

STAND. COM. REP. NO.

692

Honolulu, Hawaii

MAR 0 1 2013

RE: S.B. No. 310

S.D. 2

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

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 310, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to reduce  
hospitalization and incarceration of persons with severe mental  
illness through the establishment of an assisted community  
treatment program.

Your Committee did not accept any testimony on this measure.

Your Committee finds that that there are serious problems of  
high incarceration and hospitalization rates of those with severe  
mental illness. Assisted community treatment provides an  
opportunity for people with serious mental illness to be treated  
in the least restrictive setting and reduces the trend toward  
criminalizing mental illness.

Your Committee has amended this measure by:

- (1) Deleting the definitions of "obviously ill" in sections  
334-1 and 334-122, Hawaii Revised Statutes, and  
inserting new language to define "obviously ill" under  
section 334-1, Hawaii Revised Statutes;
- (2) Specifying under section 334-127, Hawaii Revised  
Statutes, that the court order shall also apply to the



subject in the event that the subject changes the setting of treatment when the family court determines the subject's treatment;

- (3) Clarifying under section 334-129, Hawaii Revised Statutes, that no subject shall be physically forced to take medication under a family court order for assisted community treatment unless the subject is hospitalized or placed in a correctional facility subsequent to the date of the assisted community treatment order for failure to comply with the order of the court; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 310, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 310, S.D. 2.

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



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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 310 SDI	HTH/HMS, JDL	2/28/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes