

Honolulu, Hawaii

MAR 22, 2024

RE: S.B. No. 2557
S.D. 1
H.D. 1

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 S.B. No. 2557, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LEGAL REPRESENTATION,"

begs leave to report as follows:

The purpose of this measure is to allow the court to appoint an attorney for the subject of a petition for assisted community treatment, rather than entitling an indigent subject of a petition for assisted community treatment to representation by a public defender.

Your Committee received testimony in support of this measure from the Office of the Public Defender. Your Committee received testimony in opposition to this measure from the ACLU of Hawai'i and one individual. Your Committee received comments on this measure from Hawaii Disability Rights Center.

Your Committee finds that the purpose of assisted community treatment is to curb dangerous behavior that could result in involuntary hospitalization, incarceration, or adverse outcomes such as injury, serious illness, or even death. Persons who are the subject of a petition for assisted community treatment are protected throughout the petition process by guardians ad litem who act in the person's best interest, medical professionals, and



the court. Since these persons are not at risk of detention, representation by a public defender is usually not necessary and can often result in delayed treatment. This measure would enable the swift treatment of persons who are seriously mentally ill.

Your Committee has amended this measure by:

- (1). Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) 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 S.B. No. 2557, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2557, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

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



DAVID A. TARNAS, Chair



