S.B. NO. 1321

JAN 23 2025

A BILL FOR AN ACT

RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 353L-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The governor shall appoint an oversight coordinator from a list of three nominees submitted by the commission. The oversight coordinator shall be a person qualified by training and experience to administer the Hawaii correctional system oversight commission and shall be well-versed in criminal justice reform and maintain a firm commitment to the correctional system's transition to a rehabilitative and therapeutic model. The oversight coordinator shall serve a [~~two-year~~] four-year term."

SECTION 2. Section 353L-7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) [~~In an investigation, the~~] The oversight coordinator may make inquiries and obtain information as the oversight coordinator thinks fit, enter without notice to inspect the premises of an agency or correctional facility, and, in an

investigation, hold private hearings in accordance with chapter 91."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act, upon its approval, shall take effect on July 1, 2025.

INTRODUCED BY: _____

BY REQUEST

S.B. NO. 1321

Report Title:
Hawaii Correctional System Oversight Commission; Oversight Coordinator

Description:
Beginning July 1, 2025, extends the term of the oversight coordinator for the Hawaii Correctional System Oversight Commission. Clarifies that the oversight coordinator has the general authority to inspect agencies and correctional facilities without notice.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET **SB. NO. 1321**

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

PURPOSE: To extend the term of the oversight coordinator from two to four years and to clarify that the oversight coordinator has the general authority to inspect the premises of an agency or correctional facility without notice.

MEANS: Amend sections 353L-2(a) and 353L-7(c), Hawaii Revised Statutes.

JUSTIFICATION: Extending the term of the oversight coordinator from two to four years is needed to provide continuity and stability, both of which are essential for long-term projects and reforms. The oversight coordinator's ongoing involvement will ensure that longer term initiatives are carried through to their successful completion without the disruption that might arise from a transition period. This stability is crucial for maintaining momentum and achieving sustained improvements in oversight processes.

General authority to inspect the premises of an agency or correctional facility without notice is needed to ensure transparency and accountability within jails and prisons. By arriving without prior notice, the oversight coordinator can observe the true conditions and practices in place, rather than those that may be altered for a scheduled inspection. This approach helps uncover hidden problems such as inadequate medical care, abuse, or unsanitary conditions, which might be concealed or corrected temporarily if facilities were given advance notice.

Additionally, unannounced visits encourage facilities to consistently adhere to

established standards, as they cannot predict when they will be inspected. This continuous pressure promotes better compliance and improvements in operations. Unannounced access by the oversight commission protects the rights and ensures the well-being of people in custody who tend to have a limited means of advocating for themselves. Overall, the improved compliance from unannounced visits enhances the effectiveness of oversight, builds trust in the process, and supports the ongoing reform and improvement of prison conditions.

Impact on the public: The public will benefit by improved conditions in correctional facilities.

Impact on the department and other agencies: Affected agencies will be subject to inspection without notice.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: ATG100EC.

OTHER AFFECTED AGENCIES: Department of Corrections and Rehabilitation.

EFFECTIVE DATE: July 1, 2025.