

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-6552

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

LATE TESTIMONY

THE HONORABLE WILL ESPERO, CHAIR
SENATE PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
COMMITTEE
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

February 8, 2011

RE: S.B. 1298; RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL.

Chair Espero, Vice Chair Kidani, and members of the Senate Committee on Public Safety, Government Operations, and Military Affairs, the Department of the Prosecuting Attorney submits the following testimony in opposition of S.B. 1298.

The purpose of this bill is to amend Hawaii Revised Statutes (HRS) section 704-406 to require the Department of Health to provide a fitness restoration program for defendants unfit to proceed with court proceedings and on conditional release. It requires the Department of Public Safety to take appropriate action on information shared regarding defendant compliance.

The Department of the Prosecuting Attorney would like to see the details of the proposed fitness restoration program, and would be willing to work with the Department of Health. We want to ensure that the offender gets the proper oversight that is meant for one who is deemed unfit to proceed by the courts.

For these reasons, we oppose the passage of S.B. 1298. Thank you for this opportunity to testify.