

STAND. COM. REP. NO.

1216

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 1071  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1071, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON  
CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL,"

begs leave to report as follows:

The purpose and intent of this measure is to require the  
Department of Health to:

- (1) Establish and monitor a fitness restoration program for  
a defendant who is released on conditions after a  
finding of unfitness to proceed; and
- (2) Inform the Prosecuting Attorney of the county that  
charged the defendant of the fitness restoration program  
and report on the defendant's compliance with the  
program.

Your Committee finds that current law provides no clear,  
formal description of a monitoring or reporting process to the  
court for those persons released on conditions into the community.  
This creates procedural ambiguity when an individual who is  
released on conditions does not comply with the terms and  
conditions of his or her release. As a consequence, when courts  
have been asked to consider requests to release into the community  
on conditions persons who are found unfit to proceed, courts have

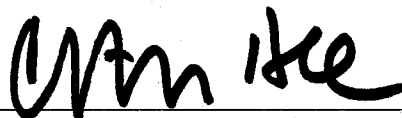


raised concerns about community monitoring and reporting procedures.

This measure provides a formal structure and mechanism to address community safety and monitoring concerns for individuals who are found unfit to proceed and released on conditions.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1071, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

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




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CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1071, HD2, SD1	HTH/PLM, JDL	4/6/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5			
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes