

STAND. COM. REP. NO.

**533**

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 937

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 937 entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

begs leave to report as follows:

The purpose of this measure is to clarify statutory provisions that govern the process and standards of decision making on applications for conditional release and discharge of forensic patients at the Hawaii State Hospital.

This measure repeals subsections 704-411(5), (6), and (7), Hawaii Revised Statutes (HRS). These provisions have been interpreted as having established an additional hearing and application procedure for persons committed to the Hawaii State Hospital due to an acquittal based on the ground of physical or mental disease, disorder, or defect excluding responsibility. The repeal of these provisions clarifies that section 704-412, HRS, governs the timing and standards for conditional release or discharge from the custody of the director of health.

In addition, the measure includes a sixty days requirement for judicial decisions on motions for conditional release or discharge.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 937 and recommends that it pass Third Reading.

2009-1462 SSCR SMA.doc



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,



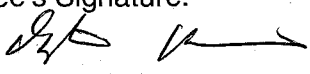
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BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 937	HTH, JGO	2/26/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	4	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes