee shall not enter into an area



1 prohibited under this subdivision if there is a female
 2 correctional employee who can resolve the situation in a safe
 3 and timely manner without his assistance. Male correctional
 4 facility employees shall announce their presence when entering a
 5 housing unit.

6 (c) If a male correctional facility employee conducts a
 7 pat down search under an exception provided in subsection (a) or
 8 enters a prohibited area under an exception provided in
 9 subsection (b), the circumstances for and details of the
 10 exception shall be documented within three days of the incident.
 11 The documentation shall be reviewed by the warden and retained
 12 by the institution for reporting purposes.

13 (d) The department may promulgate rules and regulations
 14 for the administration of this section."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Clara K. Mishler



S.B. NO. 2777

Report Title:

Female Inmates; Pat Downs; Searches; Correctional Facilities; Prisons; Department of Public Safety

Description:

Requires 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. Prohibits 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. Requires 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 reporting purposes.

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

