STAND. COM. REP. NO. 1210

Honolulu, Hawaii March 22, 2013 RE: S.B. No. 1141 S.D. 2 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committees on Health and Public Safety, to which was referred S.B. No. 1141, S.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this measure is to implement statutory changes recommended by the Governor's special action team commissioned to address the population rate at the Hawaii State Hospital by:

- Requiring public agencies with a defendant's medical, mental health, social, police, and juvenile records to release information to the court when the defendant is ordered to submit to a forensic mental health examination in order to expedite the process; and
- (2) Amending penal code provisions to establish limits to the length of time an individual may remain on conditional relief for certain criminal charges and to clarify circumstances under which the conditional release may be tolled.

The Department of Health, Community Alliance for Mental Health, United Self Help, and Hawaii Disability Rights Center testified in support of this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu and County of Hawaii Police Department testified in opposition to this

SB1141 HD1 HSCR HLT-PBS HMS 2013-2912

measure. The Judiciary and the Department of the Attorney General provided comments.

Your Committees note concerns expressed by the Department of the Prosecuting Attorney that an individual charged with a misdemeanor, petty misdemeanor, or violation granted a one-year maximum conditional release as provided in this bill may still be affected by a physical or mental condition and be dangerous to self or others at the end of that period. Your Committees respectfully request the Committee on Judiciary to consider these concerns.

Your Committees have amended this measure by:

- Clarifying that the tolling provisions apply only to defendants charged with petty misdemeanors, misdemeanors, or violations;
- (2) Specifying that the period of conditional release shall be tolled during a period of forensic hospitalization and during the pendency of a motion to revoke conditional release;
- (3) Requiring the Department of Health to submit a report prior to the 2015 Legislative Session detailing the number, frequency, and types of criminal offenses and violations committed by defendants discharged from conditional release during the period beginning with the commencement of the 2013 Legislative Session through the end of 2014; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health and Public Safety that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1141, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1141, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

SB1141 HD1 HSCR HLT-PBS HMS 2013-2912

STAND. COM. REP. NO. Page 3

1210

Respectfully submitted on behalf of the members of the Committees on Health and Public Safety,

HENRY J.C. AQUINO, Chair

DELLA AU BELATTI, Chair





Record of Votes of the Committee on Health

Bill/Resolution No.:CommitteeSB 4 SD2HLT/	e Referral:	e Referral: DBS, JUD J2013					
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)							
HLT Members	Ayes	Ayes (WR)	Nays	Excused			
1. BELATTI, Della Au (C)							
2. MORIKAWA, Dee (VC)	V						
3. CABANILLA, Rida T.R.							
4. CARROLL, Mele				\checkmark			
5. JORDAN, Jo							
6. KOBAYASHI, Bertrand							
7. WOODSON, Justin H.							
8. CHEAPE, Lauren Kealohilani							
TOTAL (8)	5	0	0	3			
The recommendation is: Adopted If joint referral, did not support recommendation.							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							

State of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Public Safety

Bill/Resolution No.: OB 1141, SDZ	Committee Referral:	TUD Date	Murch 21	1,20B			
□ 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) 							
PBS Members	Ayes	Ayes (WR)	Nays	Excused			
1. AQUINO, Henry J.C. (C)							
2. ING, Kaniela (VC)							
3. HASHEM, Mark J.							
4. ICHIYAMA, Linda	J						
5. NAKASHIMA, Mark M.							
6. TAKUMI, Roy M.							
7. YAMANE, Ryan I.							
8. YAMASHITA, Kyle T.							
9. MCDERMOTT, Bob							
TOTAL (9)	7			2			
The recommendation is: Image: Adopted life point referral,							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							