

STAND. COM. REP. NO. 1012

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 1612
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 1612, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to reduce overcrowding at the Hawaii State Hospital.

More specifically, this measure:

- (1) Requires and appropriates 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) Requires an interim report and final report to the Legislature.

Your Committee received written comments in support of this measure from the Department of Health, Hawaii Substance Abuse Coalition, and one individual.

Your Committee received written comments in opposition to this measure from the Department of Corrections and Rehabilitation.



Your Committee received written comments on this measure from the Judiciary and Hawaii Disability Rights Center.

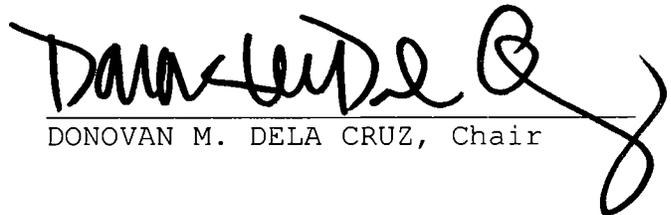
Your Committee finds that, according to the Department of Corrections and Rehabilitation, the Fitness to Proceed Pilot Program would be more appropriately considered in the planning and design of new correctional facilities, such as the planned new Oahu Community Correctional Center. This would provide the Department of Corrections and Rehabilitation, Department of Accounting and General Services, and their consultants with the time needed to set aside adequate and appropriate space, while also providing the Department of Health and Department of Corrections and Rehabilitation the time needed to plan for the additional staff and services required.

Your Committee has amended this measure by:

- (1) Clarifying that the pilot program shall be required for buildings constructed after December 31, 2025;
- (2) Clarifying that inmates who participate in the pilot program shall be in the joint custody of the Department of Corrections and Rehabilitation and Department of Health; and
- (3) Defining the term "joint custody".

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1612, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1612, S.D. 2.

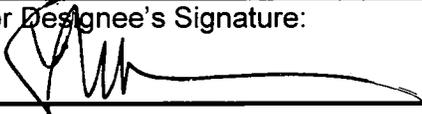
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB1612 SD1	Committee Referral: PSM/HHS, WAM	Date: 2/28/2025		
<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
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.				X
KIM, Donna Mercado				X
LEE, Chris				X
WAKAI, Glenn	X			
FEVELLA, Kurt		X		
TOTAL	9	1	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**