

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1540
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Judiciary and Health and Human Services,
to which was referred S.B. No. 1540 entitled:

"A BILL FOR AN ACT RELATING TO REHABILITATION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the Criminal Justice Diversion Program;
- (2) Amend the allowable period of court-ordered assisted community treatment and considerations for extensions;
- (3) Allow courts to require certain probation violators to undergo mental health evaluation and treatment as a condition of continued probation;
- (4) Require the Department of Health to contract with behavioral health crisis centers; and
- (5) Appropriate funds.

Your Committees received testimony in support of this measure from the Judiciary, Department of Health, Honolulu Police Department, Hawaii Substance Abuse Coalition, and two individuals. Your Committees received comments on this measure from the



Department of the Attorney General and Office of the Public Defender.

Your Committees recognize the importance of the proper diagnosis, treatment, and rehabilitation of those defendants undergoing mental health or disease issues and the importance of reducing the recidivism rates of those individuals upon release. Your Committees find that the Criminal Justice Diversion Program, as it applies to those left unfit by a mental disease, disorder, or defect, is limited to certain petty misdemeanor offenses. Because of this limitation, there have not been many defendants able to participate in the Criminal Justice Diversion Program. This measure will improve the government response to individuals suffering from mental health challenges, particularly for those who may become, or already are, involved in the justice system.

Your Committees have amended this measure by:

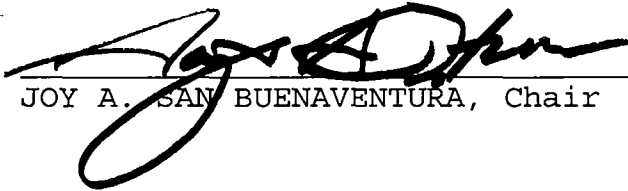
- (1) Clarifying the facilities under which the Director of Public Safety and Chief Justice of the Hawaii Supreme Court are to establish procedures regarding telehealth resources;
- (2) Clarifying the instances in which the court is to appoint one qualified examiner to examine and report upon the defendant's fitness to proceed;
- (3) Adding an advanced practice registered nurse who has the prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization to the list of those who can act as court appointed examiners;
- (4) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1540, as amended herein, and



recommend that it pass Second Reading in the form attached hereto as S.B. No. 1540, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Health and Human Services,



JOY A. SAN BUENAVENTURA, Chair




KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1540	Committee Referral: JDC/HHS, WAM	Date: 2/13/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	4	—	1	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

