

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 2246  
H.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committees on Health and Public Safety,  
Intergovernmental and Military Affairs, to which was referred H.B.  
No. 2246, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to promote state  
compliance with federal firearm regulations by:

- (1) Providing for a court-based program for persons  
federally prohibited from owning a firearm based on a  
finding of mental illness or civil commitment whereby  
the persons may petition for relief from the federal  
firearm prohibitor; and
- (2) Requiring courts to provide information relating to  
involuntary civil commitments to the Hawaii Criminal  
Justice Data Center for use by law enforcement officials  
for firearms permitting or registration and for  
submission to the Federal Bureau of Investigation  
National Instant Criminal Background Check System (NICS)  
database for gun control purposes.

Your Committees received testimony in support of this measure  
from the Department of Health and Department of the Attorney  
General.

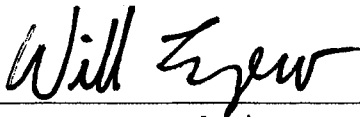


Your Committees find that NICS is a federal database that uses information provided by states to identify individuals who are federally prohibited from possessing a firearm. Your Committees further find that Hawaii currently does not provide information on adjudicated civil commitments to NICS because state law prohibits the disclosure of this information. This measure will promote public safety and individual rights by permitting the courts to share information with law enforcement agencies responsible for approving requests for firearm permits and registrations and contribute to the national database in order to promote gun control and public safety throughout the nation.

Your Committees note that the burden of proof to show that an individual no longer suffers from the condition that resulted in civil commitment is unclear. Under section 334-60.5, Hawaii Revised Statutes, an individual can be civilly committed only when it is determined "beyond a reasonable doubt" that the individual is mentally ill or abusing substances, and "by clear and convincing evidence" that the person is imminently dangerous to self and others. Your Committees further note that the Department of the Attorney General supports the "clear and convincing evidence" standard of proof because state law currently requires such a standard of proof when involuntarily hospitalizing a person pursuant to Hawaii's civil commitment statute.

As affirmed by the records of votes of the members of your Committees on Health and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2246, H.D. 1, and recommend that it pass Second Reading and be referred to the Committees on Judiciary and Labor and Ways and Means.

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



WILL ESPERO, Chair



JOSH GREEN, Chair





