

Honolulu, Hawaii

FEB 04

, 2020

RE: H.B. No. 1620

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1620
entitled:

"A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF
JUSTICE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend the effect of finding a defendant charged with a misdemeanor or petty misdemeanor not involving violence or attempted violence unfit to proceed; and
- (2) Amend the requirements for fitness determination hearings, court-appointed examiners, and examination reports.

Your Committee received testimony in support of this measure from the Maui Police Department and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, and Hawaii Psychological Association. Your Committee received comments on this measure from the Judiciary, Department of Health, Department of the Attorney General, and Hawaii Disability Rights Center.



Your Committee finds that the issue of mental health has plagued communities across Hawaii for years now, resulting in the incarceration of numerous non-violent defendants who have been charged with misdemeanors and petty misdemeanors.

Your Committee has amended this measure by:

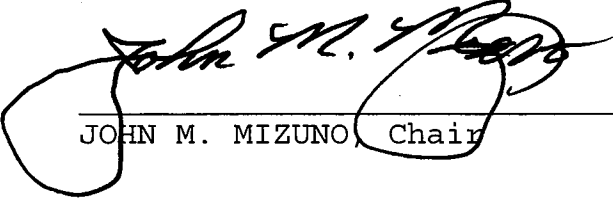
- (1) Changing references from "appropriate institution" to "hospital or other suitable facility", to allow for flexibility of placement of patients committed to the custody of the Director of Health;
- (2) Allowing the court greater discretion to:
 - (A) Suspend the proceedings and order the defendant to be transferred to the custody of the Director of Health and placed in a hospital or other suitable facility; and
 - (B) Dismiss the charges with or without prejudice;
- (3) Allowing the court greater flexibility in appointing the three examiners who are responsible for examining and reporting upon the physical and mental condition of the defendant in post acquittal hearings and applications for discharge or conditional release; and
- (4) Changing its effective date to July 1, 2050, to encourage further discussion.

Your Committee encourages the Judiciary, Department of Health, and Department of the Attorney General to work together on making suggestions to refine the language as this measure moves through the legislative process.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1620, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1620, H.D. 1, and be referred to your Committee on Judiciary.



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



JOHN M. MIZUNO, Chair



