STAND. COM. REP. NO. **525** 

Honolulu, Hawaii

February 15 , 2019

RE: H.B. No. 786 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Public Safety, Veterans, & Military Affairs, to which was referred H.B. No. 786 entitled:

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

The purpose of this measure is to:

- (1) Prohibit a court from committing a person to a suitable facility for a mental health examination for more than thirty days;
- (2) Provide that if the required examinations cannot be conducted within thirty days, the court shall determine whether the defendant is eligible for supervised pretrial release or should be remanded to the custody of the Department of Public Safety; and
- (3) Provide that the court has discretion to approve any agreement or stipulation of the parties to determine the fitness of a defendant to proceed with less than the number of required examinations.

A concerned individual supported this measure. The Office of the Public Defender and Hawai'i Psychological Association opposed this measure. The Department of Health (DOH), The Judiciary, and Department of Public Safety offered comments.

Your Committee has amended this measure by:

- (1) Deleting the contents of the measure as received by your Committee, and substituting provisions requiring DOH to:
  - (A) Examine the delay in carrying out mental fitness examinations, especially in cases where a defendant meets the criteria for a one-panel examination instead of a three-panel examination;
  - (B) Consider procedures which the courts and DOH can use to minimize delays that occur despite findings that suggest a defendant is fit to proceed; and
  - (C) Submit a report to the Legislature prior to the Regular Session of 2020; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 786, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 786, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Veterans, & Military Affairs,

GREAT TAKEYAMA, Chair

## State of Hawaii House of Representatives The THIRTIETH Legislature

## Record of Votes of the Committee on Public Safety, Veterans, & Military Affairs

1	ttee Referral:  O 2 /13/19			
☐ 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)				
PVM Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	V			
2. GATES, Cedric Asuega (VC)	V			
3. KOBAYASHI, Dale T.		ROSI PONTO DEL	NEW THE TOTAL STORES	RUS ZANION WELSON STANION
4 KONC Som Satorn				BEEN TENEDER
4. KONG, Sam Satoru				NEED TO A PROPERTY OF THE PARTY
5. NISHIMOTO, Scott Y.	V		BRATIN LET BY THE SAME	SEVERIFIED THE PROPERTY.
		<b>建设是是基础程序</b>		The state of the s
6. OHNO, Takashi	1/		Control of the Paris of the Par	Service of the Servic
		AND STREET, ST		SORT STATE
7. McDERMOTT, Bob	V			
*		Vire		
203				
			· · · · · · · · · · · · · · · · · · ·	
	·			
100				
3.16				
TOTAL (7)	6	1		
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				