STAND. COM. REP. NO. 1337 -08

Honolulu, Hawaii

Merch 20, 2008

RE: S.B. No. 2396

S.D. 1 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2396, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

begs leave to report as follows:

The purpose of the bill is to increase protections for state mental health workers, minimize the census at the Hawaii State Hospital, and promote community-based health services for forensic patients by, among other things:

- (1) Establishing that a person commits the felony offense of assault in the second degree if the person knowingly or intentionally causes bodily injury to a person employed at a state-operated or state-contracted mental health facility;
- (2) Requiring the Department of Health (DOH) to submit an annual report that, at a minimum, summarizes yearly data on forensic patients;
- (3) Requiring yearly court status hearings for individuals ordered to be conditionally released or hospitalized as an inpatient by the mental health court;

- (4) Reducing the minimum length of hospitalization from 90 to 30 days for individuals who are recommitted after conditional release; and
- (5) Appropriating funds for the operation and expansion of the mental health court.

Your Committee received testimony in support of this measure from the Department of Health and The Queen's Medical Center. The Hawaii Government Employees Association supported the intent of the measure. The Office of the Public Defender did not support this bill. The Judiciary submitted comments.

Your Committee has amended this bill by:

- (1) Deleting the provision establishing that a person commits the felony offense of assault in the second degree if the person knowingly or intentionally causes bodily injury to a person employed at a state-operated or state-contracted mental health facility; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2396, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2396, S.D. 1, H.D. 2.

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

TOMMY WATERS, Chair

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

HSCR 1337-08

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

1	e Referral:	Date	3/18/08	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD) 2  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
		_		<u> </u>
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	1			
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia	•			
7. McKELVEY, Angus L.K.			78	-
<ol> <li>MORITA, Hermina M.</li> <li>SONSON, Alex M.</li> </ol>				
9. SONSON, Alex M. 10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.		38.5		
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia			me W	
TOTAL (16)	12	1	0	3
The recommendation is:  Adopted  Not Adopted				
If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				