

JAN 24 2018

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# A BILL FOR AN ACT

RELATING TO CORRECTIONAL INSTITUTIONS.

**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 part I to be appropriately  
3 designated and to read as follows:

4           "§353- Administrative and disciplinary segregation;

5 restrictions on use; training. (a) Administrative and

6 disciplinary segregation shall only be used when less

7 restrictive interventions are not available and when an inmate

8 commits an offense involving violence, escapes or attempts to

9 escape, or poses a serious threat to institutional safety.

10           (b) The use of administrative segregation in correctional

11 facilities shall be restricted as follows:

12           (1) The maximum length of time that an inmate may be held

13           in administrative segregation shall be fourteen days

14           during any thirty-day period;

15           (2) On every third day, or sooner, following initial

16           placement in administrative segregation, the facility

17           program committee shall hold a hearing to determine if



1           continued placement in administrative segregation is  
2           warranted; and

3           (3) An inmate held in administrative segregation shall not  
4           be denied food, water, any other basic necessities, or  
5           access to appropriate medical care, including  
6           emergency services.

7           (c) The use of disciplinary segregation in correctional  
8 facilities shall be restricted as follows:

9           (1) The maximum length of time that an inmate may be held  
10           in disciplinary segregation shall be sixty days during  
11           any one hundred eighty-day period;

12           (2) On every tenth day, or sooner, of disciplinary  
13           segregation, an adjustment committee shall hold a  
14           hearing and any recommendations to extend the  
15           disciplinary segregation shall be approved by the  
16           institutions division administrator, medical director,  
17           and staff psychiatrist; and

18           (3) An inmate held in disciplinary segregation shall not  
19           be denied food, water, any other basic necessities, or  
20           access to appropriate medical care, including  
21           emergency services.



1        (d) The use of administrative segregation or disciplinary  
2 segregation on an inmate deemed to be a member of a vulnerable  
3 population shall be restricted as follows:

4        (1) The use of administrative segregation or disciplinary  
5 segregation against an inmate deemed a member of a  
6 vulnerable population shall not be used unless the  
7 facility has previously attempted all other less  
8 restrictive means of intervention;

9        (2) An inmate deemed a member of a vulnerable population  
10 shall undergo a mental and physical examination and be  
11 cleared by the appropriate medical staff before being  
12 placed in administrative segregation or disciplinary  
13 segregation; and

14        (3) An inmate deemed a member of a vulnerable population  
15 who is placed in administrative segregation or  
16 disciplinary segregation shall be evaluated by health  
17 and mental health clinicians daily while in  
18 segregation.

19        (e) All correctional facilities' staff who work with  
20 inmates held in administrative or disciplinary segregation shall  
21 undergo appropriate training as determined by the department to



1 develop necessary skills for protecting the mental and physical  
2 health of inmates held in segregation.

3 (f) For purposes of this section:

4 "Administrative segregation" means temporary segregation of  
5 an inmate on the order of a watch commander or higher authority,  
6 when the inmate's continued presence in general population  
7 presents an immediate threat to the safety of self or others,  
8 jeopardizes the integrity of an investigation of alleged serious  
9 misconduct or criminal activity, or endangers institutional  
10 security.

11 "Disciplinary segregation" means segregation of an inmate  
12 by placement of the inmate in a designated segregation housing  
13 unit in a cell separated from the general population after being  
14 found guilty of a misconduct violation and issued a sanction by  
15 a formal adjustment committee hearing. "Disciplinary  
16 segregation" includes the loss of certain privileges consistent  
17 with the department's policies and as authorized by the  
18 appropriate corrections officer.

19 "Member of a vulnerable population" means an inmate who:

20 (1) Is twenty-one years of age or younger;

21 (2) Is sixty-five years of age or older;



- 1        (3) Has a mental or physical disability, a history of  
2                    psychiatric hospitalization, or has recently exhibited  
3                    conduct, including but not limited to serious self-  
4                    mutilation, indicating the need for further  
5                    observation or evaluation to determine the presence of  
6                    mental illness;
- 7        (4) Has a developmental disability;
- 8        (5) Has significant auditory or visual impairment;
- 9        (6) Has a serious medical condition that cannot be  
10                   effectively treated in isolated confinement;
- 11       (7) Is pregnant, is in the postpartum period, or has  
12                   recently suffered a miscarriage or terminated  
13                   pregnancy; or
- 14       (8) Is perceived to be lesbian, gay, bisexual,  
15                   transgender, or intersex.

16        "Segregation" means confinement of an inmate in a cell that  
17        is separated from the general inmate population."

18        SECTION 2. New statutory material is underscored.

19        SECTION 3. This Act shall take effect on July 1, 2018.

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INTRODUCED BY: Clarence K. Mishler



S.B. NO. 2859



Ronald H. Bauer  
Will E.



# S.B. NO. 2859

**Report Title:**

Corrections; Administrative and Disciplinary Segregation

**Description:**

Establishes procedures for the use of administrative and disciplinary segregation in correctional institutions.

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

