



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of HB 947
RELATING TO RECORDS OF FORENSIC EXAMINATIONS**

REPRESENTATIVE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY (JUD)

Hearing Date: March 3, 2015
1:00 p.m.

Room Number: 325

1 **Fiscal Implications:** Undetermined at this time.

2 **Department Testimony:** The Department of Health (DOH) supports this Administration's
3 proposed bill. At the Hawaii State Hospital (HSH), the treatment teams, along with the Forensic
4 Coordinator, review copies of the court examinations. This bill creates increased consistency
5 between statutes pertaining to Unfit to Proceed and Acquit and Commit specifically regarding
6 HSH receiving copies of court examinations upon commitment to the hospital. It is essential that
7 the treating professionals receive these evaluations and this information will help to improve the
8 effectiveness and safety of the treatment environment.

9 Under Hawaii Revised Statutes (HRS) §704-406 (Unfit to Proceed), the DOH is
10 privileged to receive the order of commitment accompanied by copies of the court ordered
11 examination reports including assessment of the defendant's physical and mental condition
12 pursuant to HRS §704-404. Under HRS §704-411(1)(a) (Acquit/Commit), DOH only receives
13 the court order and not copies of the court examination reports. HRS §704-406 states, "A copy
14 of the report filed pursuant to section §704-404 shall be attached to the order of commitment or

1 order of release on conditions." Same or similar language is proposed for HRS §704-411(1)(a)
2 including changing HRS §704-406 from "report" to "reports."

3 Forensic evaluations are critical in helping treating professionals at HSH with specific
4 information about treatment focus, treatment planning and assessment and management of risk.
5 Consistency in accessing court examinations will contribute to improved assessment, treatment
6 planning, care coordination and HSH discharge planning.

7 **Offered Amendments:** None.

8 Thank you for the opportunity to testify on this measure.