
A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITY AND COMMUNITY CORRECTIONAL
CENTER DEATHS.

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

1 SECTION 1. Section 353C-8.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[\+]§353C-8.5[\+] **Correctional facility and community**
4 **correctional center deaths; reporting.** (a) Within forty-eight
5 hours, the director shall report to the governor, and the
6 governor shall report to the legislature, the death of any:

7 (1) Correctional facility or community correctional center
8 employee who dies on the grounds of or while on duty
9 at a correctional facility or community correctional
10 center where Hawaii inmates reside or who sustains an
11 injury on the grounds of or while on duty at a
12 correctional facility or community correctional center
13 where Hawaii inmates reside that causes the death of
14 the employee; or

15 (2) Hawaii inmate who is incarcerated in a state or
16 contracted correctional facility[\-] or community



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1 correctional center and whether the death was caused
2 by an injury sustained by the inmate while
3 incarcerated.

4 (b) The report in subsection (a) shall include the
5 following information:

- 6 (1) The name of the decedent;
- 7 (2) The gender and age of the decedent;
- 8 (3) Whether the decedent was an inmate or an employee;
- 9 (4) The location [øf] where the death or injury leading to
10 the death[+] occurred;
- 11 (5) The date and time of the death;
- 12 (6) The cause of death; [~~and~~]
- 13 (7) The race and ancestry of the decedent; and
14 [~~(7)~~] (8) Any indication of sexual assault leading to the
15 death;

16 provided that when the official cause of death has been
17 determined, the director shall immediately report the official
18 cause of death to the governor, and the governor shall
19 immediately report the official cause of death to the
20 legislature.



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1 (c) Within thirty days of a death described in subsection
2 (a), the director shall submit a report to the governor, and the
3 governor shall submit the report to the legislature, of the
4 clinical mortality review conducted in response to the death,
5 including correctional actions to be taken.

6 (d) The director shall not have the discretion to withhold
7 disclosure of the decedent's name or any information, unless the
8 name or information is otherwise protected from disclosure by
9 state or federal laws[-]; provided that the report shall cite
10 the state or federal law the director relied upon to withhold
11 disclosure.

12 (e) Upon receipt of the report by the governor, the
13 director shall make a copy of the report public and readily
14 available to the family of the decedent and the press.

15 (f) For the purposes of this section, "family" means the
16 decedent's spouse or reciprocal beneficiary, as defined in
17 section 572C-3, and any child, parent, grandparent, brother, or
18 sister of the decedent, and the spouses or reciprocal
19 beneficiaries of such persons."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY:



JAN 25 2021



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Report Title:

Correctional Facilities; Community Correctional Centers; Deaths; Reporting; Employees and Inmates; Department of Public Safety

Description:

Updates reporting requirements by PSD when employees and inmates die at correctional facilities and community correctional centers. Requires race and ancestry of the decedent to be included in the report. Requires the report to cite to any authority relied upon by PSD in determining that information is protected by state or federal law. Makes a copy of the report public and readily available to the family and press upon the governor's receipt of the report.

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