

JAN 17 2020

A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that allowing
2 incarcerated individuals to maintain contact and build
3 meaningful relationships with friends and family will enable
4 these individuals to reintegrate themselves into society. The
5 legislature also finds that the department of public safety has
6 instituted a policy of no-contact visits at the Oahu community
7 correctional center, Maui community correctional center, and
8 Halawa correctional facility. However, an official no-contact
9 visitation policy does not appear to be included in the
10 department's policies and procedures regarding visitation.

11 The legislature notes that each month less than one-third
12 of incarcerated individuals in the State receive a visit from a
13 friend or family member. The legislature acknowledges that in-
14 person visitation reduces recidivism and is an important tool
15 for correctional management. Specifically, traditional, in-
16 person visitations have been found to benefit incarcerated
17 individuals by improving the individual's post-institutional



1 adjustment and psychological well-being; reducing the
2 possibility of future behavioral infractions, substance abuse,
3 and violent behavior; increasing the individuals' motivation to
4 participate in correctional programs and work towards release
5 from the correctional facility; and aiding the individual in
6 returning to the workforce.

7 The legislature also recognizes that, according to a
8 consultant hired by the United States Department of Justice,
9 "[t]raditional, in-person visiting is a best practice that
10 should continue in all correctional settings when possible."
11 However, the legislature notes that many corrections policies
12 currently in force are based on archaic policies that focus on
13 punishment in lieu of rehabilitation. Nevertheless, the
14 legislature believes that modern corrections policies should
15 reflect the public's shift toward rehabilitation over
16 punishment.

17 Accordingly, the purpose of this Act is to prohibit
18 correctional facilities from restricting an otherwise eligible
19 committed person's access to in-person visitations.



1 SECTION 2. 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- In-person visitations. (a) No correctional
5 facility shall:

6 (1) Prohibit, eliminate, unreasonably limit, or otherwise
7 restrict a committed person's access to in-person
8 visitations, including but not limited to providing an
9 otherwise eligible committed person with fewer than
10 two opportunities for in-person visitations with a
11 minimum duration of one hour during any seven-day
12 period; or

13 (2) Coerce, compel, or otherwise pressure a committed
14 person to forego or limit in-person visitations;
15 provided that a correctional facility may restrict a
16 committed person's access to in-person visitations for
17 cause, including but not limited to misbehavior of the
18 committed person or an emergency situation.

19 (b) Each correctional facility may allow the use of video
20 or other forms of non-personal communications between committed
21 persons and eligible visitors; provided that nothing in this



1 section shall be construed as authorizing a correctional
2 facility to restrict a committed person's access to in-person
3 visitations in violation of subsection (a).

4 (c) The department shall adopt rules pursuant to chapter
5 91 to implement this section."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarena K. Justiker

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S.B. NO. 2521

Report Title:

Department of Public Safety; Correctional Facilities; In-Person Visitations; Administrative Rules

Description:

Prohibits any correctional facility from restricting a committed person's access to in-person visitations without cause.

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