

STAND. COM. REP. NO.

243

Honolulu, Hawaii

FEB 14, 2011

RE: H.B. No. 1069
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1069 entitled:

"A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED,"

begs leave to report as follows:

The purpose of this bill is to protect the rights of Hawaii's residents by establishing maximum time frames for a mental health commitment or conditional release for pre-trial defendants. Specifically, this measure:

- (1) Limits the time of commitment or conditional release to a maximum of 60 days for individuals charged with petty misdemeanors not involving violence or attempted violence;
- (2) Limits the time of commitment or conditional release to a maximum of 120 days for individuals charged with misdemeanors not involving violence or attempted violence; and
- (3) Requires the dismissal of charges for defendants committed or placed on conditional release in accordance with (1) or (2) who are not found fit to proceed prior to the expiration of the commitment or conditional release, unless certain criteria are met.

HB1069 HD1 HSCR JUD HMS 2011-1875



The Department of Health, Office of the Public Defender, Hawaii Disability Rights Center, and Mental Health America of Hawaii testified in support of this bill. The Department of the Prosecuting Attorney provided comments.

Your Committee has amended this bill by changing its effective date to January 7, 2059, to encourage further discussion. Your Committee has also made technical, nonsubstantive amendments for the purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1069, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1069, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



