
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:

8 (A) Provide oversight over state correctional
9 facilities and community correctional centers
10 that incarcerate women;

11 (B) Receive and investigate complaints from
12 incarcerated women;

13 (C) Monitor the criminal justice system's progress in
14 implementing reforms; and

15 (D) Provide oversight over other programs and monitor
16 and review data that is important to ensuring
17 successful outcomes for women in the correctional
18 system; and

19 (2) Make an appropriation to fund the commission's
20 operations, including the hiring of necessary staff.



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

4 "CHAPTER

5 WOMEN'S CORRECTIONS IMPLEMENTATION COMMISSION

6 § -1 Women's corrections implementation commission;

7 **established.** (a) There is established within the department of
8 public safety for administrative purposes only the women's
9 corrections implementation commission.

10 (b) The women's corrections implementation commission
11 shall be comprised of the following members, who may be
12 appointed from any county in the State:

13 (1) Five members who shall be appointed by the governor
14 and shall be subject to senate confirmation as
15 provided in section 26-34; provided that:

16 (A) Two members shall be appointed from a list of
17 nominees provided by the president of the senate;
18 and

19 (B) Two members shall be appointed from a list of
20 nominees provided by the speaker of the house of
21 representatives; and



1 (2) The state public defender or the state public
2 defender's designee.

3 (c) The members of the women's corrections implementation
4 commission shall elect one of its members to serve as
5 chairperson.

6 (d) The members of the women's corrections implementation
7 commission shall serve without compensation but shall be
8 reimbursed for expenses, including travel expenses, necessary
9 for the performance of their duties.

10 § -2 **Women's corrections implementation commission;**

11 **duties; powers.** (a) The women's corrections implementation
12 commission shall:

13 (1) Provide oversight over state correctional facilities
14 and community correctional centers that incarcerate
15 women, by ensuring that:

16 (A) The facilities and centers are staffed by
17 employees, contractors, volunteers, and other
18 persons who receive appropriate trauma-informed
19 training;



- 1 (B) Inmates receive appropriate support services and
2 have access to appropriate community-based
3 programs and facilities; and
- 4 (C) The department of public safety develops
5 appropriate, gender-specific programs, including
6 rehabilitative and therapeutic programs and
7 evidence-based programs that will prepare inmates
8 for reentry into society;
- 9 (2) Receive and investigate complaints from incarcerated
10 women; provided that this paragraph shall not be
11 interpreted to preclude any person from filing a
12 complaint or bringing any action in any other forum
13 available to that person;
- 14 (3) Monitor the criminal justice system's progress in
15 implementing reforms identified by the report entitled
16 "Creating Better Outcomes, Safer Communities: Final
17 Report of the House Concurrent Resolution 85 Task
18 Force on Prison Reform to the Hawai'i Legislature"; and
- 19 (4) Provide oversight over other programs and monitor and
20 review other data important to ensuring successful



1 outcomes for women in the correctional system, as
2 deemed necessary by the commission.

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

5 (1) Examine any part of any state correctional facility or
6 community correctional center;

7 (2) Visit a state correctional facility or community
8 correctional center without prior notice to the
9 department of public safety;

10 (3) Conduct confidential interviews with inmates, staff,
11 and contractors;

12 (4) Review any relevant records; provided that the
13 commission shall enter into a memorandum of
14 understanding pursuant to section -4 with the
15 department of public safety to establish special
16 procedures to access information that must be kept
17 confidential pursuant to state or federal law or a
18 court order;

19 (5) Hire an executive director and other staff and
20 prescribe their duties and compensation. The
21 executive director and staff shall be exempt from



1 chapter 76 but shall be entitled to any benefit
2 program generally applicable to the officers and
3 employees of the State; and

4 (6) Adopt rules pursuant to chapter 91 to implement this
5 chapter.

6 § -3 **Access to information.** The department of public
7 safety shall provide full access to all information requested by
8 the women's corrections implementation commission and commission
9 staff.

10 § -4 **Memorandum of understanding.** The women's
11 corrections implementation commission and department of public
12 safety shall enter into a memorandum of understanding that
13 establishes:

14 (1) Procedures to allow the commission access to
15 information that must be kept confidential pursuant to
16 state or federal law or a court order;

17 (2) Procedures to allow inmates, staff, or contractors to
18 communicate confidentially with the commission; and

19 (3) Safeguards to prevent retaliation against persons who
20 communicate with the commission.



1 § -5 **Annual reports.** The women's corrections
2 implementation commission shall submit an annual report to the
3 legislature no later than twenty days prior to the convening of
4 each regular session. The report shall include:

5 (1) A summary of the commission's findings with regard to
6 whether state correctional facilities and community
7 correctional centers are operating in accordance with
8 the criteria set forth in section -2(a)(1);

9 (2) A summary of complaints received by the commission
10 pursuant to section -2(a)(2) and any actions taken
11 by the commission in response; provided that the
12 commission shall not reveal any confidential
13 information;

14 (3) A summary of other actions taken by the commission
15 during the preceding year; and

16 (4) Any other findings and recommendations, including any
17 proposed legislation."

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2022-2023 for



1 the operations of the women's corrections implementation
2 commission, including the hiring of necessary staff.

3 The sum appropriated shall be expended by the judiciary for
4 the purposes of this Act.

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



Report Title:

PSD; Judiciary; 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 funds. Effective 7/1/2050. (HD2)

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