

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 2396  
S.D. 1  
H.D. 3  
C.D. 1

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

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2396, S.D. 1, H.D. 3, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to augment an understanding of forensic patient data at the Hawaii State Hospital, and promote community-based health services for forensic patients by:

- (1) Requiring the Department of Health to submit an annual report that summarizes yearly data on forensic patients;
- (2) Requiring yearly court status hearings for individuals ordered to be conditionally released by the mental health court;



- (3) Reducing the minimum length of hospitalization from ninety to thirty days for individuals who are recommitted after conditional release;
- (4) Appropriating funds for the operation and expansion of the mental health court; and
- (5) Providing that, except where an individual acquitted of a felony because of physical or mental disease, disorder, or defect, has applied for conditional release or discharge within the previous year, a status hearing will be held once per year for the next four years, and then in biennial intervals thereafter.

Upon further consideration, your Committee on Conference has made the following amendments to S.B. No. 2396, S.D. 1, H.D. 3:

- (1) Deleted the language that requires court assessments, except where an individual has applied for conditional release or discharge within the previous year, of the need for further inpatient hospitalization of a person who is acquitted of a felony on the ground of physical or mental disease, disorder, or defect excluding responsibility:
  - (A) One calendar year after the date of commitment; and
  - (B) Once per year after the first calendar year for the next four years and then in biennial intervals thereafter;
- (2) Inserted language that authorizes the Director of Health or a committed person to apply to the court to conduct a hearing to assess any further need for inpatient hospitalization of a person who is acquitted of a felony on the ground of physical or mental disease, disorder, or defect excluding responsibility;
- (3) Inserted language that, upon application to the court by either the Director of Health or the person committed, requires the court to complete the hearing process and render a decision within sixty days of the application, provided that for good cause the court may extend the sixty day time frame upon the request of the Director of Health or the committed person;




- (4) Amended the timeline for an application for conditional release or discharge from hospitalization of a committed person from thirty days to sixty days following the revocation of conditional release;
- (5) Deleted the provision appropriating funds for the operations and expansion of the mental health court;
- (6) Inserted language that makes assault on a person employed at a state-operated or-contracted mental health facility an assault in the second degree which is a class C felony;
- (7) Changed the effective date to July 1, 2008; and
- (8) Made technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

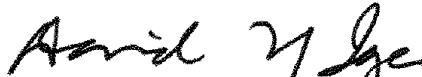
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2396, S.D. 1, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2396, S.D. 1, H.D. 3, C.D. 1.


Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


  
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JOSHUA B. GREEN, M.D., Co-Chair

  
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DAVID Y. IGE, Chair

  
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BLAKE K. OSHIRO, Co-Chair

  
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BRIAN T. TANIGUCHI, Co-Chair

  
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MARCUS R. OSHIRO, Co-Chair

  
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ROSALYN H. BAKER, Co-Chair



