

STAND. COM. REP. NO.

**2737**

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3070

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. 3070, S.D. 1, 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 from  
the Hawaii State Hospital or related facility.

Your Committee received testimony in support of this measure  
from the Department of Health and the Judiciary.

Your Committee finds that 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 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 that the person should be 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 the 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 for the purpose of clarity.

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. 3070, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3070, 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.:* <b>SB 3070 SDI</b>	Committee Referral: <b>HTH, JDL</b>	Date: <b>2-26-08</b>
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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	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes