



GOV. MSG. NO. 1122

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

April 19, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

✓The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on April 19, 2023, the following bill was signed into law:

HB823 HD2

RELATING TO DEATHS WITHIN THE  
CORRECTIONAL SYSTEM.  
**ACT 022**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on APR 19 2023

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

H.B. NO. 823  
H.D. 2

A BILL FOR AN ACT

RELATING TO DEATHS WITHIN THE CORRECTIONAL SYSTEM.

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

1 SECTION 1. Section 353-40, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~353-40] Correctional facility and community  
4 correctional center deaths; reporting. (a) Within forty-eight  
5 hours, the director shall report to the governor, and the  
6 governor shall report to the legislature, the death of any:

7 (1) Correctional facility or community correctional center  
8 employee who:

9 (A) Dies on the grounds of or while on duty at a  
10 correctional facility or community correctional  
11 center where Hawaii inmates reside; or

12 (B) Sustains an injury on the grounds of or while on  
13 duty at a correctional facility or community  
14 correctional center where Hawaii inmates reside  
15 that causes the death of the employee; or

16 (2) Hawaii inmate who is incarcerated [~~in a~~] by or under  
17 the care and custody of:



- 1           (A) A state or contracted correctional facility[+];  
2                   or  
3           (B) An agent of a state or contracted correctional  
4                   facility.

5           Within seven days of the director's submission of the  
6 report to the governor, the department shall post a copy of the  
7 report on its public website.

8           (b) The report in subsection (a) shall include the  
9 following information:

- 10           (1) The name of the decedent; [~~provided that this~~  
11 ~~information is not protected from disclosure by state~~  
12 ~~or federal law;~~]  
13           (2) The gender and age of the decedent;  
14           (3) Whether the decedent was an inmate or an employee;  
15           (4) The location of the death or injury leading to the  
16                   death;  
17           (5) The date and time of the death;  
18           (6) The cause of death; and  
19           (7) Any indication of sexual assault leading to the  
20                   death[+]



1 ~~provided that when the official cause of death has been~~  
2 ~~determined, the director shall immediately report the official~~  
3 ~~cause of death to the governor, and the governor shall~~  
4 ~~immediately report the official cause of death to the~~  
5 ~~legislature].~~

6 (c) ~~[Within thirty days of a death described in subsection~~  
7 ~~(a),]~~ When the official cause of death has been determined, the  
8 director shall submit a report to the governor, and the governor  
9 shall submit the report to the legislature~~[, of the clinical~~  
10 ~~mortality review conducted in response to the death, including~~  
11 ~~correctional actions to be taken.]~~ that shall include the  
12 following information:

- 13 (1) The clinical mortality review conducted in response to  
14 the death, including correctional actions to be taken;  
15 (2) The official cause of death; and  
16 (3) Any indication of sexual assault leading to the death.

17 (d) ~~[The director may disclose other information not~~  
18 ~~specified in subsection (b); provided that the director shall~~  
19 ~~not disclose information protected from disclosure by state or~~  
20 ~~federal law.]~~ The information specified in subsection (c) (2)  
21 and (3) shall be open to public inspection, unless:



- 1        (1) Any federal or state law protects the information from
- 2                    disclosure; provided that the report shall cite the
- 3                    applicable federal or state law; or
- 4        (2) The disclosure of the information would materially
- 5                    impair an ongoing criminal investigation."

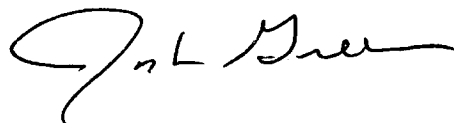
6            SECTION 2. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9            SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 4. This Act shall take effect upon its approval.

12

APPROVED this 19th day of April , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 823, HD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 7, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: APR 05 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Ronald D. Kouchi  
President of the Senate



Carol T. Taniguchi  
Clerk of the Senate