
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 a new section to part I to be appropriately
3 designated and to read as follows:

4 "§706- 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 a psychologist licensed under
10 chapter 465 and includes psychologists exempt from licensure
11 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 conduct
3 the examination. The examiner or examiners shall be appointed
4 from a list of certified examiners as determined by the
5 department of health. The report of the examination shall be
6 submitted to the court."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on January 1, 2046.



S.B. NO. 843
S.D. 1
H.D. 1

Report Title:

Sentencing; Examination

Description:

Restores a statutory provision allowing for presentence mental health or medical examination of defendants for purposes of sentencing. Effective January 1, 2046. (SB843 HD1)

SB843 HD1 HMS 2009-3371

