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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH EXAMINATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that a significant number  
2 of admissions (fifty-eight per cent in 2017) to the Hawaii State  
3 Hospital in Kaneohe are of persons who, pursuant to section 704-  
4 406, Hawaii Revised Statutes, have been found unfit to proceed  
5 and committed to the custody of the director of health for  
6 detention, care, and treatment. The legislature further finds  
7 that a significant number of those admissions (one hundred  
8 fifteen out of one hundred eighty-five in 2017) are of persons  
9 whose charges do not include murder in the first or second  
10 degree, attempted murder in the first or second degree, or a  
11 class A felony, and who under section 704-406(3), Hawaii Revised  
12 Statutes, may be re-examined under a one-panel examination  
13 rather than a three panel.

14           The legislature also finds that for cases that do not  
15 include murder in the first or second degree, attempted murder  
16 in the first or second degree, or a class A felony, and for whom



1 a one-panel examination has been ordered, a fitness finding does  
2 not always occur in an expeditious or timely manner.

3 Accordingly, the purpose of this Act is to require the  
4 department of health to submit a report on its findings and  
5 recommendations, including any proposed legislation, on  
6 procedures to improve and expedite mental health evaluations of  
7 specific defendants to the Legislature no later than twenty days  
8 prior to the convening of the Regular Session of 2020.

9 SECTION 2. (a) The department of health shall submit a  
10 report on its findings and recommendations, including any  
11 proposed legislation, on improving and expediting mental health  
12 evaluations of specific defendants to the Legislature no later  
13 than twenty days prior to the convening of the Regular Session  
14 of 2020.

15 (b) The report shall include proposed legislation that:

16 (1) Ensures that at the time of the hearing to order the  
17 fitness re-examination of a defendant, the courts and  
18 the department of health consider all relevant and  
19 available information, such as time needed for  
20 treatment and examination, in determining and



1 coordinating an appropriate return date for the court  
2 to hear the panel examination results; and

3 (2) Encourages the courts and the department of health to  
4 take all appropriate actions in the above described  
5 admissions to minimize continuances and other delays  
6 where the examination findings suggest that the  
7 defendant is fit to proceed.

8 (c) The report shall also include:

9 (1) Data on the length of time persons whose charges do  
10 not include murder in the first or second degree,  
11 attempted murder in the first or second degree, or a  
12 class A felony, and who under section 704-406(3),  
13 Hawaii Revised Statutes, are re-examined under a one-  
14 panel examination are in the custody of the director  
15 of health up to the time that judicial determination  
16 of fitness has occurred; and

17 (2) Any additional data that the department of health  
18 considers relevant.

19 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Mental Health Evaluations; Fitness to Proceed; Involuntary  
Commitment

**Description:**

Requires the Department of Health to submit a report on  
improving and expediting mental health evaluations of specific  
defendants. (HB786 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

