

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2914

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

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health, 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 the Attorney General and Ho'omana Pono, LLC.

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.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2914 and recommend that it pass Second Reading and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Public Safety,  
Intergovernmental, and Military  
Affairs and Commerce, Consumer  
Protection, and Health,


  
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ROSALYN H. BAKER, Chair

  
\_\_\_\_\_  
CLARENCE K. NISHIHARA, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:* SB2914	Committee Referral: PSM/CPH, JDL/WAM	Date: <i>2/11/16</i>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.	/			
INOUYE, Lorraine R.				/
SLOM, Sam	/			
<b>TOTAL</b>	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
<b>Distribution:</b> Original                              Yellow                              Pink                              Goldenrod File with Committee Report            Clerk's Office                              Drafting Agency                              Committee File Copy				

\*Only one measure per Record of Votes

