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## A BILL FOR AN ACT

RELATING TO CORRECTIONS.

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

1           SECTION 1. The legislature finds that many aspects of the  
2 State's criminal justice system overall are designed to meet the  
3 needs of men because they make up a larger proportion of the  
4 criminal justice system's population. Consequently, the needs  
5 of women, who made up about twelve per cent of the State's  
6 combined jail and prison population in 2018, are often not being  
7 met.

8           The legislature further finds that women often have very  
9 different pathways into the criminal justice system than men.  
10 Similarly, women in the correctional system have different needs  
11 and experience different barriers to success. The legislature  
12 finds that the State has an important interest in ensuring that  
13 the unique needs of women in this system are being met.

14           The legislature also finds that establishing a commission  
15 that specifically monitors the criminal justice system's  
16 interactions with women will help to ensure that women are not  
17 being left behind in a system that was designed primarily with



1 men in mind. Specifically, oversight is required to ensure that  
2 the system is responsive to the needs of women by addressing  
3 gender-specific issues and ensuring that women have access to  
4 appropriate programs and services.

5 Accordingly, the purpose of this Act is to:

6 (1) Establish the women's correctional implementation  
7 commission to provide oversight over state  
8 correctional facilities that incarcerate women,  
9 receive and investigate complaints from incarcerated  
10 women, monitor the criminal justice system's progress  
11 in implementing reforms, and monitor programs and data  
12 that are important to ensuring successful outcomes for  
13 women in the correctional system; and

14 (2) Appropriate moneys to fund the commission's  
15 operations, including the hiring of necessary staff.

16 SECTION 2. The Hawaii Revised Statutes is amended by  
17 adding a new chapter to be appropriately designated and to read  
18 as follows:





1 reimbursed for expenses, including travel expenses, necessary  
2 for the performance of their duties.

3       §   -2 **Women's corrections implementation commission;**  
4 **duties; powers.** (a) The women's corrections implementation  
5 commission shall:

6       (1) Provide oversight over state correctional facilities  
7 that incarcerate women by ensuring that:

8           (A) The facilities are staffed by employees,  
9 contractors, volunteers, and other persons who  
10 receive appropriate trauma-informed training;

11           (B) Inmates receive appropriate support services and  
12 have access to appropriate community-based  
13 programs and facilities; and

14           (C) The department of public safety develops  
15 appropriate, gender-specific programs, including  
16 rehabilitative and therapeutic programs and  
17 evidence-based programs that will prepare inmates  
18 for reentry into society;

19       (2) Receive and investigate complaints from incarcerated  
20 women; provided that this paragraph shall not be  
21 interpreted to preclude any person from filing a



- 1 complaint or bringing any action in any other forum  
2 available to that person;
- 3 (3) Monitor the criminal justice system's progress in  
4 implementing reforms identified by the report entitled  
5 "Creating Better Outcomes, Safer Communities: Final  
6 Report of the House Concurrent Resolution 85 Task  
7 Force on Prison Reform to the Hawai`i Legislature";  
8 and
- 9 (4) Provide oversight over other programs and monitor and  
10 review other data important to ensuring successful  
11 outcomes for women in the correctional system as  
12 deemed necessary by the commission.
- 13 (b) To perform the duties described in subsection (a), the  
14 women's corrections implementation commission may:
- 15 (1) Examine any part of any correctional facility;  
16 (2) Visit a correctional facility without prior notice to  
17 the department of public safety;  
18 (3) Conduct confidential interviews with correctional  
19 facility inmates, staff, and contractors;  
20 (4) Review any relevant records; provided that the  
21 commission shall enter into a written agreement



1           pursuant to section     -4 with the department of  
2           public safety to establish special procedures to  
3           access information that must be kept confidential  
4           pursuant to state or federal law or a court order;

5           (5) Hire an executive director and other staff and  
6           prescribe their duties and compensation. The  
7           executive director and staff shall be exempt from  
8           chapter 76 but shall be entitled to any benefit  
9           program generally applicable to the officers and  
10          employees of the State; and

11          (6) Adopt rules pursuant to chapter 91 to implement this  
12          chapter.

13          §   -3 **Access to information.** The department of public  
14          safety shall provide full access to all information requested by  
15          the women's corrections implementation commission and its staff.

16          §   -4 **Memorandum of understanding.** The women's  
17          corrections implementation commission and the department of  
18          public safety shall enter into a memorandum of understanding  
19          that establishes:



- 1           (1) Procedures to allow the commission access to
- 2                   information that must be kept confidential pursuant to
- 3                   state or federal law or a court order;
- 4           (2) Procedures to allow correctional facility inmates,
- 5                   staff, or contractors to communicate confidentially
- 6                   with the commission; and
- 7           (3) Safeguards to protect from retaliation persons who
- 8                   communicate with the commission.

9           §   -5 **Annual reports.** The women's corrections  
10 implementation commission shall submit an annual report to the  
11 legislature no later than twenty days prior to the convening of  
12 each regular session. The report shall include:

- 13           (1) A summary of the commission's findings with regard to
- 14                   whether state correctional facilities are operating
- 15                   properly using the criteria described in
- 16                   section     -2(a)(1);
- 17           (2) A summary of complaints received by the commission
- 18                   pursuant to section     -2(a)(2), and any actions taken
- 19                   by the commission in response; provided that the
- 20                   commission shall not reveal any confidential
- 21                   information;



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- 1 (3) A summary of other actions taken by the commission
- 2 during the preceding year; and
- 3 (4) Any other findings and recommendations, including any
- 4 proposed legislation."

5 SECTION 3. There is appropriated out of the general  
 6 revenues of the State of Hawaii the sum of \$ or so much  
 7 thereof as may be necessary for fiscal year 2022-2023 to fund  
 8 the operations of the women's corrections implementation  
 9 commission, including the hiring of necessary staff.

10 The sum appropriated shall be expended by the women's  
 11 corrections implementation commission for the purposes of this  
 12 Act.

13 SECTION 4. This Act shall take effect on July 1, 2022.

14

INTRODUCED BY:  \_\_\_\_\_

JAN 25 2022





# H.B. NO. 2258

**Report Title:**

Corrections; DPS; Oversight; Women's Corrections Implementation Commission; Appropriation

**Description:**

Establishes the Women's Correctional Implementation Commission within the Department of Public Safety to provide oversight over state correctional facilities that incarcerate women, receive and investigate complaints from incarcerated women, monitor the criminal justice system's progress in implementing reforms, and monitor programs and data that are important to ensuring successful outcomes for women in the correctional system. Appropriates moneys.

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