

STAND. COM. REP. NO.

1292

Honolulu, Hawaii

MAR 18 , 2025

RE: S.B. No. 264
S.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 264, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE EXAMINATION OF CRIMINAL DEFENDANTS,"

begs leave to report as follows:

The purpose of this measure is to establish the amount of compensation for private-sector examiners who evaluate a criminal defendant's penal responsibility or fitness to proceed in a legal case.

Your Committee received testimony in support of this measure from the Judiciary; Department of Health; Hawai'i Psychological Association; and one individual.

Your Committee finds that the fee paid to private-sector examiners, who evaluate a criminal defendant's penal responsibility or fitness to proceed, has not been increased since approximately 2008 when it was raised from \$500 (with additional fees outlined for out-of-court work and testimony) to \$1,000 with no allocation of funds for out-of-court work or testimony. Due to the low rate of pay, several former certified examiners no longer accept appointments from the First Circuit Court.

2025-2536 SB264 SD1 HSCR HMSO



Your Committee further finds that there are currently only six examiners willing to accept court appointments from the First Circuit. For the last six months, these six examiners have had over nine examinations per month. As a result, some examiners have asked the court to cap their monthly appointments or requested extensions so that they can complete their examinations and reports. This measure will attract more private-sector examiners - reducing delays that cause defendants to spend more time in custody and enabling the courts to meet its constitutional and statutory obligations.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$975,000.

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. 264, S.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Finance.

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



DAVID A. TARNAS, Chair



