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# A BILL FOR AN ACT

RELATING TO SEARCHES OF FEMALE INMATES.

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

1           SECTION 1. Chapter 353, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§353-       Searches of female inmates. (a) A male  
5 correctional facility employee shall not conduct a pat down  
6 search of a female inmate unless the inmate presents a risk of  
7 immediate harm to self or others or risk of escape and a female  
8 correctional facility employee is not available to conduct the  
9 search.

10           (b) A male correctional facility employee shall not enter  
11 into an area of the institution where female inmates may be in a  
12 state of undress, or be in an area where the male correctional  
13 facility employee can view females in a state of undress,  
14 including but not limited to restrooms, shower areas, or medical  
15 treatment areas, for the purpose of conducting a search of a  
16 female inmate, unless an inmate in the area presents a risk of  
17 immediate harm to self or others or if there is a medical



1 emergency in the area. A male correctional facility employee  
2 shall not enter into an area prohibited under this subsection if  
3 there is a female correctional employee who can resolve the  
4 situation in a safe and timely manner without his assistance.  
5 Male correctional facility employees shall announce their  
6 presence when entering a housing unit.

7 (c) If a male correctional facility employee conducts a  
8 pat down search under an exception provided in subsection (a) or  
9 enters a prohibited area under an exception provided in  
10 subsection (b), the circumstances for and details of the  
11 exception shall be documented within three days of the incident.  
12 The documentation shall be reviewed by the warden and retained  
13 by the institution for reporting purposes.

14 (d) The department may adopt rules for the administration  
15 of this section."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

Female Inmates; Pat Downs; Searches; Correctional Facilities;  
Prisons; Department of Public Safety

**Description:**

Requires 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 risk of escape. Prohibits male correctional facility employees from 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. Requires 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. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

