STAND. COM. REP. NO. 1345 -08

Honolulu, Hawaii

Marh 20, 2008

RE: S.B. No. 3069

S.D. 2 H.D. 1

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. 3069, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO RECORDS OF DEFENDANTS COMMITTED TO A HOSPITAL CONTROLLED BY THE DIRECTOR OF HEALTH OR TO CUSTODY OF DIRECTOR OF HEALTH,"

begs leave to report as follows:

The purpose of this bill is to require the courts to provide the Director of Health (Director) with existing medical, mental health, social, police, and juvenile records of defendants who are committed to a hospital under the control of the Director or to the custody of the Director.

The Department of Health (DOH) and the Judiciary testified in support of this bill with amendments. The City and County of Honolulu Department of the Prosecuting Attorney opposed this measure. The Office of the Public Defender offered comments.

Your Committee has amended this bill by:

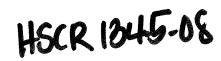
(1) Deleting provisions that require the courts to provide the Director with existing medical, mental health, social, police, and juvenile records of defendants who are committed to a hospital under the control of the Director or to the custody of the Director;

- (2) Making the county police departments responsible for providing to the Director certain police records of defendants who are committed to a hospital under the control of the Director or to the custody of the Director;
- (3) Providing the defendant with an opportunity to object to the release of information;
- (4) Changing its effective date to January 1, 2112, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 3069, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3069, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

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

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Dat	e:	
SB3069,SD2(SSCR2797)	HLT, JUD, FIN	ب ا	3/18/08	
☐ The committee is reconsidering its previ	ious decision on the measure.			
	unamended (as is) Pa hort form bill with HD to reco	ess, with amendments		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken			- T. E. E.	
6. LUKE, Sylvia				
7. McKELVEY, Angus L.K.				
8. MORITA, Hermina M.				
9. SONSON, Alex M.				
10. SOUKI, Joseph M.11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia				

TOTAL (16)	درا	0	O	3
The recommendation is: Adop	-	ted	***************************************	
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				