

STAND. COM. REP. NO. 700

Honolulu, Hawaii

March 8, 2011

RE: H.B. No. 1069
H.D. 2

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

Sir:

Your Committee on Finance, to which was referred H.B. No. 1069, H.D. 1, 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 establish a maximum time frame for the mental health commitment or conditional release of a defendant found unfit to proceed for trial. Specifically, this measure:

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




The Department of Health testified in support of this measure. The City and County of Honolulu, Department of the Prosecuting Attorney opposed this bill. The Hawaii Disability Rights Center commented on this measure.

Technical, nonsubstantive amendments were made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1069, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1069, H.D. 2.

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



MARCUS R. OSHIRO, Chair



