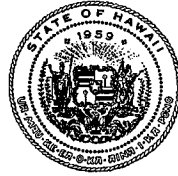


**SB2726**

**SD1 Late**

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

**Senate Committee on Judiciary and Government Operations**

**S.B. 2726, SD1, RELATING TO TIMEFRAMES TO REGAIN FITNESS TO PROCEED**

**Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health**

**February 23, 2010; 10:05 a.m.**

1 **Department's Position:** The Department of Health (DOH) strongly supports this Administrative bill.

2 **Fiscal Implications:** No funds are appropriated.

3 **Purpose and Justification:** The Department of Health is currently in discussions with the Prosecutor's  
4 Office of the City & County of Honolulu concerning the issues raised by its objections to this bill in an  
5 effort to identify mutually acceptable solutions to those issues, if possible. We have the impression that  
6 our first round of discussions was productive, though inconclusive.

7 In response to what seemed a consensus that our discussions might be informed by a data  
8 "snapshot" of the types of cases that would be affected by the provisions of this bill, the Department of  
9 Health provided to the Honolulu Prosecutor's Office information from thirty cases in which unfit  
10 defendants are committed to the custody of the Director of Health and admitted to Hawaii State  
11 Hospital. The data show that the time frames proposed by this bill would apply in twenty-one of those  
12 cases. Specifically, the time frame concerning petty misdemeanor charges would, at this time, apply in  
13 fourteen out of eighteen cases; the time frame concerning misdemeanor cases would apply, at this time,  
14 in six out of eleven cases; and we identified one case involving a non-violent violation.

1           As a matter of clarification, this administration measure was not prompted by any specific cases,  
2 but by a general trend or pattern of cases, which the Adult Mental Health Division has studied for  
3 several years. The advisability of statutory specification of certain time frames in cases involving unfit  
4 defendants was discussed first during the SCR No. 117 Task Force meetings held in 2006 and 2007. In  
5 the 2008 Legislative Session, the Task Force, which considered ways to minimize the Hawaii State  
6 Hospital's census and promote the use of community based forensic programs, proposed several  
7 amendments to chapter 704 Hawaii Revised Statutes (HRS), which were enacted. This measure was not  
8 among the first round of amendments to chapter 704 because the Task Force, in its final report to the  
9 Legislature, slated this topic for future action. In proposing this bill, the Department of Health is  
10 following the action plan described in the Task Force's report.

11           Thank you for this opportunity to testify.  
12