
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 inmate presents a risk of
7 immediate harm to self or others or risk of escape and a female
8 correctional facility employee is not available to conduct the
9 search.

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



1 is a medical emergency in the area. A male correctional
2 facility employee shall not enter into an area prohibited under
3 this subsection if there is a female correctional employee who
4 can resolve the situation in a safe and timely manner without
5 the male correctional facility employee's assistance. Male
6 correctional facility employees shall announce their presence
7 when entering a housing unit.

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

15 (d) The department may adopt rules for the administration
16 of this section."

17 SECTION 2. The department of public safety shall increase
18 its recruitment and training of female adult corrections
19 officers to satisfy the requirements of female gender-specific
20 posts. The department of public safety shall make every effort
21 within the law to address the concerns of the advocates,



1 requirements of the federal Prison Rape Elimination Act of 2003,
2 and staffing shortages of female gender-specific posts, as well
3 as the hiring and training of female adult corrections officers
4 to effectuate the purposes of this Act.

5 SECTION 3. The department of public safety shall submit a
6 report of its efforts in recruiting, hiring, and training female
7 adult corrections officers to the legislature no later than
8 twenty days prior to the convening of the regular session of
9 2023.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Female Inmates; Searches; Correctional Facilities; PSD

Description:

Prohibits male correctional facility employees from conducting pat down searches of female inmates or entering areas where female inmates may be in a state of undress for the purpose of conducting a search, subject to exceptions. Requires exceptions to be documented, reviewed, and retained for reporting purposes. Requires PSD to increase its recruitment and training of female adult corrections officers and address certain concerns, federal requirements, and staffing shortages. Requires PSD to submit a report on its efforts. Effective 7/1/3000. (HD2)

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