

STAND. COM. REP. NO.

915

Honolulu, Hawaii

March 1, 2013

RE: H.B. No. 910
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 910, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH,"

begs leave to report as follows:

The purpose of this measure is to render more efficient the processes surrounding conditional release without adversely impacting defendants' rights, the provision of effective mental health services, or public safety. Specifically, this measure, among other things:

- (1) Requires all public agencies in possession of specified records of a defendant ordered to be examined regarding the defendant's fitness to proceed to provide those records to the Court;
- (2) Limits to one year the period of conditional release ordered for defendants who were charged with a petty misdemeanor, misdemeanor, or violation;
- (3) Requires the tolling of the one-year term of conditional release for defendants charged with a petty misdemeanor, misdemeanor, or violation, during any period of hospitalization ordered due to noncompliance with the terms of the conditional release and during the pendency of a motion to revoke the conditional release; and

HB910 HD2 HSCR JUD HMS 2013-2517



- (4) Requires the period of conditional release to be terminated upon revocation of the conditional release.

The Judiciary, Department of Health, Office of the Public Defender, Community Alliance for Mental Health, United Self Help, Hawaii Disability Rights Center, and Mestizo Association supported this measure. The County of Maui Department of the Prosecuting Attorney, City and County of Honolulu Department of the Prosecuting Attorney, and Hawaii Police Department opposed this measure.

Your Committee finds that it is important to balance the rights of defendants with the necessity of ensuring public safety. Given that such determinations should be based on quantitative evidence, your Committee respectfully requests the Department of Health to immediately provide to the Legislature any information it possesses, current through the beginning of the 2013 Legislative Session, detailing the number, frequency, and types of criminal offenses and violations committed by defendants discharged from conditional release.

Your Committee has amended this measure by:

- (1) Requiring the Department of Health to submit a report prior to the 2015 Legislative Session detailing the number, frequency, and types of criminal offenses and violations committed by defendants discharged from conditional release during the period beginning with the commencement of the 2013 Legislative Session through the end of 2014; and
- (2) Making technical, nonsubstantive amendments for clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 910, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 910, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



