

Honolulu, Hawaii

April 3, 2006

RE: H.C.R. No. 295
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.C.R. No. 295 entitled:

"HOUSE 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,"

begs leave to report as follows:

The purpose of this measure is 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.

Testimonies in support of this concurrent resolution were submitted by the Hawaii Government Employee Association and the Hawaii Disability Rights Center. The Hawaii State Department of Health opposed this resolution. The Judiciary, State of Hawaii takes no position to this resolution.

Your Committee finds that the increase in fees paid to forensic examiners will incur cost to the State. This fee is a flat fee which does not take into account the number of hours devoted to conducting the evaluation. While the Adult Mental Health Division of the Department of Health currently certifies those psychiatrists or psychologists who are appointed by the court to conduct forensic evaluations, the Department of Health has no statutory authority to monitor the quality or consistency of the reports. This lack of a formal mechanism for the Department of

Health to receive or review the examination reports further hinders the identification of the causes of delays in the evaluation process. Further, while there is no statutory mandate for the court to provide copies of the forensic reports to the Department of Health, neither is there a statutory prohibition.

Your committee has amended this concurrent resolution as follows:

1. Making technical changes to this concurrent resolution; and
2. By focusing on the intent of this concurrent resolution further, and deleting unqualified data.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 295, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 295, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Health,



DENNIS A. ARAKAKI, Chair

