

Honolulu, Hawaii

FEB 15 2024

RE: S.B. No. 2463
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Health and Human Services and Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 2463 entitled:

"A BILL FOR AN ACT RELATED TO MENTAL HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize examination of defendants via telehealth;
- (2) Amend conditions for a defendant's release or examination of fitness to proceed;
- (3) Authorize the Department of Health to implement behavioral health crisis centers; and
- (4) Make an appropriation.

Your Committees received testimony in support of this measure from the Department of Health, The Judiciary, and Hawaii Substance Abuse Coalition.

Your Committees received comments on this measure from the Hawaii Disability Rights Center.



Your Committees find that telehealth services, including real-time video conferencing, adds needed flexibility to maximize efficiency and minimize travel costs. This measure will greatly aid in the completion of examinations ordered by the court to improve the government response to individuals suffering from serious mental illness.

Your Committees note that the language in Part II of this measure, which authorizes the Department of Health to implement behavioral health crisis centers and appropriates funds for such purposes, is already contained in other measures currently moving through the Legislature this session. Accordingly, amendments to this measure are necessary to address these concerns and to incorporate other recommendations raised in testimony.

Your Committees have amended this measure by:

- (1) Broadening the scope of the examiners who may conduct an examination of a defendant via telehealth to all examiners appointed by the court under chapter 704, Hawaii Revised Statutes;
- (2) Including facilities under the jurisdiction of the Director of Corrections and Rehabilitation among those facilities where examination of a defendant via telehealth may be conducted;
- (3) Clarifying that, in cases where the defendant was not subject to an order of commitment to the Director of Health for the purpose of the fitness examination under section 704-404(2), Hawaii Revised Statutes, the court may order that the defendant be released on terms and conditions the court determines necessary for placement in a group home, residence, or other facility prescribed by the Director of Health for further assessment by a clinical team, subject to other certain conditions;
- (4) Restoring existing statutory language that provides a seven day time frame for the Director of Health to report on a defendant committed to the Director's custody and deleting language that would have required the Director to report within fourteen days in certain circumstances;



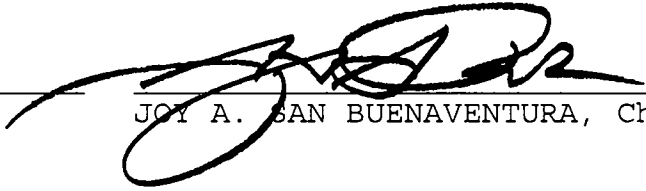
- (5) Expanding the required content of the Director of Health's report to the court;
- (6) Inserting language that requires certain actions take place during the defendant's commitment to the custody of the Director of Health or release on certain conditions;
- (7) Inserting language that specifies that certain provisions of the measure shall not apply to any case under the jurisdiction of the family court unless the presiding judge orders otherwise;
- (8) Deleting Part II of the measure, which would have authorized the Department of Health to implement behavioral health crisis centers and appropriated funds for such purposes; and
- (9) 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 Health and Human Services and Public Safety and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2463, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2463, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Public Safety and
Intergovernmental and Military
Affairs,



GLENN WAKAI, Chair



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i


Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2403	HHS/PSM, WAM/JDC	02/02/2024		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
SHIMABUKURO, Maile S.L.				✓
AWA, Brenton				✓
TOTAL	3			2
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

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB2463	Committee Referral: HHS/PSM, WAM/JDC	Date: 2/2/24		
<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
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
RHOADS, Karl	✓			
AWA, Brenton				✓
TOTAL	4	0	0	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				

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