STAND. COM. REP. NO. **336**

Honolulu, Hawaii

FEB 1 5 2013

RE: S.B. No. 1179
        S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 1179 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 and intent of this measure is to:

(1)   Provide for the filing of a petition for involuntary
      medical treatment in either the district or circuit
      court;

(2)   Allow a licensed physician or psychologist to file a
      declaration, as an alternative to an affidavit;

(3)   Expand the court's ability to continue the hearing on
      the petition for good cause;

(4)   Give the court more flexibility in deciding when a
      guardian ad litem is necessary;

(5)   Increase the time within which a person must be examined
      by a licensed physician or psychologist from two days to
      five days prior to filing of the petition;

(6)   Amend the list of persons who must be notified of the
      petition; and

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(7) Clarify the effective expiration date of the order for persons who return to custody after release.

Your Committee received testimony in support of this measure from the Department of Public Safety and Department of the Attorney General.

Your Committee finds that this measure allows for a more efficient and responsive court process, enabling medical staff in various correctional facilities to provide critical and necessary medical treatment in a more timely fashion. This measure will help to improve the mental and physical status of inmates. Furthermore, this measure expedites the notification process by restricting notification to those parties whom the inmate has designated as their emergency contact or their legal guardian while in the custody of the Department of Public Safety.

Your Committee has amended this measure by:

(1) Deleting the word "shelter" from the definition of "Danger of physical harm to self"; and

(2) Making technical, nonsubstantive amendments for the purposes of consistency and clarity.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1179, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1179, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental and Military Affairs,

WILL ESPERO, Chair

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Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1179	PSM, JDL	2-12-2013

☐ The committee is reconsidering its previous decision on this measure.

    If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended 2312   ☑ Pass, with amendments 2311   ☐ Hold 2310   ☐ Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, Josh	✓			
SLOM, Sam				✓
TOTAL	3	—	—	2

Recommendation:

☒ Adopted   ☐ Not Adopted

Chair's or Designee's Signature:

Rosalyn H. Baker

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*Only <u>one</u> measure per Record of Votes

Revised: 01/22/13