

Honolulu, Hawaii
February 14, 2014

RE: H.B. No. 948
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. 948, H.D. 1, 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 of this measure is to amend existing law relating to procedures for petition and hearing for court-ordered, involuntary medical treatment of inmates and detainees in the custody of the Department of Public Safety. Specifically, this measure:

- (1) Adds definitions of "danger to physical harm to others" and "danger of physical harm to self";
- (2) Provides for the filing of a petition for involuntary medical treatment in either the district or circuit court;
- (3) Allows for a declaration of the need for involuntary medical treatment to be filed with the petition for involuntary medical treatment as an alternative to an affidavit;



- (4) Changes the time within which a person must be examined from two to five days prior to the filing of a petition for involuntary medical treatment;
- (5) Clarifies the list of persons who are required to be notified of the hearing on the petition for involuntary medical treatment;
- (6) Expands the court's ability to grant reasonable delay the hearing on the petition for involuntary medical treatment for good cause;
- (7) Provides the court greater flexibility in appointing a guardian ad litem or temporary guardian to represent the individual in proceedings for the petition for involuntary medical treatment; and
- (8) Clarifies the effective expiration date of the order for persons who return to custody after release.

The Department of Public Safety and Department of the Attorney General testified in support of this measure. The Office of the Public Defender submitted comments on this measure.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "danger of physical harm to others" to not refer to harm to self;
- (2) Modifying the notice requirement for hearings on petitions to provide involuntary medical treatment to an inmate or detainee by reinstating the list of persons to be served, in addition to the inmate or detainee's legal guardian or emergency contact, and specifying that at least one of those persons must be served, thereby retaining the standing of those individuals to seek a delay of the hearing on the petition; and
- (3) 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. 948, 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. 948, H.D. 2.

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

Karl Rhoads

KARL RHOADS, Chair



