
A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITY AND COMMUNITY CORRECTIONAL CENTER DEATHS.

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

1 SECTION 1. Section 353-?? is amended to read as follows:

2 "**§353-?? Correctional facility and community correctional**

3 **center deaths; reporting.** (a) Within forty-eight hours, the

4 director shall report to the governor, and the governor shall

5 report to the legislature, the death of any:

6 (1) Correctional facility or community correctional center
7 employee who:

8 (A) Dies on the grounds of or while on duty at a

9 correctional facility or community correctional

10 center where Hawaii inmates reside; or

11 (B) who sustains an injury on the grounds of or while

12 on duty at a correctional facility or community

13 correctional center where Hawaii inmates reside

14 that causes the death of the employee; or

15 (2) Hawaii inmate who is incarcerated in a state or

16 contracted correctional facility.

.B. NO.

1 (b) The report in subsection (a) shall be publicly posted
2 on the department's website within seven days of submission to
3 the governor and include the following information:

4 (1) The name of the decedent; [~~provided that this~~
5 ~~information is not protected from disclosure by state~~
6 ~~or federal law;~~]

7 (2) The gender and age of the decedent;

8 (3) Whether the decedent was an inmate or an employee;

9 (4) The location of the death or injury leading to the
10 death;

11 (5) The date and time of the death;

12 (6) The cause of death; and

13 (7) Any indication of sexual assault leading to the
14 death[~~†~~].

15 [~~provided that when the official cause of death has been~~
16 ~~determined, the director shall immediately report the official~~
17 ~~cause of death to the governor, and the governor shall~~
18 ~~immediately report the official cause of death to the~~
19 ~~legislature.~~]

20 (c) [~~Within thirty days of a death described in subsection~~
21 ~~(a)†~~] When the official cause of death has been determined, the
22 director shall submit a report to the governor, and the governor

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1 shall submit the report to the legislature [~~, of the clinical~~
2 ~~mortality review conducted in response to the death, including~~
3 ~~correctional actions to be taken.] that shall include the
4 following information:~~

5 (1) the clinical mortality review conducted in response to
6 the death, including correctional actions to be taken;

7 (2) the cause of death; and

8 (3) any indication of sexual assault leading to the death.

9 (d) [~~The director may disclose other information not~~
10 ~~specified in subsection (b); provided that the director shall~~
11 ~~not disclose information protected from disclosure by state or~~
12 ~~federal laws.] The information in subparagraphs (c) (2) and
13 (c) (3) shall be open to public inspection, unless:~~

14 (1) the information is protected from disclosure by state
15 or federal law, provided that the report shall cite
16 the state or federal law the director relied upon to
17 withhold disclosure; or

18 (2) the information would materially impair an ongoing
19 criminal investigation."

20 SECTION 2. Statutory material to be repealed is bracketed and
21 stricken. New statutory material is underscored.

22 SECTION 3. This Act shall take effect July 1, 2023.

____.B. NO.____

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INTRODUCED BY: _____

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BY REQUEST

DRAFT

Report Title:

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Description:

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