
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 men make up a larger proportion of the
4 criminal justice system's population. Consequently, the needs
5 of women, who made up approximately twelve per cent of the
6 State's combined jail and prison population in 2018, are often
7 not 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 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 corrections implementation
- 7 commission to provide oversight over state
- 8 correctional facilities and community correctional
- 9 centers that incarcerate women; receive and
- 10 investigate complaints from incarcerated women;
- 11 monitor the criminal justice system's progress in
- 12 implementing reforms; and monitor programs and data
- 13 that are important to ensuring successful outcomes for
- 14 women in the correctional system; and
- 15 (2) Appropriate moneys to fund the commission's
- 16 operations, including the hiring of necessary staff.

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

20 **"CHAPTER**
21 **WOMEN'S CORRECTIONS IMPLEMENTATION COMMISSION**



1 § -1 **Women's corrections implementation commission;**
2 **established.** (a) There is established within the department of
3 public safety for administrative purposes only the women's
4 corrections implementation commission.
5 (b) The women's corrections implementation commission
6 shall be comprised of the following members, who may be
7 appointed from any county in the State:
8 (1) Five members who shall be appointed by the governor
9 and shall be subject to senate confirmation as
10 provided in section 26-34; provided that:
11 (A) Two members shall be appointed from a list of
12 nominees provided by the president of the senate;
13 and
14 (B) Two members shall be appointed from a list of
15 nominees provided by the speaker of the house of
16 representatives; and
17 (2) The state public defender or the state public
18 defender's designee.
19 (c) The members of the women's corrections implementation
20 commission shall elect one of its members to serve as
21 chairperson.



1 (d) The members of the women's corrections implementation
2 commission shall serve without compensation but shall be
3 reimbursed for expenses, including travel expenses, necessary
4 for the performance of their duties.

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

8 (1) Provide oversight over state correctional facilities
9 and community correctional centers that incarcerate
10 women, by ensuring that:

11 (A) The facilities and centers are staffed by
12 employees, contractors, volunteers, and other
13 persons who receive appropriate trauma-informed
14 training;

15 (B) Inmates receive appropriate support services and
16 have access to appropriate community-based
17 programs and facilities; and

18 (C) The department of public safety develops
19 appropriate, gender-specific programs, including
20 rehabilitative and therapeutic programs and



1 evidence-based programs that will prepare inmates
2 for reentry into society;

3 (2) Receive and investigate complaints from incarcerated
4 women; provided that this paragraph shall not be
5 interpreted to preclude any person from filing a
6 complaint or bringing any action in any other forum
7 available to that person;

8 (3) Monitor the criminal justice system's progress in
9 implementing reforms identified by the report entitled
10 "Creating Better Outcomes, Safer Communities: Final
11 Report of the House Concurrent Resolution 85 Task
12 Force on Prison Reform to the Hawai'i Legislature"; and

13 (4) Provide oversight over other programs and monitor and
14 review other data important to ensuring successful
15 outcomes for women in the correctional system, as
16 deemed necessary by the commission.

17 (b) To perform the duties described in subsection (a), the
18 women's corrections implementation commission may:

19 (1) Examine any part of any correctional facility or
20 community correctional center;



- 1 (2) Visit a correctional facility or community
2 correctional center without prior notice to the
3 department of public safety;
- 4 (3) Conduct confidential interviews with inmates, staff,
5 and contractors;
- 6 (4) Review any relevant records; provided that the
7 commission shall enter into a memorandum of
8 understanding pursuant to section -4 with the
9 department of public safety to establish special
10 procedures to access information that must be kept
11 confidential pursuant to state or federal law or a
12 court order;
- 13 (5) Hire an executive director and other staff and
14 prescribe their duties and compensation. The
15 executive director and staff shall be exempt from
16 chapter 76 but shall be entitled to any benefit
17 program generally applicable to the officers and
18 employees of the State; and
- 19 (6) Adopt rules pursuant to chapter 91 to implement this
20 chapter.



1 § **-3 Access to information.** The department of public
2 safety shall provide full access to all information requested by
3 the women's corrections implementation commission and commission
4 staff.

5 § **-4 Memorandum of understanding.** The women's
6 corrections implementation commission and the department of
7 public safety shall enter into a memorandum of understanding
8 that establishes:

- 9 (1) Procedures to allow the commission access to
10 information that must be kept confidential pursuant to
11 state or federal law or a court order;
- 12 (2) Procedures to allow inmates, staff, or contractors to
13 communicate confidentially with the commission; and
- 14 (3) Safeguards to prevent retaliation against persons who
15 communicate with the commission.

16 § **-5 Annual reports.** The women's corrections
17 implementation commission shall submit an annual report to the
18 legislature no later than twenty days prior to the convening of
19 each regular session. The report shall include:

- 20 (1) A summary of the commission's findings with regard to
21 whether state correctional facilities and community



- 1 correctional centers are operating in accordance with
 2 the criteria set forth in section -2(a)(1);
 3 (2) A summary of complaints received by the commission
 4 pursuant to section -2(a)(2) and any actions taken
 5 by the commission in response; provided that the
 6 commission shall not reveal any confidential
 7 information;
 8 (3) A summary of other actions taken by the commission
 9 during the preceding year; and
 10 (4) Any other findings and recommendations, including any
 11 proposed legislation."

12 SECTION 3. There is appropriated out of the general
 13 revenues of the State of Hawaii the sum of \$ or so
 14 much thereof as may be necessary for fiscal year 2022-2023 for
 15 the operations of the women's corrections implementation
 16 commission, including the hiring of necessary staff.

17 The sum appropriated shall be expended by the women's
 18 corrections implementation commission for the purposes of this
 19 Act.

20 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Corrections; PSD; Oversight; Women's Corrections Implementation Commission; Report; Appropriation

Description:

Establishes the women's corrections implementation commission within the department of public safety to provide oversight over state correctional facilities and community correctional centers 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. Requires annual reports to the Legislature. Appropriates moneys. Effective 7/1/2050. (HD1)

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