

Honolulu, Hawaii

March 22, 2013

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

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committees on Health and Public Safety, to which was referred S.B. No. 1141, S.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this measure is to implement statutory changes recommended by the Governor's special action team commissioned to address the population rate at the Hawaii State Hospital by:

- (1) Requiring 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; and
- (2) Amending penal code provisions to establish limits to the length of time an individual may remain on conditional relief for certain criminal charges and to clarify circumstances under which the conditional release may be tolled.

The Department of Health, Community Alliance for Mental Health, United Self Help, and Hawaii Disability Rights Center testified in support of this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu and County of Hawaii Police Department testified in opposition to this



measure. The Judiciary and the Department of the Attorney General provided comments.

Your Committees note concerns expressed by the Department of the Prosecuting Attorney that an individual charged with a misdemeanor, petty misdemeanor, or violation granted a one-year maximum conditional release as provided in this bill may still be affected by a physical or mental condition and be dangerous to self or others at the end of that period. Your Committees respectfully request the Committee on Judiciary to consider these concerns.

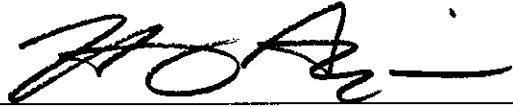
Your Committees have amended this measure by:

- (1) Clarifying that the tolling provisions apply only to defendants charged with petty misdemeanors, misdemeanors, or violations;
- (2) Specifying that the period of conditional release shall be tolled during a period of forensic hospitalization and during the pendency of a motion to revoke conditional release;
- (3) Requiring the Department of Health to submit a report prior to the 2015 Legislative Session detailing the number, frequency, and types of criminal offenses and violations committed by defendants discharged from conditional release during the period beginning with the commencement of the 2013 Legislative Session through the end of 2014; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health and Public Safety that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1141, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1141, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.



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



HENRY J.C. AQUINO, Chair



DELLA AU BELATTI, Chair





