

Honolulu, Hawaii

April 4, 2014

RE: S.B. No. 1179
S.D. 1
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 Finance, to which was referred S.B. No. 1179, S.D. 1, 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 authorize the Director of Public Safety or the Director's designee (Director) to petition the courts to obtain orders to provide involuntary medical treatment to certain inmates and detainees by, among other things:

- (1) Defining specific terms used in the criteria for involuntary medical treatment;
- (2) Allowing the Director to file the petition in district court, in addition to circuit court;
- (3) Permitting the attachment of a declaration in addition to an affidavit of the examining physician or psychologist to the petition;
- (4) Expanding from two to five days the maximum time period between the examination of the inmate or detainee and the filing of the petition;



- (5) Specifying that notice of a hearing be served on the inmate or detainee and at least one of the persons presently entitled to be served with notice and including the individual's emergency contact listed while the individual is in the custody of the Department of Public Safety;
- (6) Authorizing, rather than requiring, the court to appoint a guardian ad litem or a temporary guardian upon the occurrence of specified conditions; and
- (7) Clarifying the effective expiration date of the order for persons who return to custody after release.

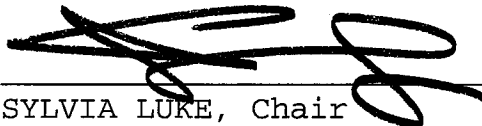
The Department of Public Safety provided testimony in support of this measure. The Sub-Subway Sandwich Group provided comments.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2030, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1179, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1179, S.D. 1, H.D. 2.

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



SYLVIA LUKE, Chair



