STAND. COM. REP. NO. 53

Honolulu, Hawaii

FEB 2 8 2013

RE: S.B. No. 1179 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 1179, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT FOR INMATES AND DETAINEES IN CORRECTIONAL FACILITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to modify existing law relating to court orders to provide medical treatment for inmates and detainees in correctional facilities. Specifically, this measure:

- (1) Adds definitions of "danger of physical harm to others" and "danger of physical harm to self";
- (2) Provides for the filing of a petition for involuntary medical treatment in either the district or circuit court;
- (3) Allows for a declaration to be filed with the petition as an alternative to an affidavit;
- (4) Changes the time within which a person must be examined from two to five days prior to the filing of a petition;
- (5) Amends the list of persons who are required to be notified of the hearing on the petition;

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- (6) Expands the court's ability to continue the hearing on the petition for good cause;
- (7) Provides the court greater flexibility in determining when a guardian ad litem is necessary; and
- (8) Clarifies the effective expiration date of the order for persons who return to custody after release.

Your Committee received testimony in support of this measure from the Department of Public Safety and Department of the Attorney General.

Your Committee finds that this measure allows for a more efficient and responsive court process, enabling medical staff in various correctional facilities to provide critical and necessary medical treatment in a more timely fashion. This measure will help to improve the mental and physical status of inmates. Furthermore, this measure expedites the notification process by restricting notification to those parties whom the inmate has designated as an emergency contact or legal guardian while in the custody of the Department of Public Safety.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1179, S.D. 1, and recommends that it pass Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary and

Labor W

CLAYTON HEE, Chair



The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* Committee				
SB 1179 SD1 PSN, JDL 2/25/13				
The committee is reconsidering its previous decision on this measure.				
If so, then the previous decision was to:				
The Recommendation is:				
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)				
SHIMABUKURO, Maile S.L. (VC)				
GABBARD, Mike				
IHARA, Jr., Les				
SLOM, Sam				
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TOTAL	5			
Recommendation:				
Adopted 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