STAND. COM. REP. NO. 281

Honolulu. Hawaii

### FEB 1 2 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



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(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,

VENTURA, Chair

BRANDON J.C. ELEFANTE, Chair



### The Senate Thirty-Third Legislature State of Hawaiʻi

## Record of Votes Committee on Public Safety and Military Affairs PSM

Bill / Resolution No.:* SB 1612	Committee Referral: Date: PSM/HHS, WAM 2-7-25							
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
ELEFANTE, Brandon J.C. (C)								
WAKAI, Glenn (VC)								
FUKUNAGA, Carol								
RHOADS, Karl		· /						
DECORTE, Samantha		V						
TOTAL		4	6	1	6			
Recommendation:								
Chair's or Designee's Signature:								
Distribution: Original File with Committee Re		ellow 's Office [	Pink Drafting Agency		denrod ee File Copy			
*Only <u>one</u> measure per Record of Votes								

### The Senate Thirty-Third Legislature State of Hawaiʻi

# Record of Votes Committee on Health and Human Services HHS

Bill / Resolution No.:*	Committee	Committee Referral:			Date:			
SB 1612	PSM/HHS, WAM 2/7/				/25			
The Committee is reconsidering its previous decision on this measure.								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR	R) Nay	Excused			
SAN BUENAVENTURA, Joy A	A. (C)							
AQUINO, Henry J.C. (VC)		V						
HASHIMOTO, Troy N.								
KEOHOKALOLE, Jarrett								
FEVELLA, Kurt								
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TOTAL		<u> </u>						
Recommendation:								
Chair's or Designee's Signature:								
Distribution: Original File with Committee Re	Yellow Pink Goldenrod eport Clerk's Office Drafting Agency Committee File Copy							

\*Only <u>one</u> measure per Record of Votes