

---

# SENATE 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

4  
5 WHEREAS, this fee has not been raised by the Judiciary  
6 since 1992; and

7  
8 WHEREAS, fees in other parts of the country are as high as  
9 \$2,500; and

10  
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

14  
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

21  
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

29  
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  
33 psychiatrist or licensed psychologist designated by the director  
34 of health; and  
35



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

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

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

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

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

