

Honolulu, Hawaii
, 2020

MAY 11

RE: S.B. No. 2631
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred S.B. No. 2631, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH OF DEFENDANTS,"

begs leave to report as follows:

The purpose of this measure is to permit judicial discretion to refer a defendant to a diversion program or treatment court when the judge has conferred with counsel and has reason to believe the defendant has an untreated serious and persistent mental health illness yet is legally fit to proceed.

Your Committee received testimony in support of this measure from the Judiciary, Hawaii Substance Abuse Coalition, Community Alliance on Prisons, Coalition for a Drug-Free Hawaii, and two individuals. Your Committee received comments on this measure from the Department of Health and one individual.

Your Committee finds that H.B. No. 1619, H.D. 1 (Regular Session of 2020), a substantially similar measure, was previously passed by your Committee.



Your Committee has amended this measure by deleting its contents and inserting the contents of H.B. No. 1619, H.D. 1, a measure that:

- (1) Authorizes the courts to enter into agreements with the parties where there is reason to believe the defendant has a physical or mental disease, disorder, or defect that will or has become an issue in the criminal case;
- (2) Requires either one psychiatrist or one psychologist to be appointed in felony cases requiring three examiners;
- (3) Requires an examination for penal responsibility to be conducted within fifteen days after a finding of fitness to proceed; and
- (4) Contains an effective date of July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2631, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2631, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



JOE A. SAN BUENAVENTURA, Chair



