

Honolulu, Hawaii

FEB 17 , 2022

RE: H.B. No. 2435  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred H.B. No. 2435 entitled:

"A BILL FOR AN ACT RELATING TO SEARCHES OF FEMALE INMATES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require pat downs and searches of female inmates to be conducted by a female correctional facility employee unless the inmate presents a risk of immediate harm to self or others or a risk of escape;
- (2) Prohibit male correctional facility employees from entering areas where female inmates may be in a state of undress unless an inmate in the area presents a risk of immediate harm to self or others or if there is a medical emergency in the area; and
- (3) Require any prohibited search, pat down, or entry by a male correctional facility employee to be documented within three days of the incident, reviewed by the warden, and retained by the institution for reporting purposes.



Your Committee received testimony in support of this measure from the Hawaii Health & Harm Reduction Center, Hawai'i Friends of Restorative Justice, Women's Prison Project, and two individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety.

Your Committee finds that this measure will help to ensure the protection of incarcerated women, many of whom have experienced sexual violence and suffer from post-traumatic stress disorder symptoms.

Your Committee has amended this measure by:

- (1) Clarifying that the male correctional facility employee shall not enter into an area of the institution where the male employee can view females in a state of undress for the purpose of conducting a search of a female inmate;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2435, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2435, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Corrections,  
Military, & Veterans,



TAKASHI OHNO, Chair



Record of Votes of the Committee on Corrections, Military, & Veterans

Bill/Resolution No.: <i>HB 2435</i>	Committee Referral: <i>CMV, JHA</i>	Date: <i>2/4/22</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CMV Members	Ayes	Ayes (WR)	Nays	Excused
1. OHNO, Takashi (C)	<i>X</i>			
2. GANADEN, Sonny (VC)	<i>X</i>			
3. BRANCO, Patrick Pihana	<i>X</i>			
4. KOBAYASHI, Bertrand	<i>X</i>			
5. KONG, Sam Satoru	<i>X</i>			
6. MORIKAWA, Dee	<i>X</i>			
7. TARNAS, David A.	<i>X</i>			
8. McDERMOTT, Bob				<i>X</i>
TOTAL (8)	<i>7</i>			<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				