



**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of SB 1116  
RELATING TO RECORDS OF FORENSIC EXAMINATIONS**

SENATOR GILBERT S.C. KEITH-AGARAN, CHAIR  
SENATE COMMITTEE ON JUDICIARY AND LABOR (JDL)

Hearing Date: February 19, 2015  
9:00 a.m.

Room Number: 016

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. Creating consistency between statutes  
5 pertaining to Unfit to Proceed and Acquit and Commit regarding HSH receiving copies of court  
6 examinations upon commitment to the hospital is essential in creating an effective and safe  
7 treatment environment.

8 For example, under HRS §704-406 (Unfit to Proceed), the DOH is privileged to receive  
9 the order of commitment accompanied by copies of the court ordered examination reports  
10 regarding the physical and mental condition of the defendant pursuant to HRS §704-404. Under  
11 HRS §704-411(1)(a) (Acquit/Commit), DOH only receives the court order and not copies of the  
12 court examination reports. HRS §704-406 states, "A copy of the report filed pursuant to section  
13 704-404 shall be attached to the order of commitment or order of release on conditions." Same

1 or similar language is proposed for HRS §704-411(1)(a) including changing §704-406 from  
2 "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.