

STAND. COM. REP. NO. 709

Honolulu, Hawaii

MAR 02 2023

RE: S.B. No. 455
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 455, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Extend the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission;
- (2) Require the Oversight Coordinator be subject to the advice and consent of the Senate;
- (3) Specify that the Commission shall take measures as necessary to maintain confidentiality in investigations; and
- (4) Broaden the Oversight Coordinator's power to make inquiries, obtain information, and inspect the premises of agencies and correctional facilities.

Your Committee received testimony in support of this measure from the Department of Public Safety, Hawaii Correctional System Oversight Commission, Community Alliance on Prisons, Hawai'i Health and Harm Reduction Center, and one individual. Your Committee



received testimony in opposition to this measure from the Civil Beat Law Center for the Public Interest. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that transforming a corrections system that has been focused on punishment and isolation to a more rehabilitative and therapeutic model will take time. Your Committee believes that a two-year term for the Oversight Coordinator of the Hawaii Correctional System Oversight Commission is insufficient to facilitate the transition of the corrections system to a rehabilitative and therapeutic model. This measure will support the creation of a more just and equitable corrections system by extending the term of the Oversight Coordinator, ensuring that a qualified person serves as the Oversight Coordinator, and granting the Commission the authority to hold meetings closed to the public when conducting investigations to maintain confidentiality.

Your Committee notes that various testifiers made valid points in their testimony regarding the scope of the exemption from open meeting requirements provided by this measure, and respectfully requests that these concerns be considered as this measure moves forward in the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 455, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



