

Honolulu, Hawaii

, 2019

MAR 21

RE: S.B. No. 1124  
S.D. 2  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1124, 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 clarify requirements for petitions, procedures, and hearings for involuntary hospitalization and assisted community treatment to promote mental health treatment. Specifically, this measure:

- (1) Clarifies that the inability to satisfy the need for treating mental illness shall be included in elements determining whether a person is dangerous to self;
- (2) Specifies that the Attorney General may decline to present a case for involuntary hospitalization if the Attorney General determines that the case lacks merit;
- (3) Requires the administrator or attending physician to assess whether an assisted community treatment plan is indicated upon a patient's discharge from involuntary hospitalization;



- (4) Requires the Department of the Attorney General to assist with the petition for assisted community treatment and related court proceeding;
- (5) Amends the content of the petition, criteria for certificate of examination by a licensed mental health provider, and criteria for initiation of proceedings for assisted community treatment; and
- (6) Appropriates funds for the establishment and appointment of two Deputy Attorneys General and support staff to assist with petitions for assisted community treatment.

The Department of Health, Honolulu Police Department, Hawaii Kai Homeless Task Force, Partners in Care, The Institute for Human Services, and an individual testified in support of this measure. The Governor's Coordinator on Homelessness, Department of the Attorney General, Hawaii Disability Rights Center, and American Civil Liberties Union of Hawai'i provided comments.

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. 1124, S.D. 2, H.D. 1, and recommends that it be referred to your Committee on Finance.

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



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CHRIS LEE, Chair



State of Hawaii  
House of Representatives  
The THIRTIETH Legislature

**HSCR 1533**

**Record of Votes of the Committee on Judiciary**

<b>Bill/Resolution No.:</b> SB1124, SD2, HD1	<b>Committee Referral:</b> HLT, JUD, FIN	<b>Date:</b> 3/19/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom				/
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.				/
7. MORIKAWA, Dee				/
8. SAY, Calvin K.Y.	/			
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia	/			
<b>TOTAL (11)</b>	7			4
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				