

STAND. COM. REP. NO.

805

Honolulu, Hawaii

March 2, 2017

RE: H.B. No. 553  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 553 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL DEFENDANTS' FITNESS TO PROCEED,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Reduce the number of qualified examiners, from three to one, that are required to examine and report on a defendant's fitness to proceed for felony and nonfelony prosecutions; and
- (2) Repeal the requirement that one examiner shall be from within the Department of Health.

Hawaii State Coalition Against Domestic Violence testified in support of the measure. City and County of Honolulu Department of the Prosecuting Attorney, County of Kauai Office of the Prosecuting Attorney, Hawaii Psychological Association, and an individual testified in opposition. The Department of Health and Hawaii Disability Rights Center provided comments.

HB553 HD1 HSCR JUD HMS 2017-1929

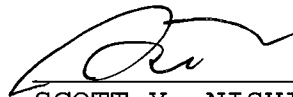


Your Committee has amended this measure by:

- (1) Requiring the examiner in fitness to proceed and regaining fitness to proceed examinations to be a psychiatrist or licensed psychologist designated by the Department of Health;
- (2) Reducing the number of qualified examiners for regained fitness to proceed from three to one examiner who shall be designated by the Director of Health;
- (3) Reinstating on July 1, 2022, the requirement for fitness to proceed and regained fitness to proceed to three qualified examiners in felony cases and one examiner in nonfelony cases, one of the examiners being from within the Department of Health;
- (4) Changing the effective date of this measure to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 553, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 553, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



SCOTT Y. NISHIMOTO, Chair



