STAND. COM. REP. NO. 768

Honolulu, Hawaii

FEB 2 8 2019 RE: S.B. No. 1077 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 1077 entitled:

"A BILL FOR AN ACT RELATING TO HAWAII STATE AND CONTRACTED CORRECTIONAL FACILITIES,"

begs leave to report as follows:

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The purpose and intent of this measure is to create greater accountability of the state correctional system by requiring the Director of Public Safety to report to the Governor and Legislature any death of an inmate or employee of a correctional facility.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Ho'omanapono Political Action Committee, and one individual. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Police Department. Your Committee received comments on this measure from the Department of Public Safety, Department of the Attorney General, and Hawaii Disability Rights Center.

Your Committee finds that inmates in state or statecontracted correctional facilities have died while incarcerated with questions surrounding their cause of death. Your Committee heard testimony that in addition to this measure's reporting requirement, the State should consider conducting a special investigation surrounding all deaths. Special investigations

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would allow for additional data from rape test kits, documented disabilities, and other events leading up to the death to help determine the cause of death, particularly in cases of suicide.

Your Committee has amended this measure, as suggested by the Attorney General, by:

- (1) Stating that the Director of Public Safety has discretion to withhold any information protected by state or federal law pending next-of-kin notification, rather than discretion to only withhold the decedent's name; and
- (2) Making a technical, nonsubstantive amendment 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. 1077, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1077, S.D. 1, and be placed on the calendar for Third Reading.

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

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CLARENCE K. NISHIHARA, Chair

The Senate Thirtieth Legislature State of Hawaiʻi

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

Bill / Resolution No.:*	Committee PSM	Referral:	D		5/19
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)		V/			
WAKAI, Glenn (VC)		V			
BAKER, Rosalyn H.		V			
HARIMOTO, Breene		V /			
FEVELLA, Kurt		V			
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TOTAL		5		φ	Ø
Recommendation:					
Chair's or Designee's Signature:					
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*Only <u>one</u> measure per Record of Votes					