

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 955
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. 955, 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 in the State's hospitals and mental health facilities and to expedite certain criminal cases through the legal system by amending the requirements for fitness-to-proceed examinations.

More specifically, the measure:

- (1) Clarifies the term of a defendant's commitment to a hospital or mental health facility for purposes of a fitness-to-proceed examination;
- (2) Increases the compensation for, and clarifies the types of professionals who may serve as, a private examiner for a fitness-to-proceed examination;
- (3) Reduces from three to one the number of qualified examiners required for a fitness-to-proceed examination in a felony case; and



- (4) Reduces penalties to be commensurate with the underlying offense for a person charged with a nonviolent petty misdemeanor who escapes from the custody of the Director of Health while awaiting a fitness-to-proceed examination.

Your Committee received written comments in support of this measure from the Department of Health and two individuals.

Your Committee received written comments in opposition to this measure from the Office of the Public Defender, Department of the Prosecuting Attorney for the City and County of Honolulu, Department of the Prosecuting Attorney for the County of Maui, Hawaii Psychological Association, and two individuals.

Your Committee received written comments on this measure from the Judiciary and Hawaii Correctional System Oversight Commission.

Your Committee finds that experiencing a lengthy wait for a fitness-to-proceed examination can be damaging to a criminal defendant's mental health. Your Committee believes that improving the efficiency of fitness-to-proceed examinations will help expedite the process and reduce overcrowding in hospitals, mental health facilities, and jails.

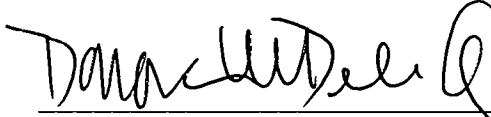
Your Committee has amended this measure by adopting amendments recommended by the Department of Health, specifically:

- (1) Requiring the court to hold status hearings for a committed defendant no less than once per week at the Hawaii State Hospital; and
- (2) Inserting a sunset date of December 31, 2026, for the proposed amendments to subsection 704-404(2), Hawaii Revised Statutes, to allow for a later reevaluation of these amendments.

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. 955, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 955, 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.:* SB 955 SD1	Committee Referral: HHS/JDC, WAM	Date: 2-19-2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <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	13	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original Yellow Pink Goldenrod</div> <div>File with Committee Report Clerk's Office Drafting Agency Committee File Copy</div> </div>				

*Only one measure per Record of Votes