

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2726
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to
which was referred S.B. No. 2726, S.D. 1, 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 measure is to amend the law governing the
time frames for fitness restoration for persons charged with
non-violent petty misdemeanors and non-violent misdemeanors.

Specifically, this measure establishes:

- (1) A sixty day maximum commitment if the defendant is
charged with a non-violent petty misdemeanor;
- (2) A one hundred twenty day maximum commitment if the
defendant is charged with a non-violent misdemeanor; and
- (3) Procedures for release and dismissal of charges or
involuntary civil commitment, as appropriate.


Your Committee finds that the existing requirement in section
704-406, Hawaii Revised Statutes, that pretrial defendants receive
their fitness determination "within a reasonable time" is vague.
Your Committee also finds that this measure provides specific
timelines on hospitalization for fitness restoration, thereby
allowing everyone involved in the criminal process to proceed on
an appropriate timetable.



Your Committee has made technical, nonsubstantive stylistic changes for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2726, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2726, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* SB 2726, SD 1	Committee Referral: HTH, JGO	Date: 2/23/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4	—	—	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes