

STAND. COM. REP. NO.

288

Honolulu, Hawaii

FEB 10 , 2025

RE: H.B. No. 397
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 397 entitled:

"A BILL FOR AN ACT RELATING TO THE EXAMINATION OF CRIMINAL DEFENDANTS,"

begs leave to report as follows:

The purpose of this measure is to establish the amount of compensation for private-sector examiners who evaluate a criminal defendant's penal responsibility or fitness to proceed in a legal case.

Your Committee received testimony in support of this measure from the Judiciary; Office of the Public Defender; Department of Health; Department of the Prosecuting Attorney of the City and County of Honolulu; Hawaii State Bar Association; and Hawai'i Psychological Association.

Your Committee finds that fees paid to private-sector examiners who evaluate a criminal defendant's penal responsibility or fitness to proceed has not been increased since approximately 2008. Due to the low rate of pay, several former certified examiners no longer accept appointments from the First Circuit Court. This measure will attract more private-sector examiners - reducing delays that cause defendants to spend more

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time in custody and enabling the courts to meet their constitutional and statutory obligations.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 3000, to encourage further discussion.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$975,000.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 397, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 397, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-third Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <div style="font-size: 1.2em; font-family: cursive;">HB397</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JHA, FIN</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">1/30/25</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold </div> <div style="margin-top: 5px;"> <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) </div>				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.				✓
6. KAHALOA, Kirstin	✓			
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond	✓			
11. SHIMIZU, Garner M.	✓			
TOTAL (11)	9	0	0	2
The recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> <div style="margin-top: 5px;"> If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div> </div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">[Signature]</div>				
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