

STAND. COM. REP. NO. 984

Honolulu, Hawaii

FEB 28 2025

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

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 104, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

beg leave to report as follows:

The purpose and intent 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 procedures regarding restrictive housing by July 1, 2026;
- (3) Require the Hawaii Correctional System Oversight Commission to review certain housing placements;
- (4) Require the Department of Corrections and Rehabilitation to develop policies and procedures to review committed persons placed in restrictive housing and develop a plan for committed persons currently in restrictive housing by April 1, 2026; and
- (5) Require a report to the Legislature and Hawaii Correctional System Oversight Commission.



Your Committees received testimony in support of this measure from the Hawaii Correctional System Oversight Commission, Office of Hawaiian Affairs, Stonewall Caucus of the Democratic Party of Hawai'i, Community Alliance on Prisons, ACLU of Hawai'i, and seven individuals.

Your Committees received testimony in opposition to this measure from the Department of Corrections and Rehabilitation.

Your Committees find that over the past few decades, the State has increasingly used solitary confinement, also known as "restrictive housing", to hold incarcerated people in isolation. Your Committees further find that solitary confinement that lasts more than fifteen consecutive days is recognized by the United Nations and various human rights organizations as torture. Additionally, the practice is especially devastating for people with mental illness who are disproportionately represented in solitary confinement, and may even bring on mental illness where it did not exist before. This measure will ensure that the State continues to support a rehabilitative and restorative model of corrections that is focused on reentry and reducing recidivism.

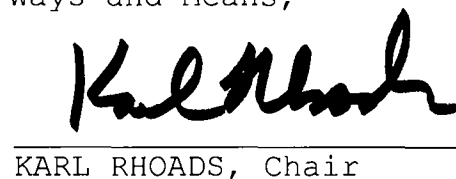
Your Committees have amended this measure by requiring that a committed person held in restrictive housing not be denied access to their legal counsel.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 104, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 104, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair



KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

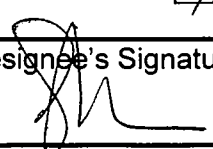
Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <i>SB 104, SDI</i>	Committee Referral: <i>PSM, JDCI WAM</i>	Date: <i>2/19/25</i>										
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____												
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>												
Members	Aye	Aye (WR)	Nay	Excused								
RHOADS, Karl (C)	✓											
GABBARD, Mike (VC)				✓								
CHANG, Stanley	✓											
SAN BUENAVENTURA, Joy A.	✓											
AWA, Brenton	✓											
TOTAL	4			1								
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>												
Chair's or Designee's Signature:												
<table style="width: 100%; font-size: small;"> <tr> <td style="width: 25%;">Distribution:</td> <td style="width: 25%;">Original</td> <td style="width: 25%;">Yellow</td> <td style="width: 25%;">Pink</td> </tr> <tr> <td></td> <td>File with Committee Report</td> <td>Clerk's Office</td> <td>Drafting Agency</td> </tr> </table> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <div style="text-align: center; width: 25%;">Goldenrod</div> <div style="text-align: center; width: 25%;">Committee File Copy</div> </div>					Distribution:	Original	Yellow	Pink		File with Committee Report	Clerk's Office	Drafting Agency
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*Only one measure per Record of Votes

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB104 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM, JDC / WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-19-2025</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
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Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	/			
MORIWAKI, Sharon Y. (VC)	/			
AQUINO, Henry J.C.	/			
DECOITE, Lynn	/			
ELEFANTE, Brandon J.C.	/			
HASHIMOTO, Troy N.	/			
INOUE, Lorraine R.	/			
KANUHA, Dru Mamo	/			
KIDANI, Michelle N.	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
WAKAI, Glenn	/			
FEVELLA, Kurt	/			
TOTAL	13	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

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