

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.

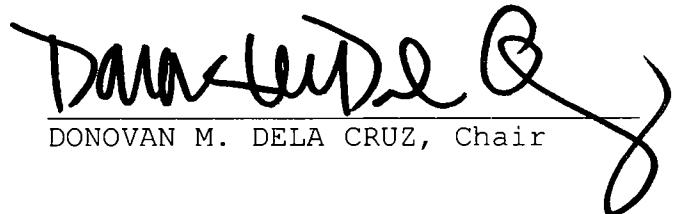
Your Committee finds that, according to the Department of Corrections and Rehabilitation, the Fitness to Proceed Pilot Program would be more appropriately considered in the planning and design of new correctional facilities, such as the planned new Oahu Community Correctional Center. This would provide 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.:* <b>SB1612 SD1</b>	Committee Referral: <b>PSM/HHS, WAM</b>	Date: <b>2/28/2025</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: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
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			
INOUE, 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 <span style="margin-left: 100px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div style="text-align: center;">Distribution: Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes