

STAND. COM. REP. NO.

**2758**

Honolulu, Hawaii

**FEB 29 2024**

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2557 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to repeal paragraph (3) of section 802-1(a), Hawaii Revised Statutes, which entitles the subject of a petition for assisted community treatment to legal representation by a public defender.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Institute for Human Services, Inc.; and one individual.

Your Committee received testimony in opposition to this measure from the ACLU of Hawai'i, Hawaii Disability Rights Center, and one individual.

Your Committee finds that public defenders represent people accused of committing criminal offenses, thereby exposing them to losing their liberty and being put in jail. Public defenders also represent people whom the government seeks to involuntarily commit. The subject of a petition for assisted community treatment is not at risk for detention. Therefore, your Committee believes that a better approach is for community organizations or dedicated attorneys to provide representation for subjects of



assisted community treatment. This measure will direct the appropriate resources to individuals requiring assisted community treatment.

Your Committee notes that, under existing law, individuals subject to a petition for assisted community treatment may request an attorney. However, these individuals rarely do so because they often suffer from severe mental illnesses and are not aware that they have the right to request legal representation.

Your Committee has amended this measure by:

- (1) Amending section 334-126, Hawaii Revised Statutes, to allow the family court to appoint an attorney for the subject of a petition for assisted community treatment if the interests of justice require one be appointed and if the subject of the petition is represented by an attorney, whether retained by the subject or appointed by the court, allow the attorney adequate time for investigation; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2557, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2557, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,




---

KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

Record of Votes  
 Committee on Judiciary  
 JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2557	JDC	02   16   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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes