

Honolulu, Hawaii

Feb 4, 2010

RE: H.B. No. 2573  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2573  
entitled:

"A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS  
TO PROCEED,"

begs leave to report as follows:

The purpose of this bill is to decrease the number of  
pretrial defendants hospitalized for fitness restoration by  
amending the law governing the time frames for fitness restoration  
for persons charged with non-violent petty misdemeanors and for  
persons charged with non-violent misdemeanors to specify a  
specific number of days for fitness restoration.

The Department of Health supported this bill. The City and  
County of Honolulu's (C&C of Honolulu) Department of the  
Prosecuting Attorney opposed this measure.

Your Committee acknowledges the concerns provided in  
testimony presented by the C&C of Honolulu's Prosecuting Attorney  
regarding language in this bill that appears to conflict and  
remove the court's authority to release on conditions where the  
defendant is unfit to proceed before the expiration of the  
commitment. The Prosecuting Attorney also expressed concern over  
the lack of clarity in the bill's language regarding a petty  
misdemeanor involving violence or attempted violence i.e. is it  
defined by the elements of the offense or by the actual facts in a  
particular case? Therefore, your Committee respectfully requests

HB2573 HD1 HSCR HLT HMS 2010-1574



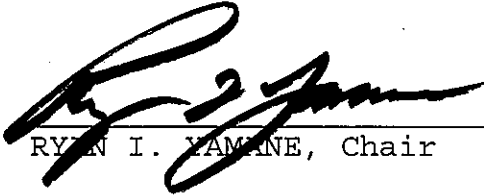
that your Committee on the Judiciary take a closer look at these issues if they so choose to schedule this bill for a hearing.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2573, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2573, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
\_\_\_\_\_  
RYAN I. YAMINE, Chair



