STAND. COM. REP. NO. 1302

Honolulu, Hawaii

April \ ' 2011

RE: S.B. No. 1067

S.D. 1

H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1067, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose of this bill is to allow for more effective and specific mental health treatment to offenders on probation by:

- (1) Clarifying that certain adult probation records may be released to mental health service providers who are nationally accredited or licensed by the State for the purpose of therapy or rehabilitation; and
- (2) Establishing procedures to protect against improper disclosure of confidential information.

The Hawaii Substance Abuse Coalition, Domestic Violence Action Center, The Salvation Army, and Ku Aloha Ola Mau testified in support of this measure. The Judiciary supported the intent of this bill. The Office of the Public Defender opposed this measure.

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Your Committee has amended this bill by:

- (1) Adding that the information may be given upon the screening for admission to a program to provide clearer disclosure guidelines; and
- (2) Changing the effective date to January 7, 2059, and adding a sunset date.

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. 1067, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1067, S.D. 1, H.D. 2.

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

GILBERT KEITH-AGARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

HSCR 1302

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 1067, SO1, HD Committee Referral: PBM, NO Date: 3/29/11				
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)				
2. RHOADS, Karl (VC)	~			
3. BROWER, Tom	<u> </u>		,	
4. CABANILLA, Rida T.R.				<u> </u>
5. CARROLL, Mele				
6. HERKES, Robert N.	J			
7. ITO, Ken				V
8. LUKE, Sylvia				/
9. McKELVEY, Angus L.K.	_			
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.	\			
12. SOUKI, Joseph M.	✓			
13. TSUJI, Clift)			
14. FONTAINE, George R.	\			' <u>-</u> -''
15. MARUMOTO, Barbara C.	ン ン ン			
16. THIELEN, Cynthia	/			
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TOTAL (16)	11	0	0	4
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: Halthook				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				