

STAND. COM. REP. NO.

2797

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3069

S.D. 2

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

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 3069, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RECORDS OF DEFENDANTS
COMMITTED TO A HOSPITAL CONTROLLED BY THE DIRECTOR OF HEALTH
OR TO CUSTODY OF DIRECTOR OF HEALTH,"

begs leave to report as follows:

The purpose of this measure is to require the courts to
provide the Director of Health with the existing medical, mental
health, social, police, and juvenile records of defendants who are
committed to the custody of the Department of Health or who are
undergoing fitness to proceed mental examinations.

Your Committee received testimony in support of this measure
from the Department of Health and the Hawaii Government Employees
Association. Testimony in opposition to this measure was received
from the City and County of Honolulu Department of the Prosecuting
Attorney. Comments were received from the Judiciary.

The intent of this measure is to facilitate the duties of the
Department of Health in its statutory responsibilities to:

- (1) Participate in the panel of qualified examiners to
determine fitness to proceed; and
- (2) Persons committed to the custody of the Department
pursuant to a finding of unfitness to proceed or an



acquittal on the ground of mental disease, disorder, or defect.

Your Committee believes that it is necessary for the Department of Health to have the defendant's records for the aforementioned purposes, particularly with regard to diagnosis and treatment.

Your Committee has amended this measure on the recommendation of the Judiciary by clarifying the records to be made available shall exclude juvenile records that are not related to the defendant's mental health or mental condition. In this regard, your Committee is aware that juvenile records are confidential and include a broad range of information, some of which may not be pertinent to the Director of Health. Your Committee has also made technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3069, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3069, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 3069 SD1	Committee Referral: HTH, JDL	Date: 2-26-08
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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
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes