

Honolulu, Hawaii

FEB 28 2025

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

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. 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 and intent 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 written comments in support of this measure from the Department of Health, Judiciary, Office of the County Clerk - Kauai County Council, Hawaii Psychological Association, and one individual.

Your Committee finds that chapter 704, Hawaii Revised Statutes, requires the court in certain felony cases to appoint three examiners to aid the court in determining: a defendant's fitness to proceed with the case; the defendant's responsibility for the offense alleged to have occurred; and once acquitted on the basis of a mental disease, disorder, or defect, whether the defendant may be released or remain in the public without danger or should be committed to the custody of the Director of Health.



The three examiners are appointed from a list of certified examiners maintained by the Department of Health, with two of the appointed examiners required to be psychiatrists, licensed psychologists, or qualified physicians. Two examiners are private practitioners that are paid by the court, while the final examiner is a Department of Health employee.

Your Committee finds that the First Circuit currently has only six examiners on the certified examiner list willing to take court appointments for the fees paid by the Judiciary. Although more examiners are potentially available, they are unwilling or unable to provide services to the court at the existing rate of \$1,000. Your Committee further finds that the number of chapter 704 examinations has more than doubled in the last fourteen years, despite the number of examiners decreasing from fifteen in 2010 to the present six.

Your Committee believes that unless more examiners are enlisted to conduct these examinations, the courts will be unable to meet obligations required by statute and the state and federal constitutions. This measure will ensure the availability of qualified examiners willing and able to provide statutorily required examinations of criminal defendants in the State.

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. 264, S.D. 1, and recommends that it pass Third Reading.

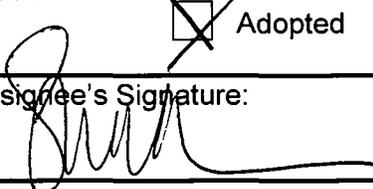
Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
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.:*	Committee Referral:	Date:		
SB264 SD1	JDC, WAM	2-26-2025		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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			
<b>TOTAL</b>	13	0	0	0
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