

STAND. COM. REP. NO.

686

Honolulu, Hawaii

FEB 17 , 2023

RE: H.B. No. 1442
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. 1442, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REHABILITATION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the Criminal Justice Diversion Program;
- (2) Amend the allowable period of court-ordered assisted community treatment and considerations for extensions;
- (3) Allow courts to require certain probation violators to undergo mental health evaluation and treatment as a condition of continued probation;
- (4) Require the Department of Health to contract with behavioral health crisis centers; and
- (5) Appropriate funds to restore funding for probation officer services for the Mental Health Court.

Your Committee received testimony in support of this measure from the Judiciary; Hawaii Correctional System Oversight Commission; Department of Health; Honolulu Police Department;

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Hawaii Substance Abuse Coalition;, Institute for Human Services, Inc.; and three individuals. Your Committee received comments on this measure from the Department of the Attorney General, Office of the Public Defender, and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that this measure would support criminal justice diversion programming to ensure that individuals who interact with the justice system receive the appropriate treatment for their behavioral health challenges.

Your Committee has amended this measure by clarifying that a defendant may, rather than shall, be subject to revocation of probation and incarceration if the defendant fails to complete the treatment program required by the court or the court determines that the defendant cannot benefit from any other suitable treatment program.

Your Committee notes the concerns raised in the Department of the Attorney General's testimony and encourages the Judiciary to work with the Department together on this measure.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider the amendments proposed in the Department of Health's testimony to:

- (1) Add language to the measure that acknowledges the need for locations that will have an increased number of evaluations to be fully operational prior to program implementation;
- (2) Establish five full-time equivalent court-based clinician positions, which would cost \$575,000 annually; and
- (3) Insert an effective date of July 1, 2024, for this measure.

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. 1442, 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. 1442, H.D. 2.



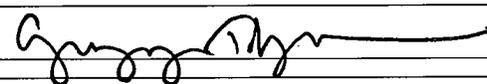
Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 1442, HD 1	Committee Referral: HLT, JHA, FIN	Date: 2/15/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> 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)	8	1	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not 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				