

Honolulu, Hawaii

APR 08 2016

RE: H.B. No. 2559
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary and Labor, to which was referred H.B. No. 2559, H.D. 1, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to promote assisted community treatment as an alternative to involuntary hospitalization.

Specifically, this measure:

- (1) Defines "imminently dangerous to self or others";
- (2) Repeals the authority of law enforcement officers to take a person subject to an assisted community treatment order into custody and transport them to a designated mental health program without a court order;
- (3) Requires a judge to issue an order for a law enforcement officer to take a person subject to an assisted community treatment order into custody and deliver them to a designated mental health program;
- (4) Changes the maximum period of court-ordered assisted community treatment from one hundred eighty days to one year;



- (5) Amends the circumstances under which a person subject to an assisted community treatment order may be physically forced to take medication; and
- (6) Repeals the repeal and reenactment dates in Act 27 and Act 231, Session Laws of Hawaii 2015.

Your Committees received written comments in support of this measure from one individual.

Your Committees received written comments in opposition to this measure from the Hawaii Disability Rights Center and one individual.

Your Committees received written comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committees find that the State has a significant interest in protecting the civil liberties of and rehabilitating those who suffer from mental illness. Assisted community treatment provides persons with mental illness a less restrictive means of treatment than hospitalization. Your Committees also recognize that there are situations in which a person subject to assisted community treatment may require more restrictive treatment. Your Committees believe that this measure balances the civil liberties of those with mental illness and the needs of the State to rehabilitate and protect.

Your Committees have amended this measure by clarifying the definition of "imminently dangerous to self or others" to mean "that, without intervention, the person will likely become dangerous to self or dangerous to others within the next ninety days".

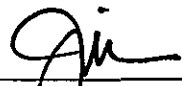
As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2559, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2559, H.D. 1, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary and Labor,



GILBERT S.C. KEITH-AGARAN, Chair

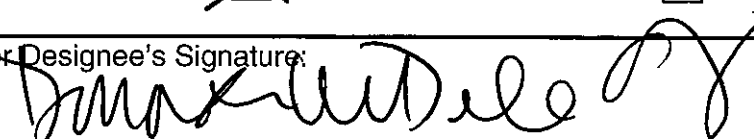


JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 2559, HD1, SD1	Committee Referral: CPH, WAM/SDL	Date: 4/4/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	11			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

