
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 timeframe 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:

13 (a) The court shall order the defendant to be committed to
14 the custody of the director of health to be placed in
15 an appropriate institution for custody, care, and
16 treatment if the court finds that the 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 have been
14 adjudicated by the acceptance of a plea of guilty or
15 [~~no contest~~] nolo contendere, a finding of guilt,
16 acquittal, acquittal pursuant to section 704-400, or by
17 the entry of a plea of guilty or [~~no contest~~] nolo
18 contendere made pursuant to chapter 853, so long as the
19 disclosure to the director of health and the defendant
20 does not frustrate a legitimate function of the county
21 police departments, with the exception of expunged
22 records, records of or pertaining to any adjudication



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

10 (b) The court shall order the defendant to be granted
11 conditional release with conditions as the court deems
12 necessary if the court finds that the defendant is
13 affected by physical or mental disease, disorder, or
14 defect and that the defendant presents a danger to self
15 or others, but that the defendant can be controlled
16 adequately and given proper care, supervision, and
17 treatment if the defendant is released on condition[~~r~~
18 or]. For any person granted conditional release
19 pursuant to this paragraph, and who was charged with a
20 petty misdemeanor, misdemeanor, or violation, the
21 period of conditional release shall be no longer than
22 one year; or



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

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on January 7, 2059.



Report Title:

Conditional Release Timeframes

Description:

Specifies that any person acquitted on the grounds of a physical or mental defect and who was charged with a petty misdemeanor, misdemeanor, or violation can be granted conditional release for no more than one year. Effective January 7, 2059. (HB1070 HD2)

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