

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 230

S.D. 1

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. 230, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to enhance the safety of victims and their family members, and witnesses by:

- (1) Requiring the Director of Health to notify victims, witnesses, and surviving immediate family members, who have submitted a written request, of specified information about a criminal defendant's fitness to proceed at trial, transfer to a state hospital or psychiatric facility, or unauthorized absence from a facility; and
- (2) Specifying the following among the major developments that a victim or surviving family member shall be informed:
  - (A) That the offender is found unfit to proceed or has been acquitted on the grounds of physical or mental disease, disorder, or defect; and
  - (B) That an offender previously found to be unfit or acquitted has been released or discharged from custody, has been committed to the custody of the Director of Health, or has regained fitness to



proceed and accordingly, the date on which penal proceedings will resume.

Your Committee finds that victims of crime have a legitimate interest in being notified of any proceeding regarding whether the offender may be released from custody. Your Committee further finds that the Department of Health has stated that expanding reporting requirements as required under this measure will implement significant policy changes in the area of forensic mental health and that a study should be conducted by legal and mental health stakeholders before policy changes are implemented.

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. 230, S.D. 1, and recommends that it pass Third Reading.

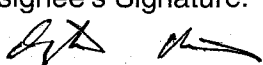
Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
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 230, SDI	HTH, JGO	2/27/09			
<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:					
					
Distribution:					
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy		

\*Only one measure per Record of Votes