STAND. COM. REP. NO. **MSS** -2 Honolulu, Hawaii **MAR 2 4**, 2022 RE: S.B. No. 2777 S.D. 1 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 S.B. No. 2777, S.D. 1, 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:

- 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;
- (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;

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- (4) Require that the Department of Public Safety increase its recruitment and training of female adult corrections officers to satisfy the requirements of female gender specific posts;
- (5) Require that the Department of Public Safety make every effort within the law to address the concerns of the advocates, the requirements of the Prison Rape Elimination Act, and staffing shortages of female gender specific posts, as well as the hiring and training of female adult corrections officers; and
- (6) Require a report to the Legislature concerning the Department of Public Safety's efforts in recruiting, hiring, and training female adult corrections officers.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Women's Prison Project, Hawai'i Friends of Restorative Justice, and five 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:

- 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) Deleting the requirement that the Department of Public Safety increase its recruitment and training of female adult corrections officers;
- (3) Deleting the requirement that the Department of Public Safety make every effort within the law to address the concerns of the advocates, the requirements of the Prison Rape Elimination Act, and staffing shortages of

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female gender specific posts, as well as the hiring and training of female adult corrections officers;

- (4) Deleting the requirement of a report to the Legislature;
- (5) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (6) 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 S.B. No. 2777, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2777, S.D. 1, 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

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State of Hawaii

House of Representatives The Thirty-first Legislature

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

Bill/Resolution No.: SB 2777 SDI	Committee Referral: $CMV$ , $\rightarrow$	+A Date:	16/22	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) Pass, with amendments (HD) □ Hold   □ Pass short form bill with HD to recommit for future public hearing (recommit)				
CMV Members	Ayes	Ayes (WR)	Nays	Excused
1. OHNO, Takashi (C)				
2. GANADEN, Sonny (VC)			and the second	
3. BRANCO, Patrick Pihana		<u> </u>	i an ann an tha an	
<b>3.</b> DRAILEO, I attick I mana			· · · · · · · · · · · · · · · · · · ·	
4. KOBAYASHI, Bertrand				a <u>- Andrea an Anna an Anna an Anna a</u>
	skalan orte of the hill be the second second			
5. KONG, Sam Satoru	$\sim$			
			hanning the second s	
6. MORIKAWA, Dee				
7. TARNAS, David A.				
8. McDERMOTT, Bob	nnihnin na sainta ang sang sa	Ou That a finite stream should be a second stream should be a second stream should be a second stream stream s	ta an	$\boldsymbol{\lambda}$
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TOTAL (8)	6			
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				