

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 955
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 Health and Human Services and Judiciary,
to which was referred S.B. No. 955 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) Clarify the term of commitment for a defendant being held at a hospital or mental health facility for a fitness-to-proceed examination;
- (2) Clarify who may serve as a qualified examiner;
- (3) Reduce the number of qualified examiners required for a fitness-to-proceed examination in a felony case from three to two, unless the examiners disagree on the defendant's fitness;
- (4) Establish the rate of compensation for conducting the examinations; and
- (5) Establish a reduced penalty, except in certain circumstances, for a person who commits the offense of escape in the second degree while in the custody of the Director of Health.



Your Committees received testimony in support of this measure from the Department of Health, Office of the Public Defender, Hawai'i Association of Professional Nurses, and one individual.

Your Committees received testimony in opposition to this measure from the Judiciary and one individual.

Your Committees received comments on this measure from the Hawaii Correctional System Oversight Commission.

Your Committees find that it is vitally important to the health of residents and the efficient use of the State's health care resources that forensic mental health assessments are conducted in a timely and thorough manner. This measure reforms the State's forensic mental health assessment procedure to align with best practices in the field and alleviate systemic inefficiencies.

Your Committees have amended this measure by:

- (1) Reducing the number of qualified examiners required for a fitness-to-proceed examination in a felony case from three to one, rather than two;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

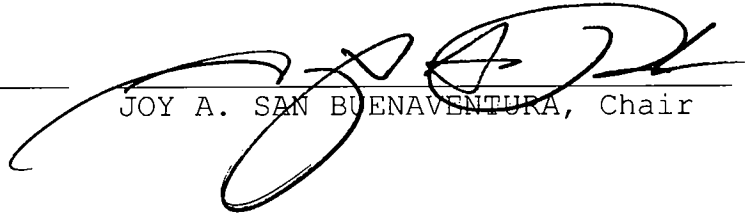
As affirmed by the records of votes of the members of your Committees on Health and Human Services and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 955, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 955, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Judiciary,



KARL RHOADS, Chair



JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i


Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 955</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HHS/JDC, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/13/25</div>		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.	✓			
KEOHOKALO, Jarrett				✓
FEVELLA, Kurt	✓			
TOTAL	4			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">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

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

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Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	4	—	1	—
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

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