

---

---

# HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY  
TO ADVISE THE SPECIAL ACTION TEAM ON THE OPTIMAL NUMBER OF  
FORENSIC EXAMINATIONS NECESSARY FOR FELONY CASES.

1           WHEREAS, on July 17, 2012, the Governor convened a Special  
2 Action Team comprised of representatives from the Governor's  
3 Office, the Department of Health Adult Mental Health Division,  
4 the Department of Public Safety, the Department of Human  
5 Services, the Department of the Attorney General, the offices of  
6 the prosecutors from each county, the Office of the Public  
7 Defender, and the chiefs of police from each county, to:

8  
9           (1) Examine ways to strengthen inter-governmental and  
10           inter-agency collaboration pertaining to the adult  
11           mental health system; and  
12

13           (2) More effectively manage the census of the Hawaii State  
14           Hospital; and  
15

16           WHEREAS, the Legal/Judicial Subcommittee of the Special  
17 Action Team identified that unlike most states, Hawaii routinely  
18 uses three forensic examinations for each individual charged  
19 with a felony who is committed pursuant to Chapter 704, Hawaii  
20 Revised Statutes; and  
21

22           WHEREAS, the Special Action Team agreed to ask a neutral  
23 third party, namely the Legislative Reference Bureau, to review  
24 the National Model for Competency Best Practices Model at the  
25 website [www.mentalcompetency.org](http://www.mentalcompetency.org); and  
26

27           WHEREAS, many other states use a single forensic examiner  
28 in similar circumstances; and  
29

30           WHEREAS, the procedural burden of Hawaii's use of three  
31 forensic examiners in felony cases is compounded by repetitive



1 examinations at each stage of the court case - specifically to  
2 determine fitness and to determine criminal responsibility, to  
3 transition out of the hospital, to be placed on conditional  
4 release, and to be discharged from conditional release; and  
5

6 WHEREAS, multiple and repetitive use of three examiners at  
7 every step in the proceedings results in substantial delays and  
8 extensions of hospitalization without obvious clinical value and  
9 at significant public expense; and  
10

11 WHEREAS, the Special Action Team reached consensus  
12 agreement that it was desirable to have the Legislative  
13 Reference Bureau conduct a study of Hawaii's use of three  
14 forensic examinations to result in the creation of a report to  
15 advise and inform the Governor, the Legislature, the Special  
16 Action Team, and other key stakeholders regarding the advantages  
17 and disadvantages of the current statutory requirements for  
18 forensic examinations, including costs and potential advantages  
19 and disadvantages of alternative statutory requirements for  
20 forensic examinations more aligned with that of other states;  
21 now, therefore,  
22

23 BE IT RESOLVED by the House of Representatives of the  
24 Twenty-seventh Legislature of the State of Hawaii, Regular  
25 Session of 2013, the Senate concurring, that the Legislative  
26 Reference Bureau is requested to conduct a study to advise the  
27 Special Action Team on the optimal number of forensic  
28 examinations necessary for each individual committed to the  
29 Hawaii State Hospital who is charged with a felony, relative to  
30 the practices in other states and jurisdictions; and  
31

32 BE IT FURTHER RESOLVED that the Legislative Reference  
33 Bureau consult with critical stakeholders in studying this issue  
34 and submitting a report to the Legislature; and  
35

36 BE IT FURTHER RESOLVED that the Legislative Reference  
37 Bureau submit a report of the study to the Legislature no later  
38 than 20 days prior to the convening of the Regular Session of  
39 2014; and  
40

41 BE IT FURTHER RESOLVED that certified copies of this  
42 Concurrent Resolution be transmitted to the Governor, Director  
43 of Health, Director of Human Services, Director of Public  
44 Safety, Attorney General, Director of Human Resources



1 Development, offices of the prosecutors of each county, Office  
2 of the Public Defender, mayors of each county, the chiefs of  
3 police of each county, and Acting Director of the Legislative  
4 Reference Bureau.

