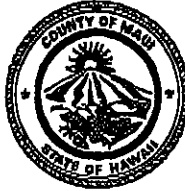


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February 11, 2008

THE HONORABLE DAVID Y. IGE, CHAIR  
THE HONORABLE CAROL FUKUNAGA, VICE-CHAIR  
COMMITTEE ON HEALTH

THE HONORABLE BRIAN T. TANIGUCHI, CHAIR  
THE HONORABLE CLAYTON HEE, VICE-CHAIR  
COMMITTEE ON JUDICIARY AND LABOR

THE SENATE  
THE TWENTY-FOURTH LEGISLATURE  
REGULAR SESSION OF 2008  
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,  
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,  
IN SUPPORT OF SENATE BILL NO. 2160  
RELATING TO HEALTH

The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui supports S.B. 2160 Relating to Health.

This Bill amends certain provisions within Chapter 704 of the Hawaii Revised Statutes. Apparently, the primary purpose of this Bill is to address some of the issues raised by the task force which was convened pursuant to Senate Concurrent Resolution No. 117, S.D. 1, H.D. 1, Twenty-Third Legislature, 2006. This Department supports this Bill to that extent.

However, we do have the following reservations. First, the proposed amendments appear to have incorrectly cited section "407". Instead, the correct section should be "704". Second, the newly proposed "**§704- Rulemaking authority**" provision refers to a "thirty-day period following revocation of conditional release under section 407-412", but nowhere in section 704-412 is there a "thirty-day" period. Third, we have concerns about some

of the language used in the proposal. Specifically, the term "inpatient hospitalization" is apparently used in place of the term "commitment". This is problematic because the term "inpatient hospitalization" is also used in HRS Section 334-60.5 in an arguably different manner.

Finally, our Department has additional concerns with other sections in Chapter 704. For example, Section 704-406 could be clarified or expanded to specifically allow an unfit and committed person to apply for conditional release. In addition, Chapter 704 could be amended to include specific sections regarding the revocation of an individual's pre-trial and post-acquittal conditional release status.

Accordingly, our Department supports S.B. 2160 provided the above considerations are addressed. Thank you for the opportunity to testify.

(S.B. 2160, Relating to Health.)