

Honolulu, Hawaii

MAR 13

, 2025

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

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

Madame:

Your Committee on Public Safety, to which was referred S.B. No. 104, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Restrict the use of restrictive housing in state-operated and state-contracted correctional facilities, with certain specified exceptions;
- (2) Require the Department of Corrections and Rehabilitation to develop written policies and implement procedures regarding restrictive housing by July 1, 2026;
- (3) Require the Hawaii Correctional System Oversight Commission to thoroughly review certain housing placements;
- (4) Require the Department of Corrections and Rehabilitation, by April 1, 2026, to develop written policies and implement procedures to review committed persons' placement in restrictive housing and initiate



reviews and develop a plan regarding restrictive housing for committed persons; and

- (5) Require the Department of Corrections and Rehabilitation to submit a report to the Legislature and Hawaii Correctional System Oversight Commission no later than forty days prior to the convening of the Regular Session of 2027.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Hawaii Correctional System Oversight Commission; Office of the Public Defender; American Civil Liberties Union of Hawai'i; Community Alliance on Prisons; Hawai'i Friends of Restorative Justice; League of Women Voters of Hawaii; Easterseals Hawaii; and five individuals. Your Committee received testimony in opposition to this measure from the Department of Corrections and Rehabilitation.

Your Committee finds that restrictive housing is a severe form of punishment that is closely associated with long-lasting psychological harm and poor post-release outcomes. Your Committee further finds that currently, there are concerns that any restrictions, policies, and procedures on the use of restrictive housing in the State may be insufficient. This measure attempts to address this need by limiting certain restrictive-housing practices and requiring the Department of Corrections and Rehabilitation to develop policies and procedures for restrictive housing.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 104, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 104, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,

Della A. Belatti

DELLA AU BELATTI, Chair



HSR 1203

Bill/Resolution No.: SB 104, SD2	Committee Referral: PBS, JHA, FIN	Date: 3/12/2025		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. IWAMOTO, Kim Coco (VC)	✓			
3. HASHEM, Mark J.				✓
4. ICHIYAMA, Linda	✓			
5. LAMOSAO, Rachele F.	✓			
6. MORIKAWA, Dee	✓			
7. POEPOE, Mahina	✓			
8. WOODSON, Justin H.				✓
9. SHIMIZU, Garner M.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	8			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				