

Honolulu, Hawaii

MAR 22 2024

RE: H.B. No. 2159  
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 Health and Human Services, to which was referred H.B. No. 2159, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of the Attorney General to assist with the preparation and filing of petitions for assisted community treatment and with the presentation of the case, unless declined by the petitioner;
- (2) Repeal language entitling the subject of a petition for assisted community treatment to legal representation by a public defender;
- (3) Provide a mechanism for the automatic screening of certain nonviolent defendants for involuntary hospitalization or assisted community treatment; and
- (4) Authorize courts to require certain probation violators to undergo a mental health evaluation and treatment program as a condition of continued probation.



Your Committee received testimony in support of this measure from the Judiciary; Adult Mental Health Division of the Department of Health; Disability and Communication Access Board; State Council on Mental Health; The Institute for Human Services, Inc.; Hawaii Substance Abuse Coalition; Hawai'i Psychological Association; and three individuals.

Your Committee received testimony in opposition to this measure from ACLU Hawai'i and two individuals.

Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Disability Rights Center.

Your Committee finds that criminal justice diversion programs and assisted community treatment provide certain defendants with critical mental health services and alternative forms of justice to help achieve significantly better health outcomes for individuals suffering with mental illness. As certain defendants may require mental health evaluations and assessments to determine specific services needed, improvements to existing mental health services will improve timely access to services and prevent certain individuals from repeatedly getting caught up in the criminal justice system. Therefore, this measure will improve the assisted community treatment program to help stabilize individuals with untreated mental illness.

Your Committee notes the testimony of the Department of the Attorney General expressing concerns that certain provisions of this measure could subject this measure to the requirement of additional readings in the House of Representatives. Further, your Committee notes the concerns raised in testimony concerning due process considerations. Amendments to this measure are therefore necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have authorized certain examinations to be exempted from any case under the jurisdiction of the family court unless ordered otherwise by the presiding judge;



- (2) Deleting language that would have established the offense of escape in the second degree as a petty misdemeanor;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) 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 Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2159, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2159, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health and Human  
Services,



JOY A. SAN BUENAVENTURA, Chair



