

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DELLA AU BELATTI, CHAIR  
HOUSE COMMITTEE ON HEALTH  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawai'i**

February 13, 2013

**RE: H.B. 910; RELATING TO FORENSIC MENTAL HEALTH.**

Chair Au Belatti, Vice-Chair Morikawa and members of the House Committee on Health, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to House Bill 910.

One of the primary purposes of H.B. 910 is to limit conditional release to a maximum of one year, for anyone granted conditional release after he or she was:

- (1) committed to the custody of the Director of Health, following an acquittal for physical or mental disease, disorder, or defect excluding penal responsibility; or
- (2) placed on conditional release pursuant to Chapter 704, then had such conditional release revoked

if the original charge against that person was a misdemeanor, petty misdemeanor, or violation.

When conditional release is granted, the court makes a specific determination that conditional release is necessary, as the defendant is still affected by physical or mental disease, disorder, or defect and still a danger to self or others. The court grants a conditional release because it feels that the defendant can be safely released only if he or she is adequately monitored and given proper care, supervision, and treatment. Without such supervision and treatment, the defendant will continue to be a danger to self or others.

Rather than apply a set one-year limitation on all conditional releases granted under HRS §704-412, in which the defendant was charged with a petty misdemeanor, misdemeanor, or violation, the Department would strongly recommend a case-by-case review by the court, involving a thorough review of all relevant facts and circumstances. Inevitably, some cases will

call for supervision and treatment beyond one-year, particularly in cases under HRS §704-412, where the defendant was previously committed and/or had their conditional release revoked.

Public safety is the Department's highest priority, and proper supervision and treatment of defendants is critical to preventing future violence or criminal activity. Instead of placing a set time limit on conditional release, the Department respectfully suggests a standardized schedule for court review. When a court finds that the defendant may be released into the community without being a danger to self or others, then it is within the court's powers to discharge him or her at that time.

For all the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes H.B. 910. Thank you for the opportunity to testify on this matter.



# Community Alliance for Mental Health

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To: The Hawai'i House of Representatives Committee on Health  
Re: HB910

To: The Honorable Representative Belatti and the members of the committee.

Aloha,  
The Community Alliance for Mental Health along with United Self Help supports HB 910.

Mahalo,  
Robert Scott Wall  
Vice-President

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