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GOVERNOR OF HAWAII



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CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Health

**S.B. 2726, SD2, RELATING TO TIMEFRAMES TO REGAIN FITNESS TO
PROCEED**

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

March 9, 10:00 a.m.

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

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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.

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1124 FORT STREET MALL, SUITE 205. HONOLULU, HI 96813
ACCESSIBLE ENTRANCE: 67 SOUTH PAUHI OFF BETHEL PH. 808.521.1846
F: 808.533.6995 E: INFO@MENTALHEALTH-HI.ORG W: WWW.MENTALHEALTH-HI.ORG

March 8, 2010

TO: House Health Committee Rep. Ryan I. Yamane, Chair Rep. Scott Y. Nishimoto,
Vice Chair, and members
Tuesday, March 9, 2010, 10 am

STRONG SUPPORT FOR SB2726

Dear Representatives:

I am Marya Grambs, Executive Director of Mental Health America of Hawaii, and I am writing in **strong support** of SB2726. It currently takes too long for fitness restoration to take place, and in some cases individuals spend more time in Hawaii State Hospital than they would have spent in jail or on probation if they were found guilty. This is unconscionable.

Not only is this unfair to the individuals charged, but it also contributes to the unnecessary overcrowding at Hawaii State Hospital.

This is a clog in our system that needs to be remediated.

Thank you for considering this testimony.

Sincerely yours,

Marya Grambs
Executive Director