

STAND. COM. REP. NO.

862

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 122

S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 122, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Under certain circumstances allow certain designated family members and other interested persons to receive notice of a person having a mental health emergency of the person's emergency admission, examination, and hospitalization;
- (2) Require that the name, address, and telephone number of at least one of certain designated family members and other interested persons be included on a petition for involuntary hospitalization or assisted community treatment;
- (3) Entitle certain designated family members and other interested persons to:
 - (A) Notice of adjournments, continuances, other delays, dates of rescheduled hearings, and hearing waivers;



- (B) The option to be present in the courtroom for a hearing on a petition for involuntary hospitalization or assisted community treatment, unless the court determines that the interests of justice require otherwise; and
- (C) The option to receive copies of hearing transcripts or recordings, unless the court determines that the interests of justice require otherwise;
- (4) Require notice of discharge and voluntary inpatient treatment when forensic and non-forensic patients are civilly committed to individuals specified in the order of commitment;
- (5) Require the court to adjourn or continue a hearing on a petition for involuntary hospitalization or assisted community treatment for failure to timely notify designated persons, with certain exceptions; and
- (6) Require notice to certain designated family members and other interested persons of any transport or admission of any person to assisted community treatment.

Your Committees received comments on this measure from the Hawaii Disability Rights Center.

Your Committees find that family members provide a very valuable support network for individuals with mental illness, especially as those individuals try to navigate the State's health, mental health, and court systems. Family members are often kept in the dark about their loved ones' status, location, and treatment. This measure balances the importance of providing family members with more information about their loved ones with mental illness with the need to protect individual privacy rights.

Your Committees have amended this measure by:


- (1) Adding legal guardian to the list of individuals who are required to be notified or identified in a petition for purposes of consistency;




- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 122, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 122, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair

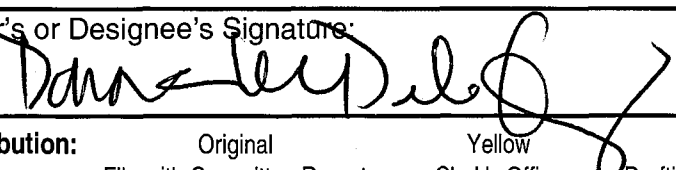


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 122, SD1	Committee Referral: CPH, SDL/WAM	Date: 2/28/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood				/
HARIMOTO, Breene	/			
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i	/			
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn				/
TOTAL	8			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes