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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-       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 conduct  
3 the examination. The examiner or examiners shall be appointed  
4 from 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. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

**Report Title:**

Sentencing

**Description:**

To restore a statutory provision allowing for presentence mental health or medical examination of defendants for purposes of sentencing. (SD1)