

STAND. COM. REP. NO. 2505

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 3070
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 S.B. No. 3070
entitled:

"A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE,"

begs leave to report as follows:

The purpose of this measure is to clarify court procedures on
the seventy-two hour hold and extended hold process as it relates
to the conditional release of persons originally committed for
mental health reasons.

Your Committee received testimony in support of this measure
from the Department of Health and the Hawaii Government Employees
Association.

This measure is an outgrowth of Senate Concurrent Resolution
No. 117, H.D.1, 2006, entitled, "Requesting the Governor to
Convene a Task Force 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". This measure allows the court to
conduct a hearing, at or before the expiration of the seventy-two
hour period of hospitalization, to determine whether the person
would benefit from further hospitalization which may render a
revocation of a conditional release unnecessary. The court, if
satisfied at the hearing, may order further temporary
hospitalization for a period not to exceed ninety days, subject to
extension as appropriate, but not in any event to exceed one year.
At any time within that one year period, the court may determine



that another hearing should be conducted to determine whether the conditions of release should be modified or ordered to the custody of the Director of Health to be subject to further proceedings under law for conditional release.

This measure is intended to make explicit in statute the distinction between a conditional release and a revocation of a conditional release for a period of seventy-two hours. Testimony indicated that this measure will result in decreasing the utilization of bed space at the Hawaii State Hospital by limiting the length of time of a committal pursuant to a conditional release revocation.

Your Committee has amended this measure by making technical, nonsubstantive amendments.

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. 3070, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3070, 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. IGE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
 Committee on Health
 HTH

Bill / Resolution No.:* SB 3070	Committee Referral: HTH, JDL	Date: 02-13-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> 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: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes