

STAND. COM. REP. NO. 1615

Honolulu, Hawaii

April 5, 2013

RE: S.B. No. 1141
S.D. 2
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 S.B. No. 1141, S.D. 2, 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 implement statutory changes recommended by the Governor's Special Action Team commissioned to address the population rate at the Hawaii State Hospital by, among other things:

- (1) Requiring public agencies with a defendant's medical, mental health, social, police, and juvenile records to release information to the court when the defendant is ordered to submit to a forensic mental health examination in order to expedite the process;
- (2) Amending Penal Code provisions to establish limits to the length of time an individual may remain on conditional release for certain criminal charges and to clarify circumstances under which the conditional release will be tolled; and
- (3) Requiring the Department of Health to submit a report prior to the Regular Session of 2015 detailing the number, frequency, and types of criminal offenses and violations committed by defendants discharged from

SB1141 HD2 HSCR JUD HMS 2013-3303



conditional release during the period beginning with the commencement of the Regular Session of 2013 through the end of 2014.

The Judiciary, Department of Health, Office of the Public Defender, Hawaii Disability Rights Center, Hawaii Government Employees Association, and Community Alliance for Mental Health supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu and County of Hawai'i Police Department opposed this measure. The Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Amending the reporting requirement to the Legislature to:
 - (A) Specify that it pertains to alleged criminal offenses and violations committed by defendants discharged from conditional release and whose conditional release was limited to one year; and
 - (B) Specify that the period covered in the report ends on December 1, 2014, rather than on December 31, 2014;
- (2) Clarifying the tolling provision to state that the period of conditional release of no more than one year is tolled under the specified circumstances; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 1141, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1141, S.D. 2, H.D. 2.



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

Karl Rhoads

KARL RHOADS, Chair



HSCR1615

State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB1141, SD2, HD1	Committee Referral: HLT/PBS, JUD	Date: 4/4/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)		X		
3. BELATTI, Della Au	X			
4. BROWER, Tom	X			
5. CABANILLA, Rida T.R.				X
6. CARROLL, Mele	X			
7. ITO, Ken		X		
8. KAWAKAMI, Derek S.K.		X		
9. LEE, Chris	X			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica	X			
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	9	3		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: _____ 				
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