

Honolulu, Hawaii

April 1, 2010

RE: S.B. No. 2726  
S.D. 2  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2726, S.D. 2, H.D. 1, 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 amend the law governing time frames for fitness restoration for persons charged with non-violent petty misdemeanors or non-violent misdemeanors and deemed unfit to stand trial. Specifically, this bill establishes for unfit persons committed to be placed in an appropriate institution for detention, care, and treatment:

- (1) A 60-day maximum commitment for defendants charged with non-violent petty misdemeanors;
- (2) A 120-day maximum commitment for defendants charged with non-violent misdemeanors; and
- (3) Procedures for release and dismissal of charges or involuntary civil commitment, as necessary.

The Department of Health and Office of the Public Defender testified in support of this bill. The City and County of Honolulu Department of the Prosecuting Attorney opposed this measure.



Your Committee has amended this bill by:

- (1) Clarifying that the 60-day maximum commitment and release provisions apply to defendants charged with petty misdemeanors other than offenses under Chapter 707, Hawaii Revised Statutes (HRS);
- (2) Clarifying that the 120-day maximum commitment and release provisions apply to defendants charged with misdemeanors other than offenses under Chapter 707, HRS;
- (3) Specifying that if the court finds that a defendant requires involuntary civil commitment upon dismissal of the charge for which the defendant was committed for a limited period, the court shall refer the matter for involuntary civil commitment proceedings pursuant to Chapter 334, HRS;
- (4) Specifying that if the court finds that a defendant requires involuntary civil commitment upon dismissal of the charge for which the defendant was released for a limited period, the court shall refer the matter for involuntary civil commitment proceedings pursuant to Chapter 334, HRS; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2726, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2726, S.D. 2, H.D. 2.

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

  
JON RIKI KARAMATSU, Chair



