STAND. COM. REP. NO. -10

Honolulu, Hawaii **Feg Y**, 2010 RE: H.B. No. 2573 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2573 entitled:

"A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED,"

begs leave to report as follows:

The purpose of this bill is to decrease the number of pretrial defendants hospitalized for fitness restoration by amending the law governing the time frames for fitness restoration for persons charged with non-violent petty misdemeanors and for persons charged with non-violent misdemeanors to specify a specific number of days for fitness restoration.

The Department of Health supported this bill. The City and County of Honolulu's (C&C of Honolulu) Department of the Prosecuting Attorney opposed this measure.

Your Committee acknowledges the concerns provided in testimony presented by the C&C of Honolulu's Prosecuting Attorney regarding language in this bill that appears to conflict and remove the court's authority to release on conditions where the defendant is unfit to proceed before the expiration of the commitment. The Prosecuting Attorney also expressed concern over the lack of clarity in the bill's language regarding a petty misdemeanor involving violence or attempted violence i.e. is it defined by the elements of the offense or by the actual facts in a particular case? Therefore, your Committee respectfully requests



that your Committee on the Judiciary take a closer look at these issues if they so choose to schedule this bill for a hearing.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

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. 2573, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2573, H.D. 1, and be referred to the Committee on Judiciary.

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

Chair



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

## HSCR 111-10

## Record of Votes of the Committee on Health

Bill/Resolution No.:	Committee Referral:		Date:	
HB 2573	HLT, JUD, FIN February 2, 2010			2010
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <ul> <li>Pass, unamended (as is)</li> <li>Pass, with amendments (HD)</li> <li>Hold</li> <li>Pass short form bill with HD to recommit for future public hearing (recommit)</li> </ul>				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)				
2. NISHIMOTO, Scott Y. (VC)				
3. BELATTI, Della Au				
4. BERTRAM, Joe, III				
5. BROWER, Tom				
6. CARROLL, Mele				/
7. MIZUNO, John M.				
8. SHIMABUKURO, Maile S.L.				
	/			
9. FINNEGAN, Lynn	/			
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TOTAL (9)	7			2
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
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