



GOV. MSG. NO. **1202**

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 9, 2011

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

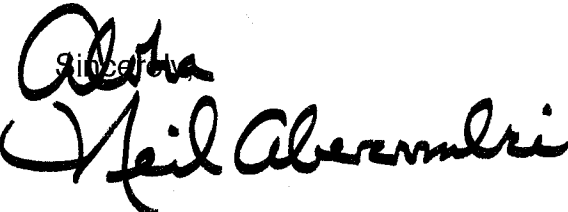
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 9, 2011, the following bill was signed into law:

HB1070 HD2 SD2 CD1

RELATING TO CONDITIONAL RELEASE  
TIMEFRAMES  
**Act 099 (11)**

*Sincerely,*  


NEIL ABERCROMBIE  
Governor, State of Hawaii

# A BILL FOR AN ACT

RELATING TO CONDITIONAL RELEASE TIMEFRAMES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The purpose of this Act is to amend the law to  
2 establish a specific time frame for an order of post-acquittal  
3 conditional release when the defendant is charged with a petty  
4 misdemeanor, misdemeanor, or violation.

5 SECTION 2. Section 704-411, Hawaii Revised Statutes, is  
6 amended by amending subsection (1) to read as follows:

7 "(1) When a defendant is acquitted on the ground of  
8 physical or mental disease, disorder, or defect excluding  
9 responsibility, the court, on the basis of the report made  
10 pursuant to section 704-404, if uncontested, or the medical or  
11 psychological evidence given at the trial or at a separate  
12 hearing, shall ~~[make an order as follows:]~~ order that:

13 (a) The ~~[court shall order the]~~ defendant ~~[to]~~ shall be  
14 committed to the custody of the director of health to  
15 be placed in an appropriate institution for custody,  
16 care, and treatment if the court finds that the  
17 defendant:



1 (i) Is affected by a physical or mental disease,  
2 disorder, or defect;

3 (ii) Presents a risk of danger to self or others; and  
4 (iii) Is not a proper subject for conditional release;  
5 provided that the director of health shall place  
6 defendants charged with misdemeanors or felonies not  
7 involving violence or attempted violence in the least  
8 restrictive environment appropriate in light of the  
9 defendant's treatment needs and the need to prevent  
10 harm to the person confined and others. The county  
11 police departments shall provide to the director of  
12 health and the defendant copies of all police reports  
13 from cases filed against the defendant [~~which~~] that  
14 have been adjudicated by the acceptance of a plea of  
15 guilty or [~~no contest,~~] nolo contendere, a finding of  
16 guilt, acquittal, acquittal pursuant to section  
17 704-400, or by the entry of a plea of guilty or [~~no~~  
18 ~~contest~~] nolo contendere made pursuant to chapter 853,  
19 so long as the disclosure to the director of health and  
20 the defendant does not frustrate a legitimate function  
21 of the county police departments [~~, with the exception~~  
22 ~~of~~]; provided that expunged records, records of or



1           pertaining to any adjudication or disposition rendered  
2           in the case of a juvenile, or records containing data  
3           from the United States National Crime Information  
4           Center[-] shall not be provided. The county police  
5           departments shall segregate or sanitize from the police  
6           reports information that would result in the likelihood  
7           or actual identification of individuals who furnished  
8           information in connection with the investigation [e]f  
9           or who were of investigatory interest. Records shall  
10          not be re-disclosed except to the extent permitted by  
11          law;

12          (b) The [~~court shall order the~~] defendant [~~to~~] shall be  
13          granted conditional release with conditions as the  
14          court deems necessary if the court finds that the  
15          defendant is affected by physical or mental disease,  
16          disorder, or defect and that the defendant presents a  
17          danger to self or others, but that the defendant can be  
18          controlled adequately and given proper care,  
19          supervision, and treatment if the defendant is released  
20          on condition[~~,-e~~]. For any defendant granted  
21          conditional release pursuant to this paragraph, and who  
22          was charged with a petty misdemeanor, misdemeanor, or



1 violation, the period of conditional release shall be  
2 no longer than one year; or

3 (c) The [~~court shall order the~~] defendant shall be  
4 discharged if the court finds that the defendant is no  
5 longer affected by physical or mental disease,  
6 disorder, or defect or, if so affected, that the  
7 defendant no longer presents a danger to self or others  
8 and is not in need of care, supervision, or treatment."

9 SECTION 3. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2011.

APPROVED this 9 day of JUN, 2011



GOVERNOR OF THE STATE OF HAWAII

