STAND. COM. REP. NO. 1346

Honolulu, Hawaii

March 22 2007

RE: S.B. No. 1346

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 1346 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this bill is to restore the court's authority to order a mental or medical examination of a defendant pending sentencing.

The Department of the Attorney General and the Prosecuting Attorney for the City and County of Honolulu testified in support of this bill.

Your Committee notes that the authority for presentence mental or medical examinations, originally established in 1972, was inadvertently repealed when section 706-603, Hawaii Revised Statutes, was amended in 2005 as part of legislation that enacted a comprehensive forensic DNA identification statute. This measure will allow the courts to better evaluate certain defendants to determine the most appropriate sentence.

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. 1346 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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

JOSMUA B. GREEN, M.D., Chair



State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Health

Bill/Resolution No.: 4B 1346	Date:	3 - 16 -	07	
Committee Referral: HLT, JUD	The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments			
☐ Hold	 Pass, with amendments, for recommittal for further consideration 			
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. GREEN, Josh, M.D. (C)	V/_			
2. MIZUNO, John (VC)				
3. BELATTI, Della Au	V			
4. BERTRAM, Joe, III				
5. CABANILLA, Rida T.R.				1
6. RHOADS, Karl				
7. SHIMABUKURO, Maile S. L.				
8. TAKAI, K. Mark				
9. TOKIOKA, James Kunane				V
10. AWANA, Karen Leinani				
11. WARD, Gene, Ph.D.				
TOTAL	7			4
The recommendation is: Adopted If joint referral, did not support recommendation. Committee acronym(s) Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				