

STAND. COM. REP. NO.

1231

Honolulu, Hawaii

MAR 14 , 2025

RE: S.B. No. 955  
S.D. 2  
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 Health, to which was referred S.B. No. 955,  
S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FITNESS TO PROCEED,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase compensation for and clarify the types of professionals who may serve as a private examiner for a fitness-to-proceed examination;
- (2) Clarify the term of a defendant's commitment to a hospital or facility for purposes of a fitness-to-proceed examination;
- (3) Reduce from three to one the number of qualified examiners required for a fitness-to-proceed examination in a felony case; and
- (4) Reduce penalties to be commensurate with the underlying offense for a person charged with a nonviolent crime who escapes from the custody of the director of health while awaiting a fitness-to-proceed examination.



Your Committee received testimony in support of this measure from the Department of Health and one individual. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney, County of Maui; Hawai'i Psychological Association; and one individual. Your Committee received comments on this measure from the Judiciary; Department of the Attorney General; Hawaii Correctional System Oversight Commission; Office of the Public Defender; and Hawaii Disability Rights Center.

Your Committee finds that new approaches are needed to address lingering issues surrounding mental health and the justice system. This measure amends the fitness-to-proceed examination process in an effort to expedite cases through the legal system, which will help alleviate overcrowding in hospitals and mental health facilities while ensuring timely evaluations.

Your Committee has amended this measure by:

- (1) Specifying that in fitness-to-proceed examinations in felony cases, the court shall additionally receive a report from the treating clinician on a defendant's fitness-to-proceed;
- (2) Removing provisions that increased the rate of compensation for persons making or assisting in fitness-to-proceed examinations;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 955, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 955, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
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GREGG TAKAYAMA, Chair

