

Honolulu, Hawaii

March 17, 2008

RE: S.B. No. 2396
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2396, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

begs leave to report as follows:

The purpose of this bill is to provide increased protection to state mental health care workers by making the assault of a person employed at a state-operated or state-contracted mental health facility a class C felony.

The Department of Health (DOH), Hawaii Government Employees Association, and a concerned individual supported this bill. The Queen's Medical Center supported this measure with amendments. The Judiciary submitted comments.

Your Committee has amended this bill by adding as a Part II of this measure, provisions to minimize the census at the Hawaii State Hospital and promote community-based health services for forensic patients by:

- (1) Requiring DOH to submit an annual report on forensic patients;
- (2) Requiring yearly court status hearings for individuals ordered to be conditionally released or hospitalized as an inpatient by the mental health court;



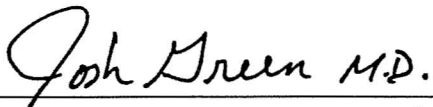
- (3) Reducing the minimum length of hospitalization from 90 to 30 days for individuals who are recommitted after conditional release;
- (4) Providing an alternative of further temporary hospitalization through a court hearing instead of proceeding immediately to a revocation of a person's conditional release when a person is in violation of the conditions of the conditional release; and
- (5) Making an appropriation for mental health court operations and expansion.

Your Committee has further amended this bill by:

- (1) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2396, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2396, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

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



JOSHUA B. GREEN, M.D., Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1133

Record of Votes of the Committee on Health

Bill/Resolution No.: SB 2396, SD1	Committee Referral: HLT, JUD	Date: 3-14-2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. GREEN, Josh, M.D. (C)	✓			
2. MIZUNO, John (VC)	✓			
3. AWANA, Karen Leinani				✓
4. BELATTI, Della Au				✓
5. BERTRAM, Joe, III	✓			
6. CABANILLA, Rida T.R.				✓
7. RHOADS, Karl	✓			
8. SHIMABUKURO, Maile S. L.				✓
9. TOKIOKA, James Kunane	✓			
10. WARD, Gene, Ph.D.	✓			
TOTAL (10)	6			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				