

Honolulu, Hawaii

February 13, 2014

RE: H.B. No. 255
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 255, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to create a three-year medical release pilot project for certain inmates who because of illness, disease, or medical condition do not pose a significant risk to society.

The Office of Hawaiian Affairs and one concerned individual testified in support. The Department of the Prosecuting Attorney of the County of Maui, Office of the Prosecuting Attorney of the County of Kauai, and Maui Police Department testified in opposition to this measure. The Department of Public Safety, Hawaii Paroling Authority, Department of the Attorney General, Community Alliance on Prisons, and two concerned individuals provided comments.

Your Committee has amended this measure by:

- (1) Placing the medical release program within the jurisdiction of the Department of Public Safety (PSD) as a permanent program;



- (2) Clarifying that medical release may only be granted if an inmate does not pose a significant risk to public safety and the inmate has:
 - (A) An illness, disability, or a medical condition with a prognosis to a reasonable medical probability that death will occur within six months;
 - (B) A seriously debilitating medical condition that cannot be appropriately treated in prison; or
 - (C) Such limited functional or cognitive ability that the inmate is not able to participate in rehabilitation or be aware of punishment;
- (3) Specifying that a request for medical release may be initiated by an inmate's immediate family member along with the Director of Public Safety, inmate, or the inmate's representative, and that the immediate family member may participate in the Hawaii Paroling Authority hearing for medical release;
- (4) Requiring that all requests for medical release made by anyone other than the Director of Public Safety be submitted to the Director, and requiring the Director, upon receipt, to issue a medical release report for submittal with the request to the Hawaii Paroling Authority within 20 days;
- (5) Authorizing the inmate or inmate's immediate family member or representative to present a report with findings from a private licensed medical doctor at the Hawaii Paroling Authority's hearing for medical release;
- (6) Providing for appeal of the denial of a medical release request to the circuit court within 30 days of the denial decision;
- (7) Deleting the requirement that PSD adopt rules for the medical release program; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 255, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 255, H.D. 2.

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



KARL RHOADS, Chair



