

STAND. COM. REP. NO.

2791

Honolulu, Hawaii

FEB 14 2020

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

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2631 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to permit judicial
discretion for suspension of criminal proceedings for assessment
and treatment should the defendant have serious and persistent
mental health illness.

Your Committee received testimony in support of this measure
from the Department of Health, Hawaii Substance Abuse Coalition,
Island Integrated Health, and three individuals. Your Committee
received testimony in opposition to this measure from the Office
of the Public Defender. Your Committee received comments on this
measure from the Judiciary and Hawaii Disability Rights Center.

Your Committee finds that mental illness is a largely
untreated or under-treated concern with criminality because the
prevalence of serious mental illness among people entering jails
is estimated to be about seventeen percent. Allowing courts to
help people with mental illness by assessing their mental health
will have a better outcome for society than simply incarcerating
an individual.



Your Committee further finds that there are programs already in place to help those suffering from a mental illness while legally fit to proceed, such as the Jail Diversion Program and Mental Health Court Program. Expanding these diversion programs may provide a better alternative to helping defendants receive the necessary help and treatment.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have permitted judicial discretion for suspension of criminal proceedings for assessment and treatment should the defendant have serious and persistent mental health illness; and
- (2) Inserting language that permits judicial discretion for a referral to a diversion program or treatment court should the defendant have serious and persistent mental health illness.

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

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,




ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2631	CPH, JDC	2/7/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
WAKAI, Glenn	✓			
FEVELLA, Kurt		✓		
TOTAL	6	1		
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes