

SB3069

Measure Title:

RELATING TO RECORDS OF DEFENDANTS COMMITTED TO A HOSPITAL
CONTROLLED BY THE DIRECTOR OF HEALTH OR TO CUSTODY OF
DIRECTOR OF HEALTH

Report Title:

Records of Defendants Committed to a Hospital Controlled by the Director of Health or
to Custody of Director of Health

Description:

Requires the courts to provide the Director of the Department of Health (DOH) records of
defendants court-ordered to the State Hospital or related facility under the cognizance of
the Department.

Package:

Governor

Companion:

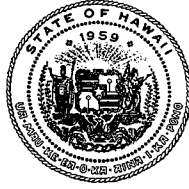
HB3147

Introducer(s):

HANABUSA (BR)

Current Referral:

HTH, JDL



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

**S.B. 3069, RELATING TO RECORDS OF DEFENDANTS COMMITTED TO A
HOSPITAL CONTROLLED BY THE DIRECTOR OF HEALTH OR TO
CUSTODY OF DIRECTOR OF HEALTH**

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

February 11, 2008, 1:15 p.m.

1 **Department's Position:** The department strongly supports this Administration-sponsored measure.

2 **Fiscal Implications:** No general fund expenditure. However, there may be impact on Judiciary
3 personnel and expenses.

4 **Purpose and Justification:** This measure requires the courts to provide the Director of the Department
5 of Health (DOH) records of defendants either committed to a hospital controlled by the Director of
6 Health or to the custody of the Director of Health. Currently, DOH, including Hawaii State Hospital
7 (HSH), does not receive copies of records collected by the court pursuant to HRS section 704-404(8)
8 when a criminal defendant is ordered to undergo a mental health examination. The records are collected
9 by the Adult Client Services Branch of the Court in which the action is pending, and are seen only by
10 the forensic examiner(s) appointed by the Court at the Adult Client Services Branch office.

11 It is important for DOH to have timely and consistent access to these records for a number of
12 reasons:

- 13
- Improve the timeliness of sanity exams completed by DOH court examiners.

- 1 • Make more effective clinical decisions while the patient is confined to hospital care, thereby
2 increasing the likelihood that treatments offered will more readily meet the patients' needs,
3 perhaps allowing shorter courses of hospital care and decreasing rates of recidivism;
- 4 • Discern the appropriate level of community care needed after discharge, and thereby help with
5 the discharge planning process, perhaps allowing more effective discharge placements; and
- 6 • Make more informed risk assessments, and thereby help with the risk reduction and risk
7 management planning processes, perhaps improving public safety.

8 Requiring the courts to provide to DOH copies of defendants' existing records at the time of
9 commitment to the hospital for a forensic examination or upon commitment to DOH custody when unfit
10 or acquitted will centralize and streamline DOH's efforts to collect background information.

11 Community providers, including state operated Community Mental Health Centers that obtain their
12 clients' consent to review the records produced to DOH by the courts will, similarly, be more informed.

13 Thank you for the opportunity to testify on this important measure.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

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The Twenty Fourth Legislature, State of Hawaii
Hawaii State Senate
Committee on Health
Committee on Judiciary and Labor

Testimony by
HGEA/AFSCME, Local 152, AFL-CIO
February 11, 2008

**S.B. 3069 - RELATING TO RECORDS OF
DEFENDANTS COMMITTED TO A
HOSPITAL CONTROLLED BY THE
DIRECTOR OF HEALTH OR TO THE
CUSTODY OF THE DIRECTOR OF HEALTH**

The Hawaii Government Employees Association, Local 152, AFL-CIO, supports S.B. 3069. This bill proposes to require the courts to provide to the Director of Health copies of all existing medical, mental health, social, police and juvenile records in the custody of public agencies when a defendant is committed to the custody of the Director of Health.

Currently, the Department of Health does not receive copies of records collected by the courts, pursuant to HRS 704-404(8), when a criminal defendant is committed to the custody of the Director of Health. This information would be very helpful to the healthcare provider who must make a risk assessment, make clinical decisions, determine the appropriate level of care, draft treatment plans, etc. This information would also ensure the public that criminal defendants will not be released back into the community inappropriately.

We respectfully urge passage of S.B. 3069 from your committee. Thank you for the opportunity to submit our testimony in support of this bill.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Nora A. Nomura', written over a horizontal line.

Nora A. Nomura
Deputy Executive Director