

STAND. COM. REP. NO.

696

Honolulu, Hawaii

FEB 17 , 2023

RE: H.B. No. 824
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 824, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MEDICAL RELEASE,"

begs leave to report as follows:

The purpose of this measure is to create a medical release program for certain ill or impaired inmates.

Your Committee received testimony in support of this measure from the Hawaii Correctional System Oversight Commission, Community Alliance on Prisons, and three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Public Safety and Hawaii Paroling Authority.

Your Committee finds that long sentences and an aging prison population can lead to a growing number of elderly inmates, some of whom have serious illnesses or impairments and require a significant amount of medical care. Medical release has been used in other jurisdictions to allow certain inmates who pose a low risk to public safety to be released, and your Committee finds medical release to be a compassionate alternative that would allow these individuals to live out their remaining days outside of a correctional facility.

2023-1827 HB824 HD2 HSCR HMSO-1



Your Committee has amended this measure by:

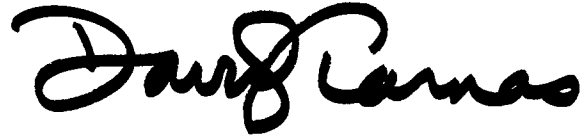
- (1) Clarifying that an inmate must pose a low risk to public safety to be eligible for the medical release program;
- (2) Requiring that requests for medical release be accompanied by a recommendation for medical release by a physician who is licensed to practice medicine in the State;
- (3) Deleting language that would have required the Director of Public Safety to appoint an advocate for any inmate who requests medical release and is unable, due to incapacitation or debilitation, to advocate on the inmate's own behalf;
- (4) Deleting language that would have allowed the revocation of an inmate's medical release to be used as a factor in determining eligibility for future parole or release;
- (5) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$368,996 per fiscal year for one full time equivalent physician (1.0 FTE) and one full time equivalent (1.0 FTE) advanced practice registered nurse II.

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. 824, 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. 824, H.D. 2.



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



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HSCR 696

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 824, HD 1	Committee Referral: CMV, JHA, FIN	Date: 2/15/2023
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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 (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda				✓
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	9	-	-	1

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
 committee acronym(s)

Vice Chair's or designee's signature: _____

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