

Honolulu, Hawaii

, 2022

APR 08

RE: S.B. No. 2777
S.D. 1
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2777, S.D. 1, H.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:

- (1) Prohibit male correctional facility employees from:
 - (A) Conducting pat down searches of female inmates unless the inmate presents a risk of immediate harm to self or others or risk of escape and a female correctional facility employee is not available to conduct the search; and
 - (B) Entering areas where female inmates may be in a state of undress for the purpose of conducting a search 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
- (2) Require pat down searches and entry into prohibited areas by male correctional facility employees under an exception 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 Community Alliance on Prisons, Women's Prison Project, American Civil Liberties Union of Hawai'i, and nine individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety.

Your Committee finds that allowing male correctional facility employees to conduct pat down searches or view female inmates in a state of undress can be traumatic for female inmates who may have experienced sexual violence or suffer from post-traumatic stress disorder. This measure will help reinforce the importance of protecting female inmates who are especially vulnerable to male sexual exploitation.

Your Committee has amended this measure by:

- (1) Requiring the Department of Public Safety to:
 - (A) Increase its recruitment and training of female adult corrections officers to satisfy the requirements of female gender-specific posts;
 - (B) Make every effort within the law to address the concerns of the advocates, requirements of the federal Prison Rape Elimination Act of 2003, and staffing shortages of female gender-specific posts, as well as the hiring and training of female adult corrections officers; and
 - (C) Submit a report of its efforts in recruiting, hiring, and training female adult corrections officers to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; and
- (2) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of



S.B. No. 2777, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2777, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 2777, SDI, HDI	Committee Referral: CMV, JHA	Date: 3-30-22		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.				✓
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane				✓
11. WARD, Gene	✓			
TOTAL (11)	9	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
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