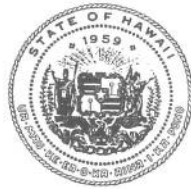


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

Senate Committee on Judiciary and Labor

S.B. 2055, Relating to Conditional Release

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

February 10, 2012

- 1 **Department's Position:** The Department of Health (DOH) opposes this measure.
- 2 **Fiscal Implications:** No funds are appropriated; however, the costs to the DOH would be substantial if
- 3 this measure is passed, due to the expense of continuing services for those affected by any extensions of
- 4 conditional release time.
- 5 **Purpose and Justification:** The purpose of this measure requires tolling of one-year conditional
- 6 release period upon filing of motion for revocation of conditional release or motion to modify
- 7 conditions. The department supported and continues to support the intent of the statutory changes made
- 8 last year to HRS section 704-411, in Act 99, which limited the time to one year on conditional release.
- 9 We do not support activity which might extend that term beyond one year. The provision for a one year
- 10 duration for conditional release of defendants subject to Hawaii Revised Statutes (HRS), section 704-
- 11 411, who were charged with a petty misdemeanor, misdemeanor, or violation, was intentional. The
- 12 tolling provision, if enacted, could extend the term of the conditional release beyond the one year time
- 13 period.

1 Further, modification of conditional release should not result in an extension of the term of that
2 release, especially in those instances where a modification of conditional release decreases the amount
3 or severity of conditions placed on the individual.

4 The department does not support this bill. However, if it should proceed forward, we have a
5 recommendation for the committee's consideration. In section 1 (b) (ii), the bill states "If the court,
6 following hearing, refuses to revoke the conditional release or grant the requested modification, the
7 defendant may be granted the period of tolling of conditional release for purposes of computation of the
8 remaining conditional release, if any;" We recommend that the word "may" be changed to "shall."

9 Thank you for the opportunity to testify on this measure.