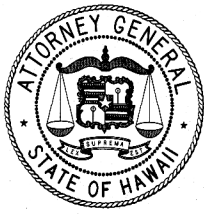




SB2914

Measure Title:	RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES.
Report Title:	Correctional Facilities; Court Orders to Provide Medical Treatment
Description:	Allows for a declaration to be filed with the petition as an alternative to an affidavit; expands the court's ability to continue the hearing on the petition for good cause; gives the court more flexibility in deciding when a guardian ad litem is necessary; changes the time requirement for filing for a court order for medical treatment from a period of within two days of an examination of the person to within five days; redefines the persons who must be notified of the petition; clarifies the effective expiration date of the order for persons who return to custody after release; and provides the ability for the department to seek an extension of an order to treat if necessary.
Companion:	HB2385
Package:	Governor
Current Referral:	PSM/CPH, JDL/WAM
Introducer(s):	KOUCHI (Introduced by request of another party)



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

S.B. NO. 2914, RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES.

BEFORE THE:

COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS AND ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

DATE: Thursday, February 11, 2016 **TIME:** 8:30 a.m.
LOCATION: State Capitol, Room 229
TESTIFIER(S): Douglas S. Chin, Attorney General, or
Richard W. Stacey, Deputy Attorney General

Chairs Nishihara and Baker and Members of the Committees:

The Department of the Attorney General supports this bill.

This bill addresses needed modifications to the process of petitioning for involuntary medication orders for inmates and detainees in the custody of the Department of Public Safety. The bill expands the time period for petitions to be filed from two days to five days; adds definitions of "danger of physical harm to self" and "danger of physical harm to others"; modifies the required notification process because the subject of the petition is already in custody; clarifies whether a treatment order remains in effect for an inmate or detainee who is released but returns to a facility; gives the court added flexibility in determining whether a guardian is necessary and/or whether a continuance of a hearing on the petition is necessary; adds the ability to obtain extensions to medication orders before they expire; corrects minor wording errors in the current law; and allows the petitioners to file either declarations or affidavits, a process that follows modern court rules. These amendments are proposed to allow for a more efficient and responsive court process, enabling medical staff in various correctional facilities to provide critical and necessary medical treatment in a more timely fashion, resulting in the improved mental and physical status of inmates and detainees, and a safer environment for those in need of treatment and for correctional staff.

We respectfully request that this bill be passed.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB2914 on Feb 11, 2016 08:30AM*
Date: Tuesday, February 09, 2016 10:33:44 PM

SB2914

Submitted on: 2/9/2016

Testimony for PSM/CPH on Feb 11, 2016 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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