

STAND. COM. REP. NO.

2322

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2681

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Health, to which was referred S.B. No. 2681 entitled:

"A BILL FOR AN ACT RELATING TO DEFENDANTS COMMITTED TO THE CUSTODY OF THE DIRECTOR OF HEALTH, "

beg leave to report as follows:

The purpose and intent of this measure is to allow for the transfer of persons committed to the custody of the Director of Health to correctional facilities, under certain conditions.

Your Committees received testimony in support of this measure from the Department of Health and Department of Public Safety. Comments were received from one individual.

Your Committees find that this measure provides a mechanism to transfer an individual, who has been committed by the court to the Director of Health as being unfit to proceed, to a setting controlled by the Director of Public Safety in those instances when the individual no longer needs an inpatient level of clinical care but continues to require strict security, and is not appropriate for release into the community.

Your Committees have amended this measure on the recommendation of the Department of Health by deleting its contents and substituting language to ensure that this measure, as amended, is consistent with the Department of Public Safety's goals and provides a mechanism for the coordination of care prior

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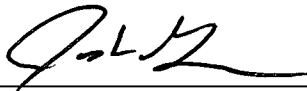


to a court-ordered transfer of the defendant from a health facility to a correctional facility.

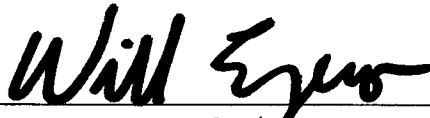
As amended, this measure is an effective mechanism to arrange for the transfer of individuals who need strict security to another, more appropriate setting. Under this mechanism, the court of original jurisdiction makes the determination to order the transfer. Your Committees find that this is an important step in improving the continuum of services and supports for the defendant.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2681, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2681, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Government Operations, and
Military Affairs and Health,



JOSH GREEN, M.D., Chair



WILL ESPERO, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 2681	Committee Referral: PGM/H/H, WAMA	Date: 2-15-12		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			
BAKER, Rosalyn H.	✓			
RYAN, Pohai				✓
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2681	PGM/HTH, WAM	2/15/12		
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
<i>Clarence K. Nishihara</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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