

Honolulu, Hawaii

APR 25 2024

RE: S.B. No. 2557
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2557, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LEGAL REPRESENTATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to allow the court to appoint an attorney for the subject of a petition for assisted community treatment, rather than entitling an indigent subject of a petition for assisted community treatment to representation by a public defender.

Your Committee on Conference finds that guardians ad litem act in the best interests of persons who are the subject of a petition for assisted community treatment and protect them throughout the petition process. Your Committee on Conference further finds that representation by a public defender is typically not necessary in these cases due to the person not facing the risk of detention, and



representation by a public defender may also result in the person's treatment being delayed. This measure will preserve government resources and ensure that the treatment of a person who requires assisted community treatment does not suffer from unnecessary delays.

Your Committee on Conference respectfully requests that the Judiciary report to the Legislature on the use of appointed counsel in assisted community treatment (ACT) cases, including how often they appoint counsel for the subject of an ACT petition, the reasons for the appointments, when in the process appointments are made, the cost per appointment, and an estimate for future funding to support appointed counsel.

Your Committee on Conference has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2557, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2557, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE




DAVID A. TARNAS
Co-Chair

KARL RHOADS
Chair



SCOTT Y. NISHIMOTO
Co-Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 2557, SD 1, HD 1					Date/Time: 04/24/24 04/23/24 1:58 PM				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				TARNAS, David A., Co-Chr.	✓			
ELEFANTE, Brandon J.C.	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			
FEVELLA, Kurt				✓	HOLT, Daniel	✓			
					ILAGAN, Greggor	✓			
					SOUZA, Kanani	✓			
TOTAL	2	0	0	1	TOTAL	5	0	0	0
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod									
<i>File with Conference Committee Report</i> <i>House Clerk's Office</i> <i>Senate Clerk's Office</i> <i>Drafting Agency</i>									