

STAND. COM. REP. NO.

3621

Honolulu, Hawaii

APR 03 2024

RE: S.C.R. No. 135  
S.D. 1

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

Sir:

Your Committees on Health and Human Services and Judiciary,  
to which was referred S.C.R. No. 135 entitled:

"SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR'S SENIOR  
ADVISOR FOR MENTAL HEALTH AND THE JUSTICE SYSTEM TO DEFINE  
THEIR ROLE AND TO PROVIDE AN ANNUAL REPORT TO THE LEGISLATURE  
ON THE PROGRESS THE STATE HAS MADE TOWARDS JAIL DIVERSION,"

beg leave to report as follows:

The purpose and intent of this measure is to urge the  
Governor's Senior Advisor for Mental Health and the Justice System  
to define their role and to provide an annual report to the  
Legislature on the progress the State has made towards jail  
diversion.

Your Committees received testimony in support of this measure  
from the Hawaii Correctional System Oversight Commission, Office  
of Youth Services, and Hawaii Substance Abuse Coalition.

Your Committees received testimony in opposition to this  
measure from the Department of Health.

Your Committees received comments on this measure from the  
Office of the Governor, Governor's Coordinator on Homelessness,  
Department of Corrections and Rehabilitation, Office of Wellness  
and Resilience, Department of Human Services, the Judiciary, and  
Opportunity Youth Action Hawai'i.



Your Committees find that the Governor's Senior Advisor for Mental Health and the Justice System has a crucial role in improving the State's implementation of the Substance Abuse and Mental Health Services Administration (SAMHSA) model on jail diversion, which details how individuals with mental and substance use disorders come into contact with and move through the criminal justice system. Your Committees further find that it is vital for the Senior Advisor to gather and report substantive data on the various community programs funded by the Department of Human Services, Department of Health, and the Judiciary that provide various services in the SAMHSA model on jail diversion. This measure increases transparency on the progress that the Senior Advisor for Mental Health and the Justice System has made on jail diversion in the State and also supports the implementation of a targeted approach to enhance services in jails and prisons, support robust re-entry services in the State, and support deflection and diversion services.

Your Committees have amended this measure by:

- (1) Inserting findings that the uniqueness and importance of having a position in the Office of the Governor that is dedicated to mental health and the justice system makes the Senior Advisor for Mental Health and the Justice System a de facto lead on mental health and the justice system initiatives for the State;
- (2) Inserting language to clarify that the Senior Advisor for Mental Health and the Justice System's annual reports to the Legislature are requested to:
  - (A) Include any proposed legislation;
  - (B) Include a review of all federal and state court cases and constitutional, statutory, and rule changes impacting the Hawaii Revised Statutes that relate to mental health and involuntary transport, examination, hospitalization, and treatment, including assisted community treatment, as proposed in Senate Bill No. 2992, S.D. 2, H.D. 1 (2024); and
  - (C) Be made publicly available;



- (3) Inserting language to request the Senior Advisor for Mental Health and the Justice System to regularly submit reports to the Chairperson of the Senate Standing Committee on Health and Human Services on the progress the State has made towards jail diversion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 135, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 135, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and Human  
Services and Judiciary,



KARL RHOADS, Chair



JOY A. SAN BUENAVENTURA, Chair





The Senate  
Thirty-Second Legislature  
State of Hawai'i

**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:* <b>SCR 135</b>	Committee Referral: <b>HHS   JDC</b>	Date: <b>03   25   24</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes