STAND. COM. REP. NO. 58



Honolulu, Hawaii

FEB 19 , 2021

RE: H.B. No. 345

H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 345, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ASSISTED COMMUNITY TREATMENT," begs leave to report as follows:

The purpose of this measure is to require the court to appoint, at the time that an Assisted Community Treatment Program petition is filed, a guardian ad litem to represent the best interests of the individual who is subject to the petition throughout the pendency of the judicial proceedings.

Your Committee received testimony in support of this measure from the Department of Health; The Institute for Human Services, Inc.; Hawaii Substance Abuse Coalition; Hope Services Hawaii, Inc.; and one individual. Your Committee received comments on this measure from the Judiciary and Office of the Public Defender.

Your Committee finds that the Assisted Community Treatment Program provides a process for individuals with severe mental illness to receive necessary medical treatment and medication when it is in the individual's best interest. Your Committee further finds that the existing law does not require the appointment of a guardian ad litem to represent the best interests of an individual subject to Assisted Community Treatment Program proceedings.

Your Committee has amended this measure by:

- (1) Clarifying that a guardian ad litem appointed to represent a person subject to an Assisted Community Treatment Program petition shall receive the same compensation as any other guardian ad litem appointed by the courts; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 345, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 345, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

WAR M. NAKASHIMA Chair

## State of Hawaii House of Representatives The Thirty-first Legislature H5CR 589

## Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 345 HD1	Committee Referral: HHH, JHA, FIN			Date: 17-1		
☐ 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)						
JHA Members		Ayes	Ayes (W	R) Nays	Excused	
1. NAKASHIMA, Mark M. (C)						
			A BELL			
2. MATAYOSHI, Scot Z. (VC)						
3. ICHIYAMA, Linda						
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4. KOBAYASHI, Dale T.		~				
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6. LOWEN, Nicole E.						
7. McKELVEY, Angus L.K.			ALL CONTROL OF	F/10 10 10 10 10 10 10 10 10 10 10 10 10 1	SERVED MERCHANIST STATE	
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8. NAKAMURA, Nadine K.	NAMES OF THE OWNER, WHEN				BEIN BURNEYSWAR	
9. TAKUMI, Roy M.						
10. TODD, Chris						
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11. TOKIOKA, James Kunane						
12. WARD, Gene						
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	-502					
TOTAL (12)		10	8	Ø	2	
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						