

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 1179
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1179, S.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 and intent of this measure is to modify existing
law relating to court orders to provide medical treatment for
inmates and detainees in correctional facilities. Specifically,
this measure:

- (1) Adds definitions of "danger of 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 to be filed with the petition
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;
- (5) Amends the list of persons who are required to be
notified of the hearing on the petition;



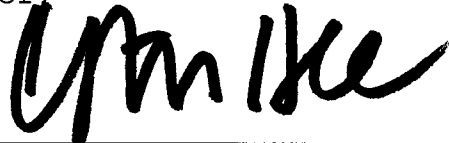
- (6) Expands the court's ability to continue the hearing on the petition for good cause;
- (7) Provides the court greater flexibility in determining when a guardian ad litem is necessary; and
- (8) Clarifies the effective expiration date of the order for persons who return to custody after release.

Your Committee received testimony in support of this measure from the Department of Public Safety and Department of the Attorney General.

Your Committee finds that this measure allows for a more efficient and responsive court process, enabling medical staff in various correctional facilities to provide critical and necessary medical treatment in a more timely fashion. This measure will help to improve the mental and physical status of inmates. Furthermore, this measure expedites the notification process by restricting notification to those parties whom the inmate has designated as an emergency contact or legal guardian while in the custody of the Department of Public Safety.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1179, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor.



CLAYTON HEE, Chair



