

STAND. COM. REP. NO.

216

Honolulu, Hawaii

FEB 12 2019

RE: S.B. No. 1464
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 1464 entitled:

"A BILL FOR AN ACT RELATING TO JUDICIAL PROCEEDINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish certain positions within the Department of the Attorney General, Judiciary, and Department of Health dedicated to the preparation, filing, defense, and adjudication of assisted community treatment petitions, related guardianship petitions, and other legal filings; and
- (2) Appropriate funds for the positions established for the Department of the Attorney General, Judiciary, and Department of Health.

Your Committee received testimony in support of this measure from Mental Health America of Hawaii; Hawai'i Psychological Association; Partners in Care; Catholic Charities Hawai'i; Institute for Human Services, Inc.; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Hawaii Kai Homeless Task Force; Hawaii Health and Harm Reduction Center; and two individuals. Your Committee received comments on this



measure from the Judiciary, Department of the Attorney General, and Hawaii Disability Rights Center.

Your Committee finds that the process of filing a petition and obtaining an order for assisted community treatment is very complex. Your Committee further finds that the complexities involved with petitions for orders for assisted community treatment often require private service providers, community organizations, and family members of persons needing care to seek assistance in obtaining these much-needed orders for mental health treatment. This measure establishes positions and allocates resources for the purpose of adequately managing the need for efficient and correct processing of petitions for assisted community treatment.

Your Committee additionally finds that the intended effect of this measure is to increase staff at various levels to support judicial proceedings concerning individuals with severe mental illness. Your Committee also finds that the positions established by this measure are intended to be responsible for petitions for assisted community treatment, although not exclusively dedicated to handling the petitions to the exclusion of all other matters. Your Committee further finds that judicial assignments are within the discretion of the Chief Justice of the Supreme Court of Hawaii and the chief judges and deputy chief judges of the various courts, and that it is not the intent of this measure to limit the purview of the judge position established by this measure to hear only petitions for assisted community treatment.

Accordingly, your Committee has amended this measure by:

- (1) Increasing the number of new Deputy Attorneys General to two;
- (2) Increasing the amount of appropriations to the Department of the Attorney General;
- (3) Clarifying that the deputy Attorneys General are responsible for assisted community treatment petitions instead of being exclusively dedicated to those matters;
- (4) Clarifying that the judge position is responsible for hearing matters related to assisted community treatment



petitions instead of exclusively dedicated to hearing those matters, and may work on other cases as permitted by the calendar;

- (5) Clarifying that the social worker position within the Office of the Public Guardian is dedicated to working with individuals with severe mental illness who are under a guardianship where the Office of Public Guardian is the named guardian;
- (6) Removing language amending the allocation of Circuit Court Judges; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1464, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1464, S.D. 1, and be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



