

Honolulu, Hawaii

APR 24 2014

RE: S.B. No. 1141
S.D. 2
H.D. 2
C.D. 1

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

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1141, S.D. 2, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require public agencies with a defendant's medical, mental health, social, police, and juvenile records to release information to the court when the defendant is ordered to submit to a forensic mental health examination in order to expedite the process;
- (2) Amend Penal Code provisions to establish limits to the length of time an individual may remain on conditional release for certain criminal charges and to clarify



circumstances under which the conditional release will be tolled; and

- (3) Require the Department of Health to submit a report to the Legislature detailing the number, frequency, and types of criminal offenses and violations committed by defendants discharged from conditional release.

Your Committee on Conference finds that the Governor commissioned a special action team in June 2012 to analyze causes and identify ideas to address the systemic factors contributing to the increased rate of admission and increased length of stay of persons admitted to the Hawaii State Hospital. This measure is the result of the special action team's efforts to improve the State's forensic mental health services.

Your Committee on Conference has amended this measure by:

- (1) Amending the findings section to clarify the purpose of the measure;
- (2) Removing police and expunged records from the types of records that public agencies are required to provide to the court;
- (3) Removing amendments to section 704-411, Hawaii Revised Statutes;
- (4) Removing the limitation of a conditional release to no more than one year for defendants who were charged with minor offenses;
- (5) Removing the tolling of a conditional release of no more than one year due to hospitalization and, in the case of a motion to revoke the conditional release, from the motion filing date to its determination date;
- (6) Removing the reporting requirement for the Department of Health; and
- (7) Inserting an effective date of July 1, 2014.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1141, S.D. 2, H.D. 2, as amended herein, and recommends



that it pass Final Reading in the form attached hereto as S.B.
No. 1141, S.D. 2, H.D. 2, C.D. 1.

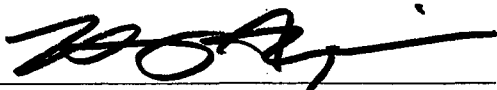
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



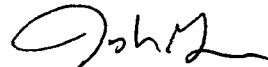
DELLA AU BELATTI, Co-Chair



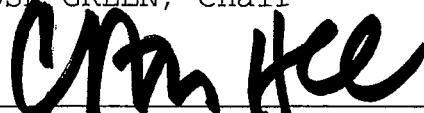
HENRY J.C. AQUINO, Co-Chair



KARL RHOADS, Co-Chair



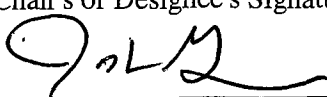

JOSH GREEN, Chair



CLAYTON HEE, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB/1141, SD 2, HD 2					Date/Time: 4/24/14 235 p						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input checked="" type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
GREEN, Josh, Chr.		✓				BELATTI, Della Au, Co-Chr.		✓			
HEE, Clayton, Co-Chr.		✓				AQUINO, Henry J.C., Co-Chr.		✓			
GABBARD, Mike		✓				RHOADS, Karl, Co-Chr.		✓			
WAKAI, Glenn					✓	MORIKAWA, Dee		✓			
SLOM, Sam					✓	WARD, Gene		✓			
TOTAL		3	0	0	2	TOTAL		5	0	0	0
A = Aye		WR = Aye with Reservations			N = Nay			E = Excused			
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
Distribution:		Original <i>File with Conference Committee Report</i>			Yellow <i>House Clerk's Office</i>		Pink <i>Senate Clerk's Office</i>		Goldenrod <i>Drafting Agency</i>		