STAND. COM. REP. NO. 2022

Honolulu, Hawaii

FEB 0 2 2018

RE: S.B. No. 2859

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 2859 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONAL INSTITUTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to create restrictions and guidelines on the use of administrative segregation and disciplinary segregation in correctional facilities.

Your Committee received testimony in support of this measure from the Hawaii Disability Rights Center and one individual. Committee received testimony in opposition to this measure from the Young Progressives Demanding Action. Your Committee received comments on this measure from the Department of Public Safety and one individual.

Your Committee finds that administrative or disciplinary segregation on inmates is a significant action taken against inmates and use of either requires clearly established guidelines. Administrative and disciplinary segregation are actions ripe for abuse, and the impacts of any such abuse can be harmful and longlasting. Accordingly, this measure:

- (1) Establishes the maximum length of time that an inmate may be held in administrative or disciplinary segregation;
- (2) Establishes procedures for continued placement in administrative or disciplinary segregation;
- (3) Creates restrictions on the deprivation of certain necessities of an inmate in administrative or disciplinary segregation;
- (4) Establishes guidelines for the use of administrative or disciplinary segregation on a member of a vulnerable population; and
- (5) Establishes criteria for classifying an inmate as a member of a vulnerable population.

However, your Committee finds that the issues surrounding this measure raise concerns that merit further discussion. Accordingly, your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2025, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2859, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2859, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

CLARENCE K. NISHIHARA, Chair

## The Senate Twenty-Ninth Legislature State of Hawaiʻi

## Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*  5B 2859	Committee $PSM$ ,	Referral:	Da	te: 1/3	7/18
The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye /	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)					
WAKAI, Glenn (VC)		V,			
BAKER, Rosalyn H.		V ,			
IHARA, Jr., Les		V			
THIELEN, Laura H.		V	_		
	1 v . 1		. :		
		<u> </u>		, , , , , , , , , , , , , , , , , , , ,	
	The state of the s			-	
TOTAL			$\varphi$	P	Ø
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes