Honolulu, Hawaii

February 16, 2018

RE: H.B. No. 2087 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committees on Health & Human Services and Public Safety, to which was referred H.B. No. 2087 entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH FACILITIES," beg leave to report as follows:

The purpose of this measure is to ensure the safety of all psychiatric patients, staff, and community members by requiring that certain patients who are allowed unescorted outside a psychiatric facility to wear an electronic tracking device while outside of the facility.

The Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and one concerned individual supported this measure. The Department of Health and American Civil Liberties Union of Hawaiii provided comments.

Your Committees note the  $4^{\rm th}$  Amendment concerns expressed in testimony by the American Civil Liberties Union of Hawaii that electronic tracking of a person without a warrant showing the necessary probable cause may be an unconstitutional search.

Your Committees further note that the Department of Health and Hawaii State Hospital are currently working together to establish policies regarding the use of electronic tracking devices by patients who may leave the secured grounds of the

Hospital. Your Committees respectfully request that the Department of Health seek the advice of the Department of the Attorney General to effectively and legally implement these new safety policies, including to determine whether the devices should be worn at all times or not.

Your Committees have amended this measure by changing the effective date to July 1, 3000, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Health & Human Services and Public Safety that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2087, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2087, H.D. 1, and be referred to your Committee on Judiciary.

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

GRECA DIKATAMA, Chair

JOHN M. MIZUNO

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



### Record of Votes of the Committee on Health & Human Services

Bill/Resolution No.: HB 2087	Committee Referral: HHS/PBS, J	TVD Date:	2-13-	18			
☐ 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)							
HHS Members	Ayes	Ayes (WR)	Nays	Excused			
1. MIZUNO, John M. (C)							
2. KOBAYASHI, Bertrand (VC)							
3. BELATTI, Della Au							
4. LEARMONT, Lei R.		NASAR COMMITTEE AND					
4. DEARWONI, Lei R.							
5. TUPOLA, Andria P.L.							
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*							
TOTAL (5)	5						
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)							
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-ninth Legislature

# H5CR 642-18

## Record of Votes of the Committee on Public Safety

Bill/Resolution No.: Committee  HB 2087 HHS		Date:		<i>8</i> <sup>2</sup>			
HB 2087 HHS PBS , JQS 2 13 18  ☐ 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. TAKAYAMA, Gregg (C)							
2. GATES, Cedric Asuega (VC)	V			Ny salahan mi			
3. CREAGAN, Richard P.	V						
4. DeCOITE, Lynn							
- Decorre, Lynn							
5. ING, Kaniela							
6. SAY, Calvin K.Y.							
o. SA1, Calvin K.1.							
7. THIELEN, Cynthia	V		<u> </u>	64 <del>9, 31, 5</del> 1505 141 141 151 1			
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TOTAL (7)	4	0	0	1			
The recommendation is:  If joint referral, did not support recommendation.  committee acronym(s)							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Du	Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						