
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
7 not involving violence or attempted violence in
8 the least restrictive environment appropriate in
9 light of the defendant's treatment needs and the
10 need to prevent harm to the person confined and
11 others. The county police departments shall
12 provide to the director of health and the
13 defendant copies of all police reports from cases
14 filed against the defendant which have been
15 adjudicated by the acceptance of a plea of guilty
16 or [~~no contest~~] nolo contendere, a finding of
17 guilt, acquittal, acquittal pursuant to section
18 704-400, or by the entry of a plea of guilty or
19 [~~no contest~~] nolo contendere made pursuant to
20 chapter 853, so long as the disclosure to the
21 director of health and the defendant does not
22 frustrate a legitimate function of the county



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

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



1 conditional release pursuant to this paragraph, and
2 who was charged with a petty misdemeanor, misdemeanor,
3 or violation, the period of conditional release shall
4 be no longer than one year; or

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

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 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 HD1)

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