

FW: HB 1070 Testimony

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To: JUDtestimony
Attachments: HB1070_HTH_02-03-11_JUD.pdf (112 KB)

Good Afternoon

Has this testimony been posted to the Legislative website, as it was submitted on 2/3/11?

Thank you,
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Cc: Clarke, Judith
Subject: HB 1070 Testimony

Good Afternoon

Attached is testimony for HB 1070, which will be heard on Thursday, February 03, 2011 at 2:00pm.

Thank you,
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STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Judiciary

House Bill 1070 Relating to Conditional Release Timeframes

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health**

Thursday, February 3, 2011, 2:00 p.m.

1 **Department's Position:** The Department of Health (DOH) strongly supports this bill.

2 **Purpose and Justification:** This purpose of the proposed legislation is to amend current statutory
3 language by establishing a maximum one year commitment period for all persons placed on Conditional
4 Release (CR), limited to only those charged with misdemeanor or petty misdemeanor offenses.

5 At the present time, persons who have been acquitted of criminal charges by reason of mental or
6 physical disease, disorder or defect may be subsequently released to the community on a post-acquittal
7 conditional release (CR). A person may be placed on CR after the court has determined that the person
8 can safely live in the community, and adequately benefit from mental health services, supervision, and
9 support.

10 Our data reveals that 90% of persons on CR in Hawaii for a misdemeanor or petty misdemeanor
11 offense are maintained longer on CR than they could have spent on maximum jail time or on probation
12 for the same offense, sometimes up to 20 times longer. The average misdemeanant CR costs the State
13 approximately \$400,000 before the case is finally dismissed. This costs tens of millions of dollars per
14 year. This large and costly population results in an increased burden on both human and financial
15 resources at District courts, probation offices, mental health centers, and hospitals.

1 Most states with CR statutes either limit CR to felony charges, have time limits assigned to them,
2 or both. Up to now, Hawaii statutes have had neither. A person can be placed on CR for any charge,
3 even a petty misdemeanor, and there is no time limit on how long a person may be on CR. As a result,
4 Hawaii has the largest per capita population of persons on CR in the nation; there are approximately 450
5 persons on CR; of those approximately 150 are on CR for misdemeanor or petty misdemeanor charges.

6 By comparison, misdemeanor offenses carry a maximum of one year in jail or on probation.
7 Most petty misdemeanor charges carry a maximum of 30 days in jail or six months of probation.
8 However, a person acquitted for the same misdemeanor or petty misdemeanor offenses could spend the
9 rest of their life on CR.

10 The group of misdemeanant CR individuals is at low risk to community safety. A large majority
11 of persons placed on CR live in the community without incident (87% are never returned to a hospital).
12 Arrest rates have remained steady at 11% over the past several years. Of those who are rearrested, 87%
13 are rearrested for misdemeanor charges. Less than one-half of one percent of persons placed on CR is
14 rearrested for a serious felony, which is a lower rate than the rate in the general U.S. population.
15 Persons discharged from CR in Hawaii have a rearrest rate of 4%, and the majority of those arrests stem
16 from minor charges.

17 Thank you for the opportunity to testify on this bill.