

Honolulu, Hawaii

FEB 16 , 2024

RE: H.B. No. 2451
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2451, 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:

- (1) Authorize the examination of defendants via telehealth;
- (2) Amend conditions for certain petty misdemeanants' release or examination of fitness to proceed; and
- (3) Appropriate funds to provide additional job positions and resources necessary for implementation of this measure.

Your Committee received testimony in support of this measure from the Judiciary; Department of Health; Office of the Public Defender; and Hawaii Substance Abuse Coalition. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii Disability Rights Center.

Your Committee finds that allowing the use of telehealth for examinations ordered by the courts will provide much needed



flexibility for examiners, thereby maximizing efficiency and minimizing travel costs.

Your Committee further finds that it is critical to ensure that defendants who are diverted from the criminal justice system are properly evaluated and assessed to determine what types of services they may require and be offered, whether inpatient, outpatient, or community-based, upon the dismissal of the case.

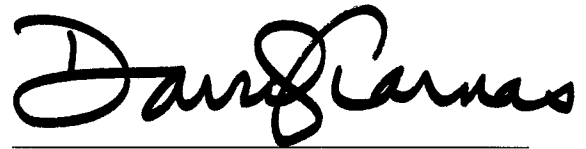
Your Committee has amended this measure by:

- (1) Expanding the scope of examiners who may be allowed to conduct their examination of defendants via telehealth;
- (2) Allowing the examination of defendants via telehealth at any facility under the jurisdiction of the Director of Corrections and Rehabilitation;
- (3) Amending the conditions for certain petty misdemeanants' commitment or release;
- (4) Requiring the Director of Health to report to the court on the defendant's capacity within seven days following a fitness to proceed hearing;
- (5) Providing a mechanism for the automatic screening of certain petty misdemeanants' for involuntary hospitalization or assisted community treatment;
- (6) Clarifying that the provisions of the criminal justice diversion program for certain petty misdemeanants' is not applicable to cases under the jurisdiction of the family court, unless the presiding judge orders otherwise; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2451, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2451, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

A handwritten signature in black ink, reading "David Tarnas". The signature is written in a cursive style with a large, prominent "D" and "T".

DAVID A. TARNAS, Chair



