

Honolulu, Hawaii

**FEB 14 2025**

RE: S.B. No. 955  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committees on Health and Human Services and Judiciary,  
to which was referred S.B. No. 955 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify the term of commitment for a defendant being held at a hospital or mental health facility for a fitness-to-proceed examination;
- (2) Clarify who may serve as a qualified examiner;
- (3) Reduce the number of qualified examiners required for a fitness-to-proceed examination in a felony case from three to two, unless the examiners disagree on the defendant's fitness;
- (4) Establish the rate of compensation for conducting the examinations; and
- (5) Establish a reduced penalty, except in certain circumstances, for a person who commits the offense of escape in the second degree while in the custody of the Director of Health.



Your Committees received testimony in support of this measure from the Department of Health, Office of the Public Defender, Hawai'i Association of Professional Nurses, and one individual.

Your Committees received testimony in opposition to this measure from the Judiciary and one individual.

Your Committees received comments on this measure from the Hawaii Correctional System Oversight Commission.

Your Committees find that it is vitally important to the health of residents and the efficient use of the State's health care resources that forensic mental health assessments are conducted in a timely and thorough manner. This measure reforms the State's forensic mental health assessment procedure to align with best practices in the field and alleviate systemic inefficiencies.

Your Committees have amended this measure by:

- (1) Reducing the number of qualified examiners required for a fitness-to-proceed examination in a felony case from three to one, rather than two;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 955, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 955, S.D. 1, and be referred to your Committee on Ways and Means.



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



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KARL RHOADS, Chair



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JOY A. SAN BUENAVENTURA, Chair





