

Honolulu, Hawaii

APR 06 , 2018

RE: S.B. No. 122
S.D. 2
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 122, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Provide designated family members and other interested persons with:
 - (A) Notice when an individual with a mental health emergency is subject to admission to a facility, examination, hospitalization, commitment, or assisted community treatment; and
 - (B) The right to be present for the individual's hearings and receive a copy of the hearing transcript or recording unless the court determines otherwise;
- (2) Require a court to adjourn or continue a hearing for failure to timely notify a person entitled to be notified or for failure by the individual to contact an attorney, with certain exceptions; and



- (3) Require the Auditor to conduct an audit of the Adult Mental Health Division of the Department of Health and submit a report to the Legislature.

Hawaii Disability Rights Center, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii Substance Abuse Coalition, and a few individuals testified in support of this measure. The Department of the Attorney General and Department of Health provided comments.

Your Committee has amended this measure by:

- (1) Deleting the requirement that the Auditor conduct an audit of the Adult Mental Health Division of the Department of Health and submit a report to the Legislature; and
- (2) 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 S.B. No. 122, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 122, S.D. 2, H.D. 2.

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



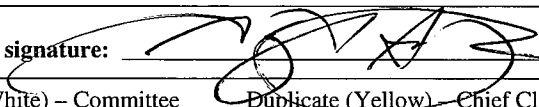
SCOTT Y. NISHIMOTO, Chair



State of Hawaii
 House of Representatives
 The Twenty-ninth Legislature

HSCR 1950-18

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB122 SD2 HD1	Committee Referral: HHS, JUD	Date: 03/29/2018		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. NISHIMOTO, Scott Y. (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. LEE, Chris				/
5. MORIKAWA, Dee	/			
6. TAKAYAMA, Gregg	/			
7. McDERMOTT, Bob				/
8. THIELEN, Cynthia	/			
TOTAL (8)	6			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				