

STAND. COM. REP. NO. 281

Honolulu, Hawaii

FEB 12 2025

RE: S.B. No. 1612
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Public Safety and Military Affairs and Health and Human Services, to which was referred S.B. No. 1612 entitled:

"A BILL FOR AN ACT RELATING TO FITNESS TO PROCEED,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Appropriate funds for the Department of Corrections and Rehabilitation, in collaboration with the Department of Health, to establish and implement a five-year fitness to proceed pilot program; and
- (2) Require that an interim report and final report by the Department of Corrections and Rehabilitation be submitted to the Legislature.

Your Committees received testimony in support of this measure from the Department of Health, Hawaii Substance Abuse Coalition, and Hina Mauka.

Your Committees received testimony in opposition to this measure from the Department of Corrections and Rehabilitation, Office of the Public Defender, and Hawaii Disability Rights Center.



Your Committees received comments on this measure from the Judiciary.

Your Committees find jail-based competency restoration programs provide an alternative to traditional inpatient psychiatric hospitals and are considered a component of the continuum of restoration services that include community-based treatment, corrections-based restoration services, and inpatient psychiatric care. By restoring competency in a jail setting, individuals who do not require intensive hospitalization can receive necessary treatment without occupying limited hospital beds. Currently, all individuals who are court-ordered for competency evaluations are sent to the Hawai'i State Hospital.

Your Committees find that jail-based competency restoration programs are typically more cost efficient compared to inpatient hospital restoration. The Hawai'i State Hospital's daily bed rate is estimated at \$1,000 per day.

Your Committees further find that jail-based competency restoration programs align with modern correctional system principles, which are shifting from a punitive model into a therapeutic one. A jail-based competency restoration pilot program in the State can be an effective intervention to restore the mental competency of individuals found incompetent to stand trial while they remain in jail.

Your Committees have amended this measure by:

- (1) Clarifying that the Department of Corrections and Rehabilitation shall establish a pilot program to help reduce overcrowding at the Hawaii State Hospital and ensure the safety of the hospital's staff and personnel while an inmate is awaiting a determination on the inmate's fitness to proceed;
- (2) Deleting language that would have required that an inmate housed in a reserved cell or living space be the joint responsibility of the Department of Corrections and Rehabilitation and Department of Health until the inmate is no longer incapacitated;
- (3) Making conforming amendments; and



- (4) Inserting an effective date of July 1, 2077, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1612, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1612, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Public Safety and Military Affairs and Health and Human Services,



JOY A. SAN BUENAVENTURA, Chair



BRANDON J.C. ELEFANTE, Chair



