

Honolulu, Hawaii

**MAR 24 2023**

RE: H.B. No. 1442  
H.D. 2  
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 H.B. No. 1442, H.D. 2, 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, Hawaii Correctional System Oversight Commission, Office of the Public Defender, Honolulu Police Department, Hawaii Substance Abuse Coalition, and



one individual. Your Committees received comments on this measure from the Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committees find that a multi-pronged approach is necessary to address the many challenges to the criminal justice system presented by the prevalence of serious mental illness in the community. This measure provides tools that strengthen the government's ability to respond to these challenges. When one is in crisis, the addition of crisis centers, improvements to laws regarding assisted community treatment, and enhanced opportunities to ensure treatment of individuals remain viable alternatives to the criminal justice system.

Your Committees have amended this measure by:

- (1) Restoring statutory language that excludes nonviolent misdemeanants and defendants charged with promoting a dangerous drug in the third degree from the Criminal Justice Diversion Program;
- (2) Specifying the time period in which, if the defendant's clinical team determines that the defendant meets the criteria for involuntary hospitalization, the Director of Health shall file a petition for involuntary hospitalization with the family court to be within seven days of the clinical team's determination;
- (3) Removing language that would have required the clinical team to have previously determined that an assisted community treatment plan was appropriate for the defendant, and the defendant declined to accept the treatment plan on multiple occasions in a set time frame, before the Director of Health would be required to file the assisted community treatment petition with the family court;
- (4) Specifying that if the defendant declines to accept the mental health services described in the certificate for assisted community treatment, then the Director of Health, within ten days of the defendant's refusal of services described in the certificate, shall file the



assisted community treatment petition with the family court;

- (5) Adding language that specifies that when a petition for assisted community treatment has been filed for a defendant, the defendant committed to the custody of the Director of Health shall remain in custody until the family court issues a decision on the petition;
- (6) Adding a new part that requires the Judiciary, in consultation with the Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Public Defender, and Department of Health, to:
  - (A) Submit annual reports to the Legislature on the progress and effectiveness of the agreements establishing procedures for post-booking jail diversion programs in the first circuit for the next four years; and
  - (B) Submit monthly reports on the progress to date of the post-booking jail diversion programs in the first circuit beginning September 1, 2023;
- (7) Adding a new part to require and appropriate a blank amount of funds for the Department of Health to purchase, staff, and operate a statewide Hawaii Urgency Response Center;
- (8) Amending section 1 to reflect part I's amended purpose; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the Senate Draft 1 of this measure contains numerous unspecified appropriation amounts. Should your Committee on Ways and Means choose to deliberate on this measure, your Committees respectfully request that it considers:

- (1) Inserting an appropriation amount of \$68,556 for fiscal year 2023-2024 and \$71,016 for fiscal year 2024-2025 for



a law clerk for the Judiciary as provided for in section 6 of this measure;

- (2) Working with the Department of Health on an appropriation amount for the additional resources provided for in section 7 of this measure;
- (3) Inserting an appropriation amount of \$10,000,000 for fiscal years 2023-2024 and 2024-2025 for the Department of Health to establish and operate a statewide Hawaii Urgency Response Center as provided for in section 24 of this measure;
- (4) Inserting an appropriation amount of \$915,000 for fiscal years 2023-2024 and 2024-2025 for the Department of Health to staff a statewide Hawaii Urgency Response Center as provided for in section 25 of this measure; and
- (5) Inserting an appropriation amount of \$60,912 for fiscal year 2023-2024 and \$63,096 for fiscal year 2024-2025 for the Judiciary to restore funding for probation officer services for the mental health court as provided in section 27 of this measure.

Further, your Committees respectfully request:

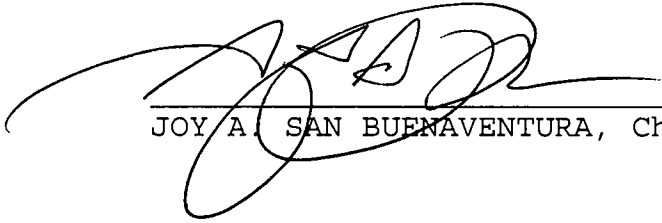
- (1) The Judiciary, Department of Health, and Department of Public Safety to examine the necessary staffing and resources to implement the telehealth requirements in part I of this measure for the appropriations in sections 8, 9, and 10 of this measure; and
- (2) The Department of Health to evaluate the necessity and costs of county-based behavior health crises centers for the appropriation in section 22 of this measure.

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 H.B. No. 1442, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached



hereto as H.B. No. 1442, H.D. 2, 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.:* <b>HB 1442 HD2</b>	Committee Referral: <b>JDC/HHS, WAM</b>	Date: <b>3/17/23</b>
---	--	-------------------------

The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312       Pass, with amendments 2311       Hold 2310       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>	<b>5</b>	<b>—</b>	<b>—</b>	<b>—</b>

Recommendation:  Adopted       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 Health and Human Services**  
**HHS**

Bill / Resolution No.:*	Committee Referral:	Date:
<i>HB 1442 HD2</i>	<i>JDL/HHS, WAM</i>	<i>3/17/23</i>


The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.				✓
AWA, Brenton	✓			
<b>TOTAL</b>	<i>4</i>			<i>1</i>

Recommendation:    
 Adopted    
 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