

STAND. COM. REP. NO. 2604

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2914
S.D. 1

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

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 2914 entitled:

"A BILL FOR AN ACT RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to adjust the petition process for court orders to provide medical treatment to:

- (1) Allow a declaration to be filed as an alternative to an affidavit;
- (2) Expand the court's ability to continue the hearing on the petition for good cause;
- (3) Give the court more flexibility in deciding when a guardian ad litem is necessary;
- (4) Relax the time requirement for filing a court order for medical treatment;
- (5) Redefine the persons who must be notified of the petition;
- (6) Clarify the effective expiration date of the order; and
- (7) Provide the ability for the Department of Public Safety to seek an extension of an order to treat if necessary.



Your Committees received testimony in support of this measure from the Department of Public Safety.

Your Committees find that existing statutes provide a procedure for involuntary medical treatment for inmates in the custody of the Department of Public Safety when the inmate poses a danger of harm to self or others. These procedures place unnecessary and arbitrary restrictions on doctors and correctional facility staff that reduce efficiency and generate avoidable risk. This measure proposes amendments to clarify issues to improve the operational efficiency of the petition process.

Your Committees have amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2914, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2914, S.D. 1.

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



JILL N. TOKUDA, Chair

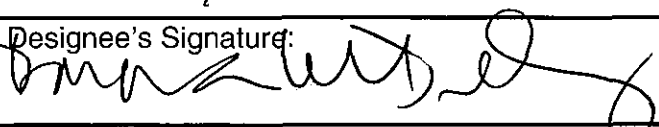


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 2914	Committee Referral: PSM/CPH, JDL/WAM	Date: 2/24/16		
<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	10			1
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