

STAND. COM. REP. NO. 118

Honolulu, Hawaii

February 6, 2013

RE: H.B. No. 948
H.D. 1

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

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 948 entitled:

"A BILL FOR AN ACT RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT FOR INMATES AND DETAINEES IN CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to improve the operational efficiency of procedures for petitions to provide involuntary medical treatment to inmates and detainees by:

- (1) Adding definitions of "danger of physical harm to others" and "danger of physical harm to self" to criteria for involuntary medical treatment;
- (2) Providing for the filing of a petition for involuntary medical treatment in either the district court or circuit court;
- (3) Allowing for a declaration to be filed with the petition as an alternative to an affidavit;
- (4) Changing the time requirement for filing a petition for a court order for medical treatment from a period of within two days of an examination of the person to within five days of an examination;

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- (5) Narrowing the category of persons who must be notified of the petition to include only a person's legal guardian or emergency contact;
- (6) Deleting an erroneous reference to "commitment" and replacing it with a reference to "treatment";
- (7) Expanding the court's ability to continue the hearing on the petition for good cause;
- (8) Giving the court more flexibility to appoint a temporary guardian or guardian ad litem; and
- (9) Clarifying the effective expiration date of the order for persons who return to custody after release.

The Department of the Attorney General and the Department of Public Safety supported this measure.

Your Committee has amended this measure by clarifying the definition of "danger of physical harm to self" by deleting the reference to an inmate or detainee's ability to satisfy the need for shelter. Technical, nonsubstantive amendments have also been made for the purposes of consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 948, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 948, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,


HENRY J. C. AQUINO, Chair



