

STAND. COM. REP. NO.

1344

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1101
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1101, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INVESTIGATORS OF THE
DEPARTMENT OF HUMAN SERVICES,"

begs leave to report as follows:

The purpose of this measure is to ensure that investigators appointed and commissioned by the Director of Human Services have access to all information necessary to investigate incidents at the Hawaii Youth Correctional Facilities.

Your Committee finds that for the State to comply with the Memorandum of Agreement between the State and the United States Department of Justice concerning conditions at the Hawaii Youth Correctional Facilities, the State must initiate investigation of incidents of use of force, staff-on-youth violence, serious youth-on-youth violence, inappropriate staff relationships with youth, sexual misconduct between youth, and abusive institutional practices at the Hawaii Youth Correctional Facilities. Although the Director of Human Services has broad authority to appoint and commission investigators who are authorized to access information maintained by any state or county entity, the existing statute does not state specifically that Department-appointed investigators have the authority to access information necessary to investigate incidents at the Hawaii Youth Correctional Facilities.



This measure clarifies the situation and accordingly, will assist the State in meeting its commitments under the Memorandum of Agreement to improve conditions at the Hawaii Youth Correctional Facilities.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1101, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* HB 1101, HD 1, SD 1	Committee Referral: AMS, JGO	Date: 4/6/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div><input checked="" type="checkbox"/> Pass, unamended 2312</div> <div><input type="checkbox"/> Pass, with amendments 2311</div> <div><input type="checkbox"/> Hold 2310</div> <div><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**