

STAND. COM. REP. NO.

530

Honolulu, Hawaii

MAR 05 2009

RE: S.B. No. 843
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. 843, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this measure is to allow a court, before imposing sentence, to order a defendant who has been convicted of a felony or misdemeanor to submit to mental or other medical observation and examination for a period the court determines to be necessary for the purpose, but not to exceed the length of permissible imprisonment.

This measure allows the court to appoint one or more qualified psychiatrists, physicians, or licensed psychologists to conduct the examination from a list of certified examiners as determined by the state department of health. The report of the examination is to be submitted to the court.

According to the State Attorney General, this measure corrects an inadvertent repeal of the statutory revisions enacted by Act 112, Session Laws of Hawaii 2005, which added a DNA analysis provision but repealed the existing statute on presentence mental and medical examination.

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

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purpose of S.B. No. 843, 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 843, SD 1	HTH, JGO	2/26/09		
<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		✓		
TOTAL	3	1	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