

STAND. COM. REP. NO.

525

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 786
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 Public Safety, Veterans, & Military
Affairs, to which was referred H.B. No. 786 entitled:

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

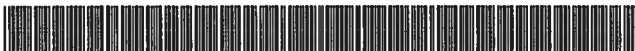
begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit a court from committing a person to a suitable facility for a mental health examination for more than thirty days;
- (2) Provide that if the required examinations cannot be conducted within thirty days, the court shall determine whether the defendant is eligible for supervised pretrial release or should be remanded to the custody of the Department of Public Safety; and
- (3) Provide that the court has discretion to approve any agreement or stipulation of the parties to determine the fitness of a defendant to proceed with less than the number of required examinations.

A concerned individual supported this measure. The Office of the Public Defender and Hawai'i Psychological Association opposed

HB786 HD1 HSCR PVM HMS 2019-2181



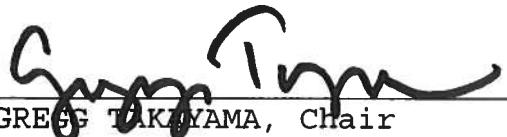
this measure. The Department of Health (DOH), The Judiciary, and Department of Public Safety offered comments.

Your Committee has amended this measure by:

- (1) Deleting the contents of the measure as received by your Committee, and substituting provisions requiring DOH to:
 - (A) Examine the delay in carrying out mental fitness examinations, especially in cases where a defendant meets the criteria for a one-panel examination instead of a three-panel examination;
 - (B) Consider procedures which the courts and DOH can use to minimize delays that occur despite findings that suggest a defendant is fit to proceed; and
 - (C) Submit a report to the Legislature prior to the Regular Session of 2020; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 786, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 786, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Veterans, & Military Affairs,



GREG TAKAYAMA, Chair



