STAND. COM. REP. NO. 645

Honolulu, Hawaii

Fe-516, 2007

RE: H.B. No. 1260

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 H.B. No. 1260 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

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

Your Committee received testimony in support of this measure from the Attorney General and the Prosecuting Attorney for the City and County of Honolulu.

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that the authority for presentence mental or medical examinations, originally established in 1972, was inadvertently repealed when section 706-603, Hawaii Revised Statutes, was amended in 2005 as part of legislation that enacted a comprehensive forensic DNA identification statute.

By restoring the authority for presentence mental or medical examinations, this measure allows the court 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 H.B. No. 1260 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,

JOSHUA B. GREEN, M.D., Chair

HOGR 649

## State of Hawaii House of Representatives The Twenty-fourth Legislature

## **Record of Votes of the Committee on Health**

Bill/Resolution No.: HB 1260	Date:	2-13-	97		
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)	<u> </u>				
3. BELATTI, Della Au	V				
4. BERTRAM, Joe, III	V				
5. CABANILLA, Rida T.R.	V	·			
6. RHOADS, Karl					
7. SHIMABUKURO, Maile S. L.					
8. TAKAI, K. Mark					
9. TOKIOKA, James Kunane	V				
10. AWANA, Karen Leinani	$V_{\sim}$				
11. WARD, Gene, Ph.D.	V				
TOTAL	9	0	0	2	
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)  Vice Chair's or designee's signatures  Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office					