STAND. COM. REP. NO. **706** -24

Honolulu, Hawaii

MAR 22 , 2024

RE: S.B. No. 2557

S.D. 1 H.D. 1

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2557, S.D. 1, entitled:

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

begs leave to report as follows:

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 received testimony in support of this measure from the Office of the Public Defender. Your Committee received testimony in opposition to this measure from the ACLU of Hawai'i and one individual. Your Committee received comments on this measure from Hawaii Disability Rights Center.

Your Committee finds that the purpose of assisted community treatment is to curb dangerous behavior that could result in involuntary hospitalization, incarceration, or adverse outcomes such as injury, serious illness, or even death. Persons who are the subject of a petition for assisted community treatment are protected throughout the petition process by guardians ad litem who act in the person's best interest, medical professionals, and

the court. Since these persons are not at risk of detention, representation by a public defender is usually not necessary and can often result in delayed treatment. This measure would enable the swift treatment of persons who are seriously mentally ill.

Your Committee has amended this measure by:

- (1). Changing the effective date to July 1, 3000, to encourage further discussion; 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 S.B. No. 2557, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2557, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

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

Dang Carras

DAVID A. TARNAS, Chair

State of Hawaii House of Representatives The Thirty-second Legislature

ASCR 1306-24

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB2557 SD1 Committee	Referral:	Date	3.20.2	+
☐ 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)				
A TANAMAN CONTRACTOR				
2. TAKAYAMA, Gregg (VC)				
3. EVSLIN, Luke A.				
4. GANADEN, Sonny				
5. HOLT, Daniel				
6. ICHIYAMA, Linda				
T. WIGING				
7. ILAGAN, Greggor				
8. KONG, Sam Satoru	1			
9. MIYAKE, Tyson K.				
10. SOUZA, Kanani				
20 222, 1200				
	/			
TOTAL (10)	7	1	_	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				