

STAND. COM. REP. NO.

2263

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2725

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 2725
entitled:

"A BILL FOR AN ACT RELATING TO CONFIDENTIALITY OF FORENSIC
MENTAL HEALTH EXAMINATION REPORTS,"

begs leave to report as follows:

The purpose of this measure is to require courts to maintain
mental health examination reports as confidential documents,
subject to specific exceptions.

Your Committee received testimony in support of the intent of
this measure with amendments from the Hawaii Association for
Justice. Written testimony presented to the Committee may be
reviewed on the Legislature's website.

Your Committee finds that while defendants have the right to
expect that records of their mental health examination made
pursuant to court order will be kept confidential, it is in the
interests of justice that these records be disclosable at the
direction of any criminal or civil court upon a showing of good
cause.

Your Committee has amended this measure by:

- (1) Changing the standard of disclosure from necessary for
the public interest to a showing of good cause to allow
for disclosure in civil actions; and



- (2) Making technical, nonsubstantive changes for the purposes of clarity and accuracy in the language of this measure.

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 S.B. No. 2725, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2725, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

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



DAVID Y. IGE, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <i>SB 2725</i>	Committee Referral: <i>HTH, J60</i>	Date: <i>2/10/10</i>		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred				✓
TOTAL	<i>5</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Josh Green</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes