

STAND. COM. REP. NO.

2014

Honolulu, Hawaii

APR 04

, 2025

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

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

Madame:

Your Committee on Finance, to which was referred S.B. No. 104, S.D. 2, H.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 exceptions;
- (2) Require the Department of Corrections and Rehabilitation to develop policies and implement procedures regarding restrictive housing by July 1, 2026, and by April 1, 2026, develop policies and implement procedures to review committed persons placed in restrictive housing and develop a plan to step down current and prospective restrictive housing commitments;
- (3) Require the Hawaii Correctional System Oversight Commission to review certain housing placements; and



- (4) Require status reports on the Department of Corrections and Rehabilitation's progress toward full compliance of this measure.

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

Your Committee has amended this measure by:

- (1) Restricting the use of restrictive housing in correctional facilities by July 1, 2026;
- (2) Deleting restrictions on the use of restrictive housing that do not comport with certain standards or best practices;
- (3) Amending various durations, deadlines, and frequency relating to the placement of committed persons in restrictive housing during a facility-wide lockdown, in emergency confinement, or in medical isolation;
- (4) Amending the prohibition on the placement of certain committed persons in restrictive housing except under certain conditions and deleting all references to members of a vulnerable population;
- (5) Amending the requirements of mandatory periodic training of staff who interact with committed persons held in restrictive housing;
- (6) Amending the scope of the Hawaii Correctional System Oversight Commission's review of restrictive housing placements and requiring annual, rather than quarterly, reports;
- (7) Requiring a Restrictive Housing Legislative Working Group to be convened by August 1, 2025, to make recommendations by September 1, 2027, for restrictive



housing for committed persons who are members of vulnerable populations, rather than requiring the Department of Corrections and Rehabilitations to develop policies and procedures regarding restrictive housing by July 1, 2026;

- (8) Authorizing the Department of Corrections and Rehabilitation to implement the recommendations of the Restrictive Housing Legislative Working Group by December 1, 2027;
- (9) Requiring interim and final reports to the Legislature and Hawaii Correctional System Oversight Commission; and
- (10) 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 Finance 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. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 104, S.D. 2, H.D. 3.

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



KYLE T. YAMASHITA, Chair



HSCR 2014

Bill/Resolution No.: SB104, SD2, HD2	Committee Referral: PBS, JHA, FIN	Date: 4/2/25		
<input checked="" 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)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMASHITA, Kyle T. (C)	/			
2. TAKENOUCHI, Jenna (VC)	/			
3. GRANDINETTI, Tina Nakada	/			
4. HOLT, Daniel	/			
5. HUSSEY, Ikaika	/			
6. KEOHOKAPU-LEE LOY, Sue L.	/			
7. KITAGAWA, Lisa	/			
8. KUSCH, Matthias	/			
9. LAMOSAO, Rachele F.	/			
10. LEE, Mike	/			
11. MIYAKE, Tyson K.	/			
12. MORIKAWA, Dee	/			
13. TEMPLO, Shirley Ann	/			
14. ALCOS III, David	/			
15. REYES ODA, Julie	/			
TOTAL 14 15	15	0	0	0
The recommendation is: <input checked="" type="radio"/> Adopted <input type="radio"/> 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				