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# A BILL FOR AN ACT

RELATING TO SENTENCING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 706, Hawaii Revised Statutes, is  
2 amended by adding to part I a new section to be appropriately  
3 designated and to read as follows:

4           "§706-A Presentence mental and medical examination. (1)

5 As used in this section, unless the context otherwise requires:

6           "Conviction" means that a verdict has been rendered by a  
7 judge or jury, or a plea of guilty or nolo contendere has been  
8 accepted by the court.

9           "Licensed psychologist" means psychologists licensed under  
10 chapter 465, but also includes psychologists exempt from  
11 licensure under section 465-3(a)(3).

12           (2) Before imposing a sentence, the court may order a  
13 defendant who has been convicted of a felony or misdemeanor to  
14 submit to mental or other medical observation and examination  
15 for a period the court determines to be necessary for the  
16 purpose, but the period shall not exceed the length of  
17 permissible imprisonment. In addition thereto or in the



1 alternative, the court may appoint one or more qualified  
2 psychiatrists, physicians, or licensed psychologists to make the  
3 examination. The examiner or examiners shall be appointed from  
4 a list of certified examiners as determined by the state  
5 department of health. The report of the examination shall be  
6 submitted to the court."

7 SECTION 2. This Act shall not apply to any person who has  
8 been convicted of a felony or misdemeanor before its effective  
9 date. For purposes of this section, the term "conviction" has  
10 the same meaning as in section 706-A, Hawaii Revised Statutes.

11 SECTION 3. In codifying the new section added by section 1  
12 of this Act, the revisor of statutes shall substitute an  
13 appropriate section number for the letter used in designating  
14 the new section in this Act.

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on January 1, 2046.



**Report Title:**

Sentencing

**Description:**

Restores a statutory provision allowing for presentence mental health or medical examination of defendants for purposes of sentencing. (HB1025 HD1)

