

Honolulu, Hawaii

APR 24 2025

RE: S.B. No. 104
S.D. 2
H.D. 3
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 104, S.D. 2, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) By July 1, 2026, restrict the use of restrictive housing in state-operated and state-contracted correctional facilities, with certain specified exceptions;
- (2) Establish a Restrictive Housing Legislative Working Group to develop and recommend more comprehensive laws, policies, and procedures regarding restrictive housing for members of vulnerable populations by September 1, 2027;



- (3) Require the Hawaii Correctional System Oversight Commission to review restrictive housing placements on an annual basis;
- (4) Authorize the Department of Corrections and Rehabilitation, by December 1, 2027, to implement policies and procedures recommended by the Restrictive Housing Legislative Working Group related to committed persons; and
- (5) Require interim and final reports to the Legislature and Hawaii Correctional System Oversight Commission.

Your Committee on Conference finds that the overuse of restrictive housing, commonly known as solitary confinement, is a harmful practice within the prison system that is often excessively punitive in nature and contrary to the goal of rehabilitation. Your Committee on Conference further finds that limiting the application of restrictive housing to certain circumstances, coupled with establishing a working group to make recommendations regarding restrictive housing for vulnerable populations, is a critical step towards harm reduction and improving the overall outcomes of incarceration.

Your Committee on Conference has amended this measure by:

- (1) Changing the date by which the Restrictive Housing Legislative Working Group shall make its recommendations to the Legislature and dissolve from September 1, 2027, to January 8, 2027;
- (2) Changing its effective date to July 1, 2025; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 104, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 104, S.D. 2, H.D. 3, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



DELLA AU BELATTI
Co-Chair



DAVID A. TARNAS
Co-Chair



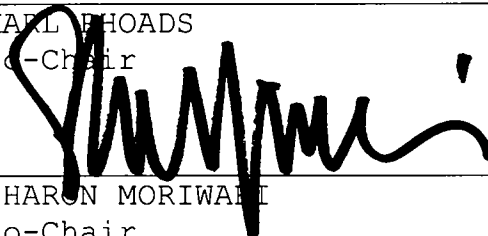
RACHELE LAMOSAO
Co-Chair



BRANDON J.C. ELEFANTE
Chair



KARL RHOADS
Co-Chair




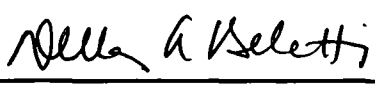
SHARON MORIWARAI
Co-Chair



Hawai'i State Legislature

Record of Votes of a Conference Committee

CCR 84

Bill / Concurrent Resolution No.: SB 104, SD 2, HD 3					Date/Time: 4/24/25 1:44 PM				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ELEFANTE, Brandon J.C., Chr.	✓				BELATTI, Della Au, Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				TARNAS, David A., Co-Chr.	✓			
MORIWAKI, Sharon Y., Co-Chr.	✓				LAMOSAO, Rachele F., Co-Chr.	✓			
FUKUNAGA, Carol				✓	HASHEM, Mark J.	✓			
FEVELLA, Kurt				✓	IWAMOTO, Kim Coco				✓
					SOUZA, Kanani	✓			
TOTAL	3	0	0	2	TOTAL	5	0	0	1
<div style="display: flex; justify-content: space-between;"> A = Aye WR = Aye with Reservations N = Nay E = Excused </div>									
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Distribution: Original File with Conference Committee Report </div> <div style="width: 45%;"> Yellow House Clerk's Office </div> <div style="width: 45%;"> Pink Senate Clerk's Office </div> <div style="width: 45%;"> Goldenrod Drafting Agency </div> </div>									