

Honolulu, Hawaii

**February 16**, 2018

RE: H.B. No. 2087  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Health & Human Services and Public Safety,  
to which was referred H.B. No. 2087 entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH FACILITIES,"

beg leave to report as follows:

The purpose of this measure is to ensure the safety of all  
psychiatric patients, staff, and community members by requiring  
that certain patients who are allowed unescorted outside a  
psychiatric facility to wear an electronic tracking device while  
outside of the facility.

The Oahu County Committee on Legislative Priorities of the  
Democratic Party of Hawaii and one concerned individual supported  
this measure. The Department of Health and American Civil  
Liberties Union of Hawai'i provided comments.

Your Committees note the 4<sup>th</sup> Amendment concerns expressed in  
testimony by the American Civil Liberties Union of Hawaii that  
electronic tracking of a person without a warrant showing the  
necessary probable cause may be an unconstitutional search.

Your Committees further note that the Department of Health  
and Hawaii State Hospital are currently working together to  
establish policies regarding the use of electronic tracking  
devices by patients who may leave the secured grounds of the

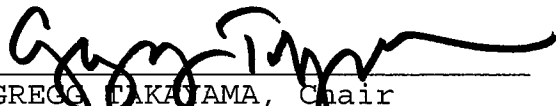


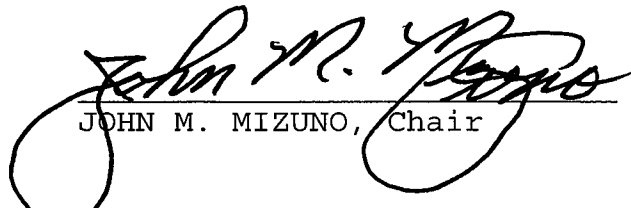
Hospital. Your Committees respectfully request that the Department of Health seek the advice of the Department of the Attorney General to effectively and legally implement these new safety policies, including to determine whether the devices should be worn at all times or not.

Your Committees have amended this measure by changing the effective date to July 1, 3000, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Health & Human Services and Public Safety that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2087, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2087, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Health & Human  
Services and Public Safety,

  
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GREGG TAKAYAMA, Chair

  
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JOHN M. MIZUNO, Chair





