STAND. COM. REP. NO. 3205

Honolulu, Hawaii

FEB 2 8 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 Judiciary, 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 and intent of this measure is to permit judicial discretion to refer a defendant to a diversion program or treatment court when the judge has reason to believe that the defendant has an untreated serious and persistent mental health illness that does not meet the criteria of section 704-404, Hawaii Revised Statutes, and after conferring with counsel.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii State Judiciary, Hawaii Substance Abuse Coalition, and Hawai'i Psychological Association.

Your Committee finds that section 704-404, Hawaii Revised Statutes, provides procedures for whenever there is reason to doubt a defendant's fitness to proceed in prosecution proceedings. Your Committee further finds that a defendant may have an untreated, serious, and persistent mental health illness that does not meet the criteria to exclude fitness to proceed, but may still render the defendant at a disadvantage in support of their due process rights. This measure provides an alternative option for

judges to use at their discretion and after consultation with counsel to ensure fairness in criminal proceedings.

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. 2631, S.D. 1, and recommends that it pass Third Reading.

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

KARL RHOADS, Chair

The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Date:		
SB 2631 SD1	CPH, JDC		Date: 2/24/2020		
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WI	R) Nay	Excused
RHOADS, Karl (C)					
KEOHOKALOLE, Jarrett (VC)					
GABBARD, Mike					
KIM, Donna Mercado					
FEVELLA, Kurt					
			ļ		
			ļ		
					<u> </u>
	···				
			ļ		
			<u> </u>		ļ
		71			
TOTAL		7			\
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes