

STAND. COM. REP. NO. 985

Honolulu, Hawaii
March 15, 2013

RE: S.B. No. 1179
S.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 S.B. No. 1179, S.D. 1, 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 amend existing law relating to court orders to provide medical treatment for inmates and detainees in correctional facilities. Specifically, this measure:

- (1) Adds definitions of "danger of physical harm to others" and "danger of physical harm to self";
- (2) Provides for the filing of a petition for involuntary medical treatment in either the district or circuit court;
- (3) Allows for a declaration of the need for involuntary medical treatment to be filed with the petition for involuntary medical treatment as an alternative to an affidavit;
- (4) Changes the time within which a person must be examined from two to five days prior to the filing of a petition for involuntary medical treatment;

SB1179 SD1 HSCR PBS HMS 2013-2728



- (5) Clarifies the list of persons who are required to be notified of the hearing on the petition for involuntary medical treatment;
- (6) Expands the court's ability to continue the hearing on the petition for involuntary medical treatment for good cause;
- (7) Provides the court greater flexibility in appointing a guardian ad litem or temporary guardian to represent the individual in proceedings for the petition for involuntary medical treatment; and
- (8) Clarifies the effective expiration date of the order for persons who return to custody after release.

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

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 S.B. No. 1179, S.D. 1, and recommends that it pass Second Reading 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



HSCR 985

State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Record of Votes of the Committee on Public Safety

Bill/Resolution No.: SB 1179, S01	Committee Referral: PBS, JUD, FIN	Date: March 14, 2013		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	✓			
2. ING, Kaniela (VC)	✓			
3. HASHEM, Mark J.	✓			
4. ICHIYAMA, Linda				✓
5. NAKASHIMA, Mark M.	✓			
6. TAKUMI, Roy M.				✓
7. YAMANE, Ryan I.	✓			
8. YAMASHITA, Kyle T.	✓			
9. MCDERMOTT, Bob	✓			
TOTAL (9)	7			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				