



2009 ACLU of Hawaii Legislative Program Summary

July 24, 2009

Civil Liberties and the 2009 Hawaii State Legislature

The ACLU of Hawaii, with the help of our Legislative Working Group, members and volunteers, worked throughout the 2009 Hawaii State Legislative session to protect and promote fundamental rights for all people.

We monitored hundreds of bills and testified in writing and/or in person on over eighty-five bills and resolutions. In addition, we spent countless hours behind the scenes - lobbying Legislators, meeting with community allies and conducting public education and outreach campaigns. The 'Ohana Action Alert rounded out our advocacy by laying out concrete actions to engage grassroots participation.

Of those 59 bills and resolutions that we testified in support of, three resolutions were adopted and four bills were enacted into law. Of the twenty-six bills that we testified in opposition to one resolution was adopted and one bill was enacted into law.

Of all our work on behalf of civil liberties this year, we are especially proud of our work in support of voting rights, LGBT rights and reproductive rights. We were very excited that Senate Bill ("SB") 619, allowing incarcerated individuals to vote, was passed by the Senate and a House Committee. Although S.B. 619 wasn't enacted this year, we hope to see it passed in 2010, when its adoption will make Hawaii the third U.S. state to enfranchise all its citizens. Another bill that ultimately wasn't enacted but gained a lot of traction was House Bill ("HB") 444, which would have provided same-sex couples with the same rights and responsibilities that are provided to married couples. This bill came very close to being enacted and proved to be one of the most talked about issues this session. We will continue to lobby on behalf of H.B. 444 and hope to see it passed in 2010. On the reproductive rights front, with the passage of Act 27, Hawaii has joined a growing number of states requiring that state-funded sex education programs provide comprehensive, medically accurate sexuality education.

Below are descriptions of the bills and resolutions that we publicly lobbied for or against and links to our testimony, the bill text and/or more information. Please note that whether a bill is labeled "successful" or "unsuccessful" depends on whether we wanted it to pass or die.

If you have comments, concerns, and/or would like more information on how to help the ACLU of Hawaii protect and promote civil rights in the Hawaii State Legislature, please email our legislative team at legislative@acluhawaii.org. If you would like to receive

further communications, including ‘Ohana Action Alerts, from the ACLU of Hawaii from our legislative, litigation and/or public education programs, please send your email address to office@acluhawaii.org.

Bills and Resolutions Affecting Civil Liberties That Were Adopted or Enacted Into Law

Supported:

Senate Bill 539 reorganizes and renames the corrections program services division of the Department of Public Safety to the reentry services division, directs the reentry intake service centers to work closely and collaborate with the furlough programs in each county, the Hawaii paroling authority, and the correction program services division to ensure that the reentry needs of inmates are being met, and establishes both an oversight committee and reentry commission.

ACLU Position: Support

Outcome: Successful. Passed by House and Senate, vetoed by Governor, overrode by Legislature and enacted into law as Act 24.

The ACLU of Hawaii supported SB 539 because it will ensure that the DPS corrections program services division maintains a clear focus on reentry and reintegration so that Hawaii’s inmates are provided with the support and services they need to become productive and responsible community members.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20539.pdf>.

SB 539 final text: http://www.capitol.hawaii.gov/session2009/bills/SB539_CD1_.htm.
SB 539 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB539_.HTM.

Senate Bill 777 requires any state-funded sex education programs to provide medically accurate sexuality education.

ACLU Position: Support

Outcome: Successful. Passed by House and Senate, vetoed by Governor, overrode by Legislature and enacted into law as Act 27.

The ACLU of Hawaii supported SB 777 because it will ensure that Hawaii’s sexuality education programs stress the importance of waiting to have sex – while providing accurate, age-appropriate, and complete information about how to use contraceptives

effectively to prevent pregnancy and sexually transmitted infections – and help teens make healthy and responsible life decisions.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20777.pdf>.

SB 777 final text: http://www.capitol.hawaii.gov/session2009/bills/SB777_HD1_.htm.
SB 777 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB777_.HTM.

Senate Bill 1058 establishes a task force to examine issues relating to medical marijuana patients and current medical marijuana laws.

ACLU Position: Support

Outcome: Successful. Passed both House and Senate, vetoed by Governor, overrode by Legislature and enacted into law as Act 29.

The ACLU of Hawaii supported SB 1058 because it will address problems with our current medical marijuana program and make recommendations for its improvement. The ACLU of Hawaii will serve on the task force.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%201058.pdf>.

SB 1058 final text:
http://www.capitol.hawaii.gov/session2009/Bills/SB1058_CD1_.HTM.
SB 1058 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB1058_.HTM

House Bill 358 authorizes placement of certain offenders in secure drug treatment facilities.

ACLU Position: Support

Outcome: Successful. Passed both House and Senate, vetoed by Governor, overrode by Legislature and enacted into law as Act 4.

The ACLU of Hawaii supported HB 358 because it will allow for the development of an alternative program to incarceration for individuals with drug addictions.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20358.pdf>.

HB 358 final text: http://www.capitol.hawaii.gov/session2009/bills/HB358_CD1_.htm.
HB 358 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB358_.HTM.

Senate Resolution 32 requests that state and local law enforcement officers abide by state laws relating to the medical use of marijuana.

ACLU Position: Support

Outcome: Successful. Adopted by Senate on April 17, 2009.

The ACLU of Hawaii supported SR 32 because it will help to clear the way for Hawaii to run its sensible, conservative medical marijuana program by removing the threat of arrest by state and local law enforcement that currently hangs over participants in the program.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SR%2032.pdf>.

SR 32 final text: http://www.capitol.hawaii.gov/session2009/Bills/SR32_SD1_.HTM.
SR 32 original text: http://www.capitol.hawaii.gov/session2009/Bills/SR32_.HTM.

House Concurrent Resolution 27 requests a study of disparate treatment of native Hawaiians in Hawaii's criminal justice system.

ACLU Position: Support

Outcome: Successful. Adopted on May 6, 2009 after passing both House and Senate.

The ACLU of Hawaii supported HCR 27 because it provides for a study of the reasons why native Hawaiians are disproportionately represented in prison. The study is a step towards ensuring that our criminal justice system operates in an even-handed and objective manner.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HCR%2027.pdf>.

HCR 27 final text: http://www.capitol.hawaii.gov/session2009/bills/HCR27_HD1_.htm.
HCR 27 original text: http://www.capitol.hawaii.gov/session2009/Bills/HCR27_.HTM.

House Concurrent Resolution 199 requests the auditor to conduct a private prison performance audit of Saguaro Correctional Center.

ACLU Position: Support

Outcome: Successful. Passed by House and Senate and adopted in its final form on May 7, 2009.

The ACLU of Hawaii supported HCR 199 because it will help to determine whether the millions of dollars paid to private prisons to house Hawaii's inmates is the most effective use of that money and whether CCA is complying with its contractual obligations to maintain inmates' health, safety and civil rights,

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HCR%20199.pdf>.

HCR 199 original/final text:
http://www.capitol.hawaii.gov/session2009/bills/HCR199_.htm.

Opposed:

Senate Bill 932 sought to expand routine HIV testing by removing the requirement for health care providers to obtain written informed consent and to provide pre-test counseling prior to testing for HIV.

ACLU Position: Oppose

Outcome: Unsuccessful in part. Passed by both House and Senate and signed into law by Governor as Act 116.

The ACLU of Hawaii opposed Act 116 because it sought to eliminate the safeguards that ensured that HIV testing was voluntary and informed. Although we testified in opposition to all forms of this bill, the version that was eventually enacted is markedly different and, from our perspective, much less objectionable than the original bill. The final version of Act 116 allows a health care provider to test for HIV only after certain verbal disclosures, only after allowing the person receiving the test to decline the test, and only after receiving the person's express oral consent.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20932.pdf>.

SB 932 final text: http://www.capitol.hawaii.gov/session2009/bills/SB932_CD1_.htm.
SB 932 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB932_.htm.

House Concurrent Resolution 282 urges the Hawaii Public Housing Authority to increase the minimum rent schedule.

ACLU Position: Oppose

Outcome: Unsuccessful. Passed by House and Senate and adopted on April 27, 2009.

The ACLU of Hawaii opposed HCR 282 because it will severely and unnecessarily burden poor families.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HCR%20282.pdf>.

HCR 282 final text:
http://www.capitol.hawaii.gov/session2009/bills/HCR282_HD1_.htm.
HCR 282 original text:
http://www.capitol.hawaii.gov/session2009/Bills/HCR282_.HTM.

ACLU of Hawaii Legislative Civil Rights Priorities

The ACLU of Hawaii identified four issues as legislative priorities – civil rights issues that were deserving of the ACLU of Hawaii’s most intense lobbying efforts. Those issues were: (1) marriage equality for same-sex couples, (2) emergency contraception for sexual assault survivors, (3) voting rights for incarcerated individuals, and (4) the elimination of mandatory minimum sentences for non-violent offenders. The following bills addressed and furthered those legislative priorities:

1. CIVIL UNIONS

House Bill 444 sought to extend the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union.

ACLU Position: Supported

Outcome: Unsuccessful. Passed by House of Representatives (“House”), but failed to pass third reading in Senate.

The ACLU of Hawaii supported H.B. 444 because it sought to take a substantial step toward ensuring that gay and lesbian couples are afforded equal treatment under the law and toward encouraging stable family relationships for the good of the individual and the community.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20444.pdf>.

HB 444 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB444_.HTM.

2. EMERGENCY CONTRACEPTION FOR SEXUAL ASSAULT SURVIVORS

House Bill 423 and Senate Bill 604 sought to require hospitals to provide information about emergency contraception to women who are sexually assaulted and to provide emergency contraception when requested.

ACLU Position: Supported

Outcome: Unsuccessful. HB 423 failed to receive a hearing from the House Committee on Finance after passing second reading and the Judiciary Committee. SB 604 passed the Senate but failed to receive a hearing from the House Committee on Health. Ultimately, the Senate adopted Senate Resolution 37, which urges all hospital emergency rooms in the state to provide emergency contraception on demand to victims of sexual assault or rape. Although SR 37 does not have the force of law, it does officially express the will of the Senate.

The ACLU of Hawaii supported HB 423 and SB 604 because it sought to provide sexual assault survivors with access to contraceptive services, and thereby strengthen a woman's right to live her life and her ability to participate equally in society.

HB 423 testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20423.pdf>.

HB 423 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB423_.HTM.

SB 604 testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20560.pdf>.

SB 604 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB604_.HTM.

3. VOTING RIGHTS FOR INCARCERATED INDIVIDUALS

Senate Bill 619 sought to allow incarcerated persons who were Hawaii residents at the time of their arrest to vote only by absentee ballot in Hawaii's elections.

ACLU Position: Supported

Outcome: Unsuccessful. Passed by Senate, passed second reading and Committee on Public Safety in House, but failed to receive a hearing from the House Judiciary Committee.

The ACLU of Hawaii supported SB 619 because it sought to give all citizens the ability to vote, build a stronger democracy and promote civic and community responsibility.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20619.pdf>.

SB 619 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB619_.HTM.

4. ELIMINATION OF MANDATORY MINIMUM SENTENCES FOR NON-VIOLENT OFFENDERS

House Bill 1780 sought to change the mandatory minimum sentencing of repeat offenders from mandatory to discretionary.

ACLU Position: Supported

Outcome: Unsuccessful. Passed second reading in House but deferred by House Committee on Finance.

The ACLU of Hawaii supported HB 1780 because it sought to ensure that convicted individuals are properly held accountable by transferring the authority for sentencing from adversarial prosecutors to neutral judges and allowing those judges to determine the appropriate punishment. HB 1752, SB 81 and SB 82 also sought to eliminate mandatory minimum sentences in other instances but none of those bills received a hearing.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201780.pdf>.

HB 1780 text: http://www.capitol.hawaii.gov/session2009/Bills/HB1780_.HTM.

Other Bills and Resolutions Affecting Civil Rights That Did Not Pass

1. Access to Justice

House Bill 625 sought to increase the initial filing fee for civil actions of which part goes to support non-profit legal service organizations.

ACLU Position: Support

Outcome: Unsuccessful. Passed House and first reading in Senate but never received a hearing from Senate Committee on Judiciary and Government Relations.

The ACLU of Hawaii supported HB 625, because it sought to increase the ability of legal service organizations to provide essential services to our most vulnerable populations and to ensure that more people in Hawaii are able to secure access to justice.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
[http://www.acluhawaii.org/downloads/09Leg/HB 625.pdf](http://www.acluhawaii.org/downloads/09Leg/HB%20625.pdf).

HB 625 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB625_.HTM.

House Bill 1742 sought to repeal certain general excise and use tax excise exemptions and exclusions, but retains the exemption for nonprofit religious organizations.

ACLU Position: Opposed

Outcome: Successful. Deferred by the House Committee on Finance.

The ACLU of Hawaii opposed HB 1742 because it sought to unfairly burden nonprofits whose services are already being stretched to the limit by providing those social goods and services that the government itself would otherwise have to make available.

Testimony of ACLU of Hawaii Executive Director Vanessa Chong:
<http://www.acluhawaii.org/downloads/09Leg/HB1742.pdf>.

HB 1742 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1742_.htm.

2. Discrimination

House Bill 74 sought to ban sleeping at bus stops.

ACLU Position: Oppose

Outcome: Successful. Deferred by the House Committee on Judiciary.

The ACLU of Hawaii opposed HB 74 because it sought to establish poor public policy and criminalize homelessness rather than seek to prevent it. Further, the bill was unconstitutionally vague in that it would have banned any number of innocuous activities that ordinary people would not understand were unlawful and it would have invited arbitrary and discriminatory enforcement.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%2074.pdf>.

HB 74 original text: http://www.capitol.hawaii.gov/session2009/bills/HB74_.htm.

3. Criminal Justice

House Bill 334 sought to require the Department of Public Safety to develop a plan to improve community-based programs to assist female offenders in transitioning from prison back into the community.

ACLU Position: Support

Outcome: Unsuccessful. Passed second reading but never given a hearing by the

House Committee on Finance.

The ACLU of Hawaii supported HB 334 because it sought to provide female offenders with the support and services they need to become productive and responsible community members.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20334.pdf>.

HB 334 original text: http://www.capitol.hawaii.gov/session2009/bills/HB334_.htm

House Bill 386 sought to establish an earned-time program that provides incentives for inmate rehabilitation.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by the House Committee on Finance.

The ACLU of Hawaii supported HB 386 because it sought to develop a program aimed at rehabilitating Hawaii's inmates. Earned-time credits incentivize good behavior (rather than simply punishing bad behavior) and help inmates to develop positive habits, thereby reducing recidivism rates.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20386.pdf>.

HB 386 original text: http://www.capitol.hawaii.gov/session2009/bills/HB386_.htm.

House Bill 408 sought to clarify the circumstances under which inmates may be transferred between Hawaii facilities and facilities outside of Hawaii.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by the House Committee on Finance.

The ACLU of Hawaii supported HB 408 because it sought to provide better guidance to the Department of Public Safety for determining which inmates are subject to involuntary transfer. This bill would have sought to maintain families and community connections whenever possible and give inmates reasonable notice before transfer, which are necessary to the rehabilitation process and help to prepare inmates for successful release and reintegration.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20408.pdf>.

HB 408 original text: http://www.capitol.hawaii.gov/session2009/bills/HB408_.htm.

House Bill 410 sought to require lawmakers to explain the impact on the inmate population each time a significant change is proposed to the penal code and other certain public offenses.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by the House Committee on Legislative Management.

The ACLU of Hawaii supported HB 410 because it sought to require additional scrutiny of legislation to determine whether it is in the State's best interest and to ensure that the State has an effective and equitable criminal justice system.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20410.pdf>.

HB 410 original text: http://www.capitol.hawaii.gov/session2009/bills/HB410_.htm.

House Bill 421 sought to repeal the law requiring habitual violent offenders to be sentenced to prison for 30 years to life.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public safety but never given a hearing by the House Committee on Judiciary.

The ACLU of Hawaii supported HB 421 because it sought to repeal an unnecessary and damaging mandatory sentencing law. The "three strikes" law fails to deter most violent crimes, could lead to an increase in violence, could clog the courts, takes sentencing discretion away from judges, is prohibitively expensive, disproportionately impacts minority offenders, offends the constitutional principle that punishment should fit the crime and is ultimately not a serious response to crime.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20421.pdf>.

HB 421 original text: http://www.capitol.hawaii.gov/session2009/bills/HB421_.htm.

House Bill 1487 sought to require the Office of Hawaiian Affairs to conduct a study on the disparate treatment of native Hawaiians and other groups in Hawaii's criminal justice system.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing from the House Committee on Hawaiian Affairs.

The ACLU of Hawaii supported HB 1487 because it sought to study the reasons why native Hawaiians are disproportionately represented in prison and take a step towards ensuring that our criminal justice system operates in an even-handed and objective manner.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%201487.pdf>.

HB 1487 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB1487_.HTM

House Bill 1644 sought to propose an amendment to Article I of the Hawaii State Constitution to require the admission of relevant evidence in criminal cases unless excluded by law.

ACLU Position: Oppose

Outcome: Unsuccessful. Deferred by House Committee on Judiciary.

The ACLU of Hawaii opposed HB 1644 because it sought to erode the Hawaii Constitution and the ability of the Hawaii Supreme Court to interpret its provisions by taking away the Court's role in determining the admissibility of evidence.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201644.pdf>.

HB 1644 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1644_.htm.

House Bill 1818 sought to establish a reintegration pilot program combining cognitive behavioral theory with native Hawaiian holistic interventions.

ACLU Position: Support

Outcome: Unsuccessful. Passed by the Committee on Public Safety but never given a hearing by the Committee on Hawaiian Affairs.

The ACLU of Hawaii supported HB 1818 because it sought to develop a culturally sensitive and individualized reentry program that would be far more cost-effective and better at reducing recidivism than incarceration.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%201818.pdf>.

HB 1818 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1818_.htm.

House Concurrent Resolution 154 sought to request the Department of Public Safety to review its efforts to provide reentry services to all inmates released to custody.

ACLU Position: Support

Outcome: Unsuccessful. Passed House but never given a hearing by the Senate Committee on Public Safety.

The ACLU of Hawaii supported HCR 154 because it sought to ensure that the Department of Public Safety was held accountable for their actions, increase transparency and ultimately ensure that Hawaii inmates' health, safety and rehabilitative needs are met.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HCR%20154.pdf>.

HCR 154 original text: http://www.capitol.hawaii.gov/session2009/bills/HCR154_.htm.

House Concurrent Resolution 216 sought to request the Department of Public Safety to undertake a feasibility study related to inmate re-integration.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House but never given a hearing by the Senate Committee on Public Safety.

The ACLU of Hawaii supported HCR 216 because it sought to undertake a feasibility study focusing on programs that support reintegration -- a tangible step towards providing Hawaii's inmates with the support and services they need to become productive and responsible community members.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HCR%20216.pdf>.

HCR 216 original text: http://www.capitol.hawaii.gov/session2009/bills/HCR216_.htm.

Senate Bill 210 sought to clarify the circumstances under which inmates may be transferred between Hawaii facilities and facilities outside of Hawaii.

ACLU Position: Support

Outcome: Unsuccessful. Passed by both House and Senate but failed to pass out of conference committee.

The ACLU of Hawaii supported SB 210 because it sought to provide better guidance to the Department of Public Safety for determining which inmates are subject to involuntary transfer. Further, this bill would have sought to maintain families and community connections whenever possible and give inmates reasonable notice before transfer, which are necessary to the rehabilitation process and help to prepare inmates for successful release and reintegration.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20210.pdf>.

SB 210 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB210_.HTM.

Senate Bill 214 sought to require lawmakers to explain the impact on the inmate population each time a significant change is proposed to the penal code and other certain public offenses.

ACLU Position: Support

Outcome: Unsuccessful. Deferred by Senate Committee on Public Safety.

The ACLU of Hawaii supported SB 214 because it sought to require additional scrutiny of legislation to determine whether it is in the State's best interest and to ensure that the State has an effective and equitable criminal justice system.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20214.pdf>.

SB 214 original text: http://www.capitol.hawaii.gov/session2009/bills/SB214_.htm.

Senate Bill 560 sought to require the Office of Hawaiian Affairs to conduct a study on the disparate treatment of native Hawaiians and other groups in Hawaii's criminal justice system.

ACLU Position: Support

Outcome: Unsuccessful. Passed by Senate and House Committee on Public Safety but never given a hearing by the Committee on Hawaiian Affairs.

The ACLU of Hawaii supported SB 560 because it sought to study the reasons why native Hawaiians are disproportionately represented in prison and take a step towards ensuring that our criminal justice system operates in an even-handed and objective manner.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20560.pdf>.

SB 560 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB560_.HTM.

Senate Bill 781 sought to require the Department of Public Safety to develop a plan (using current funding resources) to improve community-based programs to assist female offenders in transitioning from prison back into the community.

ACLU Position: Support

Outcome: Unsuccessful. Deferred by House Committee on Public Safety.

The ACLU of Hawaii supported SB 781 because it sought to provide female offenders with the support and services they need to become productive and responsible community members.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20781.pdf>.

SB 781 original text: http://www.capitol.hawaii.gov/session2009/bills/SB781_.htm.

Senate Bill 846 sought to place more limitations on inmates' ability to seek relief through habeas corpus complaints and post-conviction judicial proceedings.

ACLU Position: Oppose

Outcome: Successful. Passed by Senate but never given a hearing by the House Committee on Judiciary.

The ACLU of Hawaii opposed SB 846 because it sought to put insurmountable barriers in place for those inmates who have plainly meritorious claims and are seeking redress of fundamental rights.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:

<http://www.acluhawaii.org/downloads/09Leg/SB%20846.pdf>.

SB 846 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB846_.htm.

Senate Bill 1148 sought to clarify various provisions of the comprehensive offender reentry system, mandate written reentry plans, limit the maximum number of Hawaii inmates housed in out-of-state prisons, and establish a reentry commission.

ACLU Position: Support

Outcome: Unsuccessful. Passed by Senate, House Committee on Public Safety and House Committee on Legislative Management but never given a hearing by House Committee on Finance.

The ACLU of Hawaii supported SB 1148 because it sought to ensure a comprehensive reentry system that would be far more cost-effective and better at reducing recidivism than incarceration and would provide Hawaii's inmates with the support and services they need to become productive and responsible community members.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
[http://www.acluhawaii.org/downloads/09Leg/SB 1148.pdf](http://www.acluhawaii.org/downloads/09Leg/SB%201148.pdf).

SB 1148 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB1148_.HTM.

Senate Resolution 129 sought to request the Department of Public Safety to undertake a feasibility study related to inmate reintegration.

ACLU Position: Support

Outcome: Unsuccessful. Deferred by Senate Committee on Public Safety.

The ACLU of Hawaii supported SR 129 because it sought to undertake a feasibility study focusing on programs that support reintegration -- a tangible step towards providing Hawaii's inmates with the support and services they need to become productive and responsible community members.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SR%20129.pdf>.

SR 129 original text: http://www.capitol.hawaii.gov/session2009/bills/SR129_.htm.

Senate Concurrent Resolution 184 sought to request the Department of Public Safety to undertake a feasibility study related to inmate reintegration.

ACLU Position: Support

Outcome: Unsuccessful. Deferred by Senate Committee on Public Safety.

The ACLU of Hawaii supported SCR 184 because it sought to undertake a feasibility study focusing on programs that support reintegration -- a tangible step towards providing Hawaii's inmates with the support and services they need to become productive and responsible community members.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SCR%20184.pdf>.

SCR 184 original text: http://www.capitol.hawaii.gov/session2009/bills/SCR184_.htm.

4. Drug Policy

House Bill 226 sought to enhance patient confidentiality and increases the amount of marijuana allowable per patient.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii supported HB 226 because it sought to provide additional privacy protections to medical marijuana patients and to help those patients avoid having to use the black market in order to obtain an adequate supply of medical marijuana.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20226.pdf>.

HB 226 original text: http://www.capitol.hawaii.gov/session2009/bills/HB226_.htm.

House Bill 413 sought to establish a state residential drug abuse program to help inmates' reentry into the community.

ACLU Position: Support

Outcome: Unsuccessful. Passed House and Senate Committee on Public Safety and Military Affairs but never given a hearing by the Senate Committee on Ways and Means.

The ACLU of Hawaii supported HB 413 because it sought to develop an alternative

program to incarceration for drug abusers.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20413.pdf>.

HB 413 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB413_.HTM.

House Bill 967 sought to amend the term “medical marijuana” to “medical cannabis,” transfer the administration of the program from the Department of Public Safety to the Department of Health, authorize a registration fee of \$50, establish the medical cannabis advisory board and provide for the Department of Health to license producers to dispense medical cannabis.

ACLU Position: Supportive of the intent.

Outcome: Unsuccessful. Deferred by joint House Committees on Public Safety and Health.

The ACLU of Hawaii supported the intent of HB 413 because it sought to transfer oversight to a non-law enforcement agency, which would help patients feel more comfortable about registering with the medical marijuana program, both because of the Department of Public Safety’s public stance opposing the medical marijuana program and because of their failure to maintain patient privacy in the past. However, the ACLU of Hawaii opposed the increase in licensing fees, given their disproportionately adverse impact on low-income medical marijuana patients.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20967.pdf>.

HB 967 original text: http://www.capitol.hawaii.gov/session2009/bills/HB967_.htm.

House Bill 1191 sought to create a medical marijuana distribution system.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committees on Health and Public Safety, but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii supported HB 1191 because it sought to help to eliminate the gray area of how to obtain medical marijuana, thus sparing patients from having to resort to the black market to obtain an adequate supply of medical marijuana.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%201191.pdf>.

HB 1191 original text:

http://www.capitol.hawaii.gov/session2009/Bills/HB1191_.HTM.

House Bill 1192 sought to make possession of less than one ounce of marijuana a civil offense rather than a misdemeanor.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committees on Public Safety and Human Services but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii supported HB 1192 because it sought to end punitive drug policies that cause widespread violations of constitutional and human rights and lead to unprecedented levels of incarceration.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:

<http://www.acluhawaii.org/downloads/09Leg/HB%201192.pdf>.

HB 1192 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1192_.htm.

House Bill 1194 sought to transfer oversight of the medical marijuana program to the Department of Health from the Department of Public Safety.

ACLU Position: Support

Outcome: Unsuccessful. Deferred by House Committees on Public Safety and Health.

The ACLU of Hawaii supported the intent of HB 1194, because it sought to transfer oversight to a non-law enforcement agency. This would help patients feel more comfortable about registering with the medical marijuana program, both because of the Department of Public Safety's public stance opposing the medical marijuana program and because of their failure to maintain patient privacy in the past. However, the ACLU of Hawaii opposed the increase in licensing fees, given their disproportionately adverse impact on low-income medical marijuana patients and suggested that the Legislature look to other states' laws on distribution for guidance before proceeding with the language in HB 1194.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:

http://www._____.org.

HB 1194 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1194_.htm.

House Bill 1635 sought to increase penalties relating to medical marijuana.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Public Safety but deferred by House Committee on Judiciary.

The ACLU of Hawaii opposed HB 1635 because it sought to create a new crime to prohibit conduct that is already illegal under existing law, and as such, was redundant. Further, it sought to increase penalties and intimidate doctors, many of whom are already fearful of prescribing marijuana to their patients.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%201635.pdf>.

HB 1635 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1635_.htm.

House Resolution 67 sought to request state and local law enforcement officers to abide by state laws relating to the medical use of marijuana.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by the House Committee on Judiciary.

The ACLU of Hawaii supported HR 67 because it sought to clear the way for the state to run their sensible, conservative medical marijuana program by removing the threat of arrest by state and local law enforcement that currently hangs over participants in the program.

Testimony of ACLU of Hawaii Legal Director Lois Perrin:
<http://www.acluhawaii.org/downloads/09Leg/HR%2067.pdf>.

HR 67 original text: http://www.capitol.hawaii.gov/session2009/Bills/HR67_.HTM.

House Resolution 132 sought to request the President and United State Attorney General to direct the Department of Justice's Drug Enforcement Administration to stop engaging in medical marijuana raids that circumvent state laws permitting medical use of marijuana.

ACLU Position: Supported the intent

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by House Committee on Health.

The ACLU of Hawaii supported the intent of HR 132, which sought to support Hawaii state law and its developing medical marijuana program by requesting that the federal Drug Enforcement Administration recognize President Obama's position on medical marijuana raids. The resolution is both necessary and timely, given the DEA's continued harassment of Hawaii's medical marijuana patients.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HR%20132.pdf>.

HR 132 original text: http://www.capitol.hawaii.gov/session2009/Bills/HR132_.HTM.

House Concurrent Resolution 165 sought to request the President and United State Attorney General to direct the Department of Justice's Drug Enforcement Administration to stop engaging in medical marijuana raids that circumvent state laws permitting medical use of marijuana.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by House Committee on Health.

The ACLU of Hawaii supported the intent of HCR 165, which sought to support Hawaii state law and its developing medical marijuana program by requesting that the federal Drug Enforcement Administration recognize President Obama's position on medical marijuana raids.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HCR%20165.pdf>.

HCR 165 original text:
http://www.capitol.hawaii.gov/session2009/Bills/HCR165_.HTM.

Senate Bill 418 sought to amend the term "medical marijuana" to "medical cannabis," transfer the administration of the program from the Department of Public Safety to the Department of Health, authorize a registration fee not to exceed \$50, establish the medical cannabis task force and provide for the Department of Health to license producers to dispense medical cannabis.

ACLU Position: Supported the intent.

Outcome: Unsuccessful. Passed by Senate Committees on Public Safety and Military Affairs and Health but never given a hearing by Senate Committee on Ways and Means.

The ACLU of Hawaii supported the intent of SB 418 because it sought to transfer oversight to a non-law enforcement agency, which would help patients feel more comfortable about registering with the medical marijuana program, both because of the Department of Public Safety's public stance opposing the medical marijuana program and because of their failure to maintain patient privacy in the past. However, the ACLU of Hawaii opposed the increase in licensing fees, given their disproportionately adverse impact on low-income medical marijuana patients.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20418.pdf>.

SB 418 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB418_.HTM.

Senate Bill 540 sought to establish a state residential drug abuse program with an in-community component to help inmates reenter the community upon their release from prison.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House and Senate but failed to pass out of conference committee.

The ACLU of Hawaii supported SB 540 because it sought to develop an alternative program to incarceration for individuals with drug addictions.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20540.pdf>.

SB 540 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB540_.HTM.

Senate Concurrent Resolution 55 sought to request state and local law enforcement officers to abide by state laws relating to the medical use of marijuana.

ACLU Position: Support

Outcome: Unsuccessful. Senate passed but never received a hearing from House Committees on Public Safety and Health.

The ACLU of Hawaii supported SCR 55 because it sought to clear the way for Hawaii to run its sensible, conservative medical marijuana program by removing the threat of arrest by state and local law enforcement that currently hangs over participants in the program.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SCR%2055.pdf>.

SCR 55 original text: http://www.capitol.hawaii.gov/session2009/Bills/SCR55_.HTM.

5. Rights of the Poor

House Bill 1098 sought to place a twelve-month limit on general welfare assistance to households without minor dependents.

ACLU Position: Oppose

Outcome: Successful. Passed both House and Senate but failed to pass out of conference committee.

The ACLU of Hawaii opposed HB 1098 because it sought to severely and unnecessarily burden poor people.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201098.pdf>.

HB 1098 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB1098_.htm.

House Bill 1440 sought to make it easier to evict tenants from public housing.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Housing but never given a hearing by the House Committee on Judiciary.

The ACLU of Hawaii opposed HB 1440 because it sought to eliminate many of the procedures required to evict public housing tenants and would likely result in due process violations and the eviction of innocent individuals.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201440.pdf>.

HB 1440 original text:
http://www.capitol.hawaii.gov/session2009/Bills/HB1440_.HTM.

House Bill 1521 sought to make it easier to evict tenants from public housing.

ACLU Position: Oppose

Outcome: Successful. Deferred by the House Committee on Housing.

The ACLU of Hawaii opposed HB 1521 because it sought to erode and/or eliminate the procedures required to evict public housing tenants and would likely result in due process violations and the eviction of innocent individuals.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201521.pdf>.

HB 1521 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1521_.htm.

House Bill 1692 sought to restrict federal and state low income housing leases in certain cases to no more than five years.

ACLU Position: Oppose

Outcome: Unsuccessful. Passed by both the House and Senate but vetoed by Governor.

The ACLU of Hawaii opposed HB 1692 because it sought to severely and unnecessarily burden poor families.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201692.pdf>.

HB 1692 final text:
http://www.capitol.hawaii.gov/session2009/bills/HB1692_CD1_.htm.
HB 1692 original text:
http://www.capitol.hawaii.gov/session2009/Bills/HB1692_.HTM.

House Bill 1694 sought to require the Hawaii public housing authority to establish a minimum rent of \$250 per month for all state public housing units.

ACLU Position: Oppose

Outcome: Successful. Bill passed House and Senate Committee on Education and Housing, but was never given a hearing by the Senate Committee on Ways and Means.

The ACLU of Hawaii opposed HB 1694 because it sought to severely and unnecessarily burden poor families.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201694.pdf>.

HB 1694 original text:

http://www.capitol.hawaii.gov/session2009/Bills/HB1694_.HTM.

Senate Bill 916 sought to place a twelve-month limit on general welfare assistance to households without minor dependents.

ACLU Position: Oppose

Outcome: Successful. Deferred by Senate Committee on Human Services.

The ACLU of Hawaii opposed SB 916 because it sought to severely and unnecessarily burden poor families.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20916.pdf>.

SB 916 original text: http://www.capitol.hawaii.gov/session2009/bills/SB916_.htm.

6. Education/Youth Rights

House Bill 624 sought to specify that state-operated schools, libraries, community colleges and universities as examples of facilities that are places of public accommodation subject to anti-discriminatory prohibitions.

ACLU Position: Support

Outcome: Unsuccessful. Deferred by House Committees on Higher Education and Education.

The ACLU of Hawaii supported HB 624 because it sought to strengthen our discrimination laws and add protections while also adding needed clarification and guidance.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20624.pdf>.

HB 624 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB624_.HTM.

House Bill 819 sought to mandate that minors aged 15-17 be tried as adults in cases of first and second degree murder.

ACLU Position: Oppose

Outcome: Successful. Passed both House and Senate but failed to pass out of

conference committee.

The ACLU of Hawaii opposed HB 819 because it sought to mandate the prosecution of children as adults even though our current system already strikes the appropriate balance.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20819.pdf>.

HB 819 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB819_.HTM.

Senate Bill 792 sought to require the Department of Education to adopt rules to prohibit school bullying and cyberbullying.

ACLU Position: Oppose

Outcome: Successful. Deferred by the Senate Committee on Education and Housing.

The ACLU of Hawaii opposed SB 792 because it unconstitutionally sought to give the Department of Education authority to regulate speech that occurs outside of school.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20792.pdf>.

SB 792 original text: http://www.capitol.hawaii.gov/session2009/bills/SB792_.htm.

7. First Amendment

House Bill 72 sought to amend criminal trespass in the first degree to include persons who remain at a public housing project after reasonable request or warning to leave by housing authorities or a police offer.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Housing, but never given a hearing by the House Committee on Judiciary.

The ACLU of Hawaii opposed HB 72 because it sought to restrict access to public housing areas. This bill is unnecessary, misguided, and potentially unconstitutional in that it would overextend trespass statutes and violate the free speech and association rights of both tenants and visitors.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%2072.pdf>.

HB 72 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB72_.HTM.

House Bill 130 sought to amend the uniform foreign-money judgments recognition act with regard to defamation judgments acquired in foreign courts.

ACLU Position: Support

Outcome: Unsuccessful. Passed House but never given a hearing by the Senate Judiciary and Government Operations Committee.

The ACLU of Hawaii supported HB 130 because it sought to uphold the constitutional standards found in the U.S. and Hawaii Constitutions against challenges arising out of foreign laws that fall short of accepted international standards. This would have protected the free speech rights of those authors and writers entitled to such protection from the chilling effect of foreign laws that fail to conform to basic international human rights agreements.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20130.pdf>.

HB 130 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB130_.HTM.

House Concurrent Resolution 100 sought to proclaim September 24, 2009 as Islam Day.

ACLU Position: Oppose

Outcome: Unsuccessful. Passed both House and Senate and adopted in final form on May 6, 2009.

The ACLU of Hawaii opposed HCR 100 because it sought to favor one religion over others.

Press Release from ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HCR%20100.pdf>.

HCR 100 final text:
http://www.capitol.hawaii.gov/session2009/Bills/HCR100_HD1_.HTM.

HCR 100 original text:
http://www.capitol.hawaii.gov/session2009/Bills/HCR100_.HTM.

Senate Bill 1221 sought to amend the criminal trespass in the first degree to include

persons who remain at a public housing project after reasonable request or warning to leave by housing authorities or a police offer.

ACLU Position: Oppose

Outcome: Successful. Passed Senate and House Committee on Housing but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii opposed SB 1221 because it sought to restrict access to public housing areas, overextend trespass statutes, and violate the free speech and association rights of both tenants and visitors.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%201221.pdf>.

SB 1221 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB1221_.HTM.

8. Immigration

House Bill 134 sought to require applicants for drivers' licenses and instruction permits to submit proof that the applicant is legally in the United States.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Transportation but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii opposed HB 134 because it sought to require county employees at motor vehicle bureaus to make complicated decisions about an individual's immigration status. This would inevitably cause discrimination against U.S. citizens who may look or sound "foreign" to a county bureaucrat. Such citizens would likely be interrogated more, have their documents scrutinized with suspicion, be treated as suspect, and be denied a license or targeted for further questioning or investigation. Those who did not satisfy the county employee might be denied a license altogether.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20134.pdf>.

HB 134 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB134_.HTM.

9. Open Government

House Bill 231 sought to require the Department of Public Safety to report to the Legislature any inmate or correctional facility employee death within 24 hours.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by House Committee on Finance.

The ACLU of Hawaii supported HB 231 because it sought to add a layer of accountability and transparency to the Department of Public Safety.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20231.pdf>.

HB 231 original text: http://www.capitol.hawaii.gov/session2009/bills/HB231_.htm.

House Bill 232 sought to require that freedom of information laws apply to privately owned prisons or out-of-state detention facilities under contract with the State.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii supported HB 232 because it sought to require private prisons to follow state freedom of information laws and to help to ensure that private prisons are held accountable for their actions. It would have increased transparency in what is otherwise an extraordinarily secretive system and ultimately helped to ensure that Hawaii inmates' health, safety and rehabilitative needs are met. Further, it would have helped to determine whether the millions of dollars paid to private prisons to house Hawaii's inmates is the most effective use of that money.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20232.pdf>.

HB 232 original text: http://www.capitol.hawaii.gov/session2009/bills/HB232_.htm.

House Bill 409 sought to clarify that the Office of the Ombudsman has the authority to investigate out-of-state facilities that hold Hawaii inmates.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but deferred by House Committee on Legislative Management.

The ACLU of Hawaii supported HB 409 because it sought to clarify that the scope of

the Ombudsman's authority extends to assisting Hawaii inmates currently held in mainland correctional facilities. This bill would have established better oversight of inmate complaints about their treatment at the mainland facilities and help to ensure that the inmates' civil rights, as well as their health and safety, are maintained.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20409.pdf>.

HB 409 original text: http://www.capitol.hawaii.gov/session2009/bills/HB409_.htm.

House Bill 414 sought to direct the Department of Public Safety to establish guidelines for effective and uniform program reports.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but never given a hearing by the House Committee on Finance.

The ACLU of Hawaii supported HB 414 because it sought to require performance indicators that would have helped to ensure that the Department of Public Safety was held accountable for implementing and managing the reentry programs, and would have helped to ultimately ensure that Hawaii's inmates are successfully reintegrated into the community.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20414.pdf>.

HB 414 original text: http://www.capitol.hawaii.gov/session2009/bills/HB414_.htm.

House Bill 969 sought to authorize the state auditor to conduct performance audits of private prisons housing Hawaii inmates.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committee on Public Safety but deferred by House Committee on Legislative Management.

The ACLU of Hawaii supported HB 969 because it sought to determine whether the millions of dollars paid to private prisons to house Hawaii's inmates was the most effective use of that money and whether the Corrections Corporation of America was complying with its contractual obligations to maintain inmates' health, safety and civil rights.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:

<http://www.acluhawaii.org/downloads/09Leg/HB%20969.pdf>.

HB 969 original text: http://www.capitol.hawaii.gov/session2009/bills/HB969_.htm.

House Resolution 162 sought to urge the Department of Public Safety to contract or renegotiate existing contracts with private prisons to allow the Ombudsman to investigate inmate complaints.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committees on Public Safety and Legislative Management but never given a hearing by House Committee on Finance.

The ACLU of Hawaii supported HR 162 because it sought to confirm that the scope of the Ombudsman's jurisdiction extended to mainland facilities by including that provision in contracts. This would have ensured that the inmates' health, safety and legal rights are maintained.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HR%20162.pdf>.

HCR 200 original text: http://www.capitol.hawaii.gov/session2009/Bills/HR162_.HTM.

House Concurrent Resolution 200 sought to urge the Department of Public Safety to contract or renegotiate existing contracts with private prisons to allow the Ombudsman to investigate inmate complaints.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committees on Public Safety and Legislative Management but never given a hearing by House Committee on Finance.

The ACLU of Hawaii supported HCR 200 because it sought to confirm that the scope of the Ombudsman's jurisdiction extended to mainland facilities by including that provision in contracts. This would have ensured that the inmates' health, safety and legal rights are maintained.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HCR%20200.pdf>.

HCR 200 original text: http://www.capitol.hawaii.gov/session2009/bills/HCR200_.htm.

Senate Bill 83 sought to authorize the auditor to conduct performance audits of private

prisons housing Hawaii inmates.

ACLU Position: Support

Outcome: Unsuccessful. Passed by Senate Committee on Public Safety and Military Affairs but never given a hearing by Senate Committee on Ways and Means.

The ACLU of Hawaii supported SB 83 because it sought to determine whether the millions of dollars paid to private prisons to house Hawaii's inmates was the most effective use of that money and whether the Corrections Corporation of America was complying with its contractual obligations to maintain inmates' health, safety and civil rights are maintained.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%2083.pdf>.

SB 83 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB83_.HTM.

Senate Bill 207 sought to require the Department of Public Safety to report to the Legislature any inmate or correctional facility employee death within 24 hours.

ACLU Position: Support

Outcome: Unsuccessful. Passed by Senate and House Committee on Public Safety but never given a hearing by House Committee on Finance.

The ACLU of Hawaii supported SB 207 because it would add a layer of accountability and transparency to the Department of Public Safety.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20207.pdf>.

SB 207 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB207_.HTM.

Senate Bill 211 sought to clarify that the Office of the Ombudsman has the authority to investigate out-of-state facilities that hold Hawaii inmates.

ACLU Position: Support

Outcome: Unsuccessful. Held by Senate Committee on Public Safety and Military Affairs.

The ACLU of Hawaii supported SB 211 because it sought to clarify that the scope of the Ombudsman's authority extends to assisting Hawaii inmates currently held in mainland

correctional facilities. This bill would have enabled better oversight of inmate complaints about their treatment at the mainland facilities and help to ensure that the inmates' health, safety and civil rights are maintained.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20211.pdf>.

SB 211 original text: http://www.capitol.hawaii.gov/session2009/bills/SB211_.htm.

Senate Bill 212 sought to require that freedom of information laws apply to privately owned prisons or out-of-state detention facilities under contract with the State.

ACLU Position: Support

Outcome: Unsuccessful. Passed by Senate and House Committee on Public Safety but never given a hearing by the House Committee on Judiciary.

The ACLU of Hawaii supported SB 212 because it sought to ensure that private prisons were held accountable for their actions. It would have increased transparency in what is otherwise an extraordinarily secretive system and ultimately helped to ensure that Hawaii inmates' health, safety and rehabilitative needs were met. Further, it would have helped to determine whether the millions of dollars paid to private prisons to house Hawaii's inmates was the most effective use of that money.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20212.pdf>.

SB 212 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB212_.HTM.

Senate Bill 213 sought to direct the Department of Public Safety to establish guidelines for effective and uniform program reports.

ACLU Position: Support

Outcome: Unsuccessful. Passed by Senate and House Committee on Public Safety but never given a hearing by House Committee on Finance.

The ACLU of Hawaii supported SB 213 because it sought to require performance indicators that would have helped to ensure that the Department of Public Safety was held accountable for implementing and managing the reentry programs and would have helped to ultimately ensure that Hawaii's inmates are successfully reintegrated into the community.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20213.pdf>.

SB 213 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB213_.HTM.

10. Parents and Families

Senate Bill 663 sought to amend the definition of “familial status” to require that a non-parent individual cohabiting with any minor children provide written evidence of consent by the children’s parent in order to qualify for “familial status” under the state housing laws.

ACLU Position: Oppose

Outcome: Successful. Passed by Senate Committee on Education and Housing but never given a hearing by Senate Committee on Commerce and Consumer Protection.

The ACLU of Hawaii opposed SB 663 because it sought to upset the current, appropriate balance that allows for written *or* unwritten permission by the child’s parent. Upsetting this balance would negatively impact Hawaii’s cultural tradition of hanai relationships and fail to recognize the difficulties that some non-parent individuals may have in securing written permission from a child’s parent.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20663.pdf>.

SB 663 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB663_.HTM.

11. Police Practices

House Bill 941 sought to permit county departments of liquor control investigators to possess electric guns.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committees on Public Safety and Labor and Public Employment but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii opposed HB 941 because it sought to increase the use of electric guns by law enforcement despite the increasing number of deaths associated with Taser use, the lack of independent studies on several critical safety issues, and the lack of policy and regulation governing the use of the weapon.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20941.pdf>.

HB 941 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB941_.HTM.

12. Privacy and Technology

House Bill 336 sought to require the State to maintain a database of genetic DNA information on individuals who are arrested but not yet convicted of violent crimes.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Public Safety but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii opposed HB 336 because it sought to require the State to maintain an unconstitutional, ineffective, and costly database of genetic information on innocent individuals.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/HB%20336.pdf>.

HB 336 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB336_.HTM.

House Bill 359 sought to require mandatory reporting for criminal property damage, drug dealing or drug use and terroristic threatening, and sought to require the housing authority to evict tenants who violated rules and authorize unannounced searches of public housing units.

ACLU Position: Oppose

Outcome: Successful. Deferred by the House Committees on Housing.

The ACLU of Hawaii opposed HB 359 because it sought to violate the privacy rights of Hawaii's citizens by allowing unannounced searches of public housing tenants' homes.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20359.pdf>.

HB 359 original text: http://www.capitol.hawaii.gov/session2009/bills/HB359_.htm.

House Bill 661 sought to direct the Department of Human Services to undertake a study to determine the costs and benefits of instituting random drug tests as a requirement for

participating in public assistance programs.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Human Services but never given a hearing by House Committee on Finance.

The ACLU of Hawaii opposed HB 661 because it sought to study a policy that is scientifically, fiscally, and constitutionally unsound.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:

<http://www.acluhawaii.org/downloads/09Leg/HB%20661.pdf>.

HB 661 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB661_.HTM.

House Bill 1114 sought to expand routine HIV testing by removing the requirement for health care providers to obtain written informed consent and to provide pre-test counseling prior to testing for HIV.

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Health but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii opposed HB 1114 because it sought to eliminate the safeguards that ensure that HIV testing is voluntary and informed.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:

<http://www.acluhawaii.org/downloads/09Leg/HB%201114.pdf>.

HB 1114 original text: http://www.capitol.hawaii.gov/session2009/bills/HB1114_.htm.

House Bill 1151 sought to allow visitation to a correctional facility to be conditioned upon “a search for weapons or contraband[.]”

ACLU Position: Oppose

Outcome: Successful. Passed by House Committee on Public Safety but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii opposed HB 1151 because it sought to allow unconstitutional searches of correctional facility visitors and employees by failing to define the scope of the searches or the circumstances under which different kinds of searches may be allowed. Further, the bill would have encouraged arbitrary enforcement and ultimately

deterred visitors and hampered rehabilitation.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%201151.pdf>.

HB 1151 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB1151_.htm.

Senate Bill 969 sought to allow visitation to a correctional facility to be conditioned upon “a search for weapons or contraband[.]”

ACLU Position: Oppose

Outcome: Successful. Passed by Senate and House Committee on Public Safety but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii opposed SB 969 because it sought to allow unconstitutional searches of correctional facility visitors and employees by failing to define the scope of the searches or the circumstances under which different kinds of searches may be allowed. Further, the bill would have encouraged arbitrary enforcement and ultimately deterred visitors and hampered rehabilitation.

Testimony of ACLU of Hawaii Senior Staff Attorney Dan Gluck:
<http://www.acluhawaii.org/downloads/09Leg/SB%20969.pdf>.

SB 969 original text: http://www.capitol.hawaii.gov/session2009/Bills/SB969_.htm.

13. Reproductive Freedom

House Bill 329 sought to require the State to reject all Title V federal funding for mandated abstinence-only-until-marriage programs.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committees on Health and Education but never given a hearing by House Committee on Finance.

The ACLU of Hawaii supported HB 329 because it sought to end the use of failed abstinence-only policies in Hawaii because they are ineffective, contrary to what parents and children want or need, and censor healthcare professionals by requiring them to withhold information about contraceptives that teens need to protect themselves. Moreover, they teach gender stereotypes, provide inaccurate information, discriminate against lesbian and gay teens, and in some cases promote religion in violation of the Constitution.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20329.pdf>.

HB 329 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB329_.HTM.

House Bill 330 sought to require any recipient of state funding to provide medically accurate sexuality education.

ACLU Position: Support

Outcome: Unsuccessful. Passed by House Committees on Health and Education but never given a hearing by House Committee on Finance. However, an identical bill, S.B. 777, was enacted into law.

The ACLU of Hawaii supported HB 330 because it sought to ensure that Hawaii's sexuality education programs stress the importance of waiting to have sex – while providing accurate, age-appropriate, and complete information about how to use contraceptives effectively to prevent pregnancy and sexually transmitted infections – and help teens make healthy and responsible life decisions.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/HB%20330.pdf>.

HB 330 original text: http://www.capitol.hawaii.gov/session2009/Bills/HB330_.HTM.

14. Voting

Senate Bill 654 sought to allow election-day voter registration.

ACLU Position: Support

Outcome: Unsuccessful. Passed by Senate but never given a hearing by House Committee on Judiciary.

The ACLU of Hawaii supported SB 654 because it sought to offer voters a chance to exercise their most fundamental rights and responsibilities as citizens by making it easier for them to participate in elections.

Testimony of ACLU of Hawaii Staff Attorney Laurie Temple:
<http://www.acluhawaii.org/downloads/09Leg/SB%20654.pdf>.

SB 654 original text: http://www.capitol.hawaii.gov/session2009/bills/SB654_.htm.