

STAND. COM. REP. NO. 2137

Honolulu, Hawaii

FEB 05 2024

RE: H.B. No. 824
H.D. 2
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 H.B. No. 824, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL RELEASE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a medical or compassionate release program for certain ill or impaired inmates who pose a low risk to public safety.

Your Committee received testimony in support of this measure from the Hawaii Paroling Authority and Women's Prison Project.

Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i and one individual.

Your Committee received comments on this measure from the Department of Corrections and Rehabilitation.

Your Committee finds that the United States federal prison system and many states grant some kind of medical or compassionate release under certain circumstances. Compassionate release provides physicians and other medical professionals an opportunity to use their unique expertise and knowledge of prognosis, geriatrics, cognitive and functional decline, and palliative



medicine to ensure that medical criteria for compassionate release are appropriately evidence-based, which in turn allows criminal justice professionals to better determine whether or not an inmate should be granted medical release. This measure will allow certain ill or impaired inmates who pose a low risk to public safety to receive appropriate levels of care and medical treatment by creating a medical or compassionate release program.

Your Committee has amended this measure by:

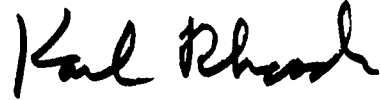
- (1) Deleting language that would have required that a request for medical release made by an inmate or an inmate's representative be accompanied by a recommendation for medical release by a physician who is licensed to practice medicine in the State;
- (2) Requiring the Director of Corrections and Rehabilitation to forward a report of an inmate's request for medical release to the Hawaii Paroling Authority within twenty days of receiving the request;
- (3) Requiring the Hawaii Paroling Authority to hold a hearing on a request for medical release within ten days of receiving a medical release report from the Department of Corrections and Rehabilitation;
- (4) Requiring the Hawaii Paroling Authority to grant or deny a request for medical release within two days following a hearing on a request for medical release;
- (5) Requiring the Director of Corrections and Rehabilitation to appoint an advocate for any inmate who requests medical release and is unable, due to incapacitation or debilitation, to advocate on the inmate's own behalf;
- (6) Making it effective upon its approval; and
- (7) 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 H.B.



No. 824, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 824, H.D. 2, S.D. 1.

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.:* HB 824, #D2	Committee Referral: PSM, JDC	Date: 01 / 25 / 24
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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			✓	
TOTAL	4	—	1	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**