

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 466
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Health, to which was referred H.B. No. 466,
H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to provide sexual assault survivors with informed access to emergency contraception by requiring hospitals and health facilities that provide medical care to these survivors to provide accurate information about emergency contraception.

Your Committee held a public hearing on a proposed draft of this measure that deletes the language in its entirety and inserts language that enacts the recommendations made by the task force convened by Senate Concurrent Resolution No. 117, S.D. 1, H.D. 1, 2006, to "evaluate and recommend possible procedural, statutory, and public policy changes to minimize the census at Hawaii State Hospital and promote community based health services for forensic patients."

Specifically, the proposed draft of this measure:

- (1) Requires the Department of Health to produce an annual report on forensic patients;



- (2) Requires yearly court status hearings for individuals ordered to be conditionally released or hospitalized as inpatients by the mental health court;
- (3) Reduces the minimum length of hospitalization from ninety days to thirty days for individuals who are recommitted after conditional release;
- (4) Provides the alternative of further temporary hospitalization 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) Makes an appropriation for mental health court operations.

Your Committee received testimony in support of the proposed draft of this measure from the Hawaii Disability Rights Center. Your Committee received testimony in opposition to the proposed draft from the City and County of Honolulu Department of the Prosecuting Attorney. The Judiciary and the Department of Health submitted comments on this measure.

Your Committee finds that there is no limit in Hawaii for how long an individual may be on conditional release. Individuals, many of whom are no longer appropriate for conditional release, could potentially be on conditional release for the rest of their lives.

Your Committee further finds that enabling the Director of Health to petition the courts for discharges, where appropriate, will help to ease the overcrowding problem at the Hawaii State Hospital and protect the health and safety of the patients and staff at the hospital.

Accordingly, your Committee has amended this measure by:

- (1) Including language from S.B. No. 3071 that authorizes the Director of Health to petition the court on behalf of any individual served by the Department of Health for discharge from conditional release in appropriate cases;
- (2) Clarifying that the period to be covered in the Department of Health's annual report is the fiscal year

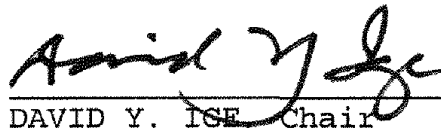


and that the annual report is to be submitted no later than twenty days prior to the convening of each regular legislative session;

- (3) Clarifying that the annual report's information on the underlying crimes of committed persons should include information on the types of offenses committed in addition to the grade of offenses committed; and
- (4) Making technical nonsubstantive amendments for the purposes of 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 H.B. No. 466, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 466, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



DAVID Y. ISE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* HB 466.HD1	Committee Referral: HTH, JDL	Date: 3/19/08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron				✓
WHALEN, Paul	✓			
TOTAL	4			1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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