
SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH.

1 WHEREAS, the fee for forensic evaluations is currently set
2 by Circuit Court Part D Criminal Administrative Order No. 4.1 at
3 \$500; and

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5 WHEREAS, this fee has not been raised by the Judiciary
6 since 1992; and

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8 WHEREAS, fees in other parts of the country are as high as
9 \$2,500; and

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11 WHEREAS, this flat fee does not take into account the
12 number of hours devoted to conducting the evaluation, reviewing
13 medical records, and writing the final evaluation report; and

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15 WHEREAS, the Legislature believes that if the fee were
16 increased to an appropriate level of compensation, an
17 increasingly qualified cohort of professionals from the private
18 sector would be available to conduct forensic evaluations and
19 submit comprehensive forensic evaluation reports to the court;
20 and

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22 WHEREAS, section 704-404(6), Hawaii Revised Statutes,
23 provides that the report of the examination with respect to the
24 defendant's physical or mental disease, disorder, or defect,
25 including any supporting documents, shall be filed in triplicate
26 with the clerk of the court, who shall cause copies to be
27 delivered to the prosecuting attorney and to counsel for the
28 defendant; and

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30 WHEREAS, in felony cases, in which three examiners are
31 appointed, the Adult Mental Health Division Forensic Director
32 reviews the forensic reports that are prepared by the



1 psychiatrist or licensed psychologist designated by the director
2 of health; and

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4 WHEREAS, this review enables the Adult Mental Health
5 Division Forensic Director to monitor and suggest improvements
6 to the forensic examination and reporting process; and

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8 WHEREAS, the Adult Mental Health Division Forensic Director
9 should receive a copy of each private examiner's forensic
10 report, including any supporting documents from the clerk of the
11 court after the court rules on the fitness issue to which the
12 report relates, to better monitor and suggest improvements to
13 the entire forensic examination and reporting process; now,
14 therefore,

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16 BE IT RESOLVED by the Senate of the Twenty-third
17 Legislature of the State of Hawaii, Regular Session of 2006, the
18 House of Representatives concurring, that the Legislature
19 requests that the Judiciary evaluate and increase the fees for
20 forensic evaluations to an adequate level as it determines and
21 to submit as part of its biennium budget request to the next
22 Legislature an appropriation request sufficient to provide for
23 any additional expenditures required as a result thereof; and

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25 BE IT FURTHER RESOLVED that the Judiciary is requested to
26 provide the Adult Mental Health Division Forensic Director a
27 copy of each private examiner's forensic evaluation report and
28 any supporting documents after the court has ruled on the
29 fitness issue to which the report relates, and the Department of
30 Health is requested to submit to the next Legislature a bill
31 proposing any statutory amendment which would assist in reaching
32 that result; and

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34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the Chief Justice of the
36 Hawaii Supreme Court and the Forensic Director of the Adult
37 Mental Health Division of the Department of Health.

