

STAND. COM. REP. NO.

1447

Honolulu, Hawaii

MAR 21, 2025

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

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 104, S.D. 2, H.D. 1, 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; Hawaii Disability Rights Center; Community Alliance on Prisons; Easterseals Hawaii; ACLU Hawai'i; League of Women Voters of Hawaii; and four individuals. Your Committee received testimony in opposition to this measure from the Department of Corrections and Rehabilitation.

Your Committee finds that there are insufficient restrictions, policies, and procedures on the use of restrictive housing in the State. Your Committee believes that this measure addresses 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:

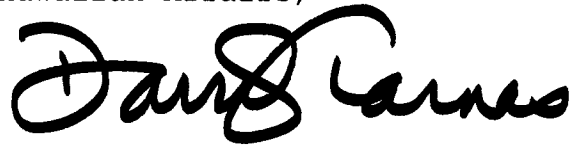
- (1) Clarifying that the prohibition on releasing a committed person held in solitary confinement directly into the community during the final one hundred eighty days shall not be interpreted to delay a committed person's scheduled release;
- (2) Clarifying that a committed person's placement in restrictive housing; rather than restrictive, disciplinary, or administrative segregation; shall not revert to another form of segregation after the initial sanction has been served; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



1447

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

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



---

DAVID A. TARNAS, Chair



HSCR 1447

Bill/Resolution No.: CB104 CD2 HDI	Committee Referral: PBC, JHA, FIN	Date: 03/19/2025
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to:		
<input checked="" 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)	

JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond		✓		
11. SHIMIZU, Garner M.	✓			
TOTAL (11)	9	1	0	1

The recommendation is: ☒ Adopted      ☐ 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