

STAND. COM. REP. NO.

691

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 145
S.D. 1

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

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 145, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXAMINATIONS OF FITNESS TO
PROCEED,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the requirements for fitness to proceed examinations when the defendant is in custody or on release by clarifying that the defendant may, without a court order, be transferred, rather than committed, to a hospital or other suitable facility pursuant to the law regarding the transfer of residents of correctional facilities or any agreement entered into between the Department of Health and the Department of Public Safety regarding the transfer of detainees of community correctional centers, when necessary.

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received testimony in opposition to this measure from the Department of Public Safety. Your Committee received comments on this measure from the Hawaii Disability Rights Center.

Your Committee finds that it is important to pursue initiatives that promote the safe, effective, and efficient delivery of mental health supports and forensic evaluations. Currently, no clearly defined criteria exist for determining



whether it is necessary to transfer a defendant to a hospital to receive a pretrial forensic evaluation. Instead, the court has discretion in the matter, but there is no mental health professional appointed at that juncture in the court proceedings to assess the level of care a defendant might need. This measure clarifies existing law to ensure that transfers to state facilities for evaluation and treatment occur when there is a need for acute hospital level psychiatric treatment for mental illness.

Your Committee notes that while the effective date of this measure is July 1, 2050, the amendments made to section 704-404(2), Hawaii Revised Statutes, are intended to become effective on July 1, 2018, to correspond with the effective date of section 5 under Act 231, Session Laws of Hawaii 2016.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 145, S.D. 1, and recommends that it pass Third Reading.

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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 145 SDI	Committee Referral: CPH, JDL	Date: 2/22/17		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Karl Rhoads</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes