
A BILL FOR AN ACT

RELATING TO THE EXAMINATION OF CRIMINAL DEFENDANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 704-404, Hawaii Revised Statutes, is
2 amended by amending subsection (11) to read as follows:

3 "(11) The compensation of persons making or assisting in
4 the examination, other than those retained by a nonindigent
5 defendant, who are not undertaking the examination upon
6 designation by the director of health as part of their normal
7 duties as employees of the State or a county, shall be paid by
8 the ~~[State.]~~ judiciary in the amount of \$2,000, which amount
9 includes compensation for the examination, the drafting of the
10 report, and any consultation, preparation, testimony, and
11 attendance in court."

12 SECTION 2. Section 704-407.5, Hawaii Revised Statutes, is
13 amended by amending subsection (12) to read as follows:

14 "(12) The compensation of persons making or assisting in
15 the examination, other than those retained by a nonindigent
16 defendant, who are not undertaking the examination upon
17 designation by the director of health as part of their normal



1 duties as employees of the State or a county, shall be paid by
2 the ~~[State.]~~ judiciary in the amount of \$2,000, which amount
3 includes compensation for the examination, the drafting of the
4 report, and any consultation, preparation, testimony, and
5 attendance in court."

6 SECTION 3. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$975,000 or so much
8 thereof as may be necessary for fiscal year 2025-2026 and the
9 same sum or so much thereof as may be necessary for fiscal year
10 2026-2027 to carry out the purposes of this Act.

11 The sums appropriated shall be expended by the judiciary
12 for the purposes of this Act.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2025.

16 INTRODUCED BY:



By Request

JAN 16 2025



H.B. NO. 397

Report Title:

Judiciary Package; Penal Responsibility; Fitness to Proceed;
Private Examiner Compensation; Appropriation

Description:

Establishes the amount of compensation for private-sector
examiners who evaluate a criminal defendant's penal
responsibility or fitness to proceed in a legal case.
Appropriates moneys.

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