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# A BILL FOR AN ACT

RELATING TO FITNESS TO PROCEED.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. (a) The department of corrections and  
2       rehabilitation shall establish a five-year fitness to proceed  
3       pilot program in one county of the State to help reduce  
4       overcrowding at the Hawaii state hospital and ensure the safety  
5       of the hospital's staff and personnel while an inmate is  
6       awaiting a determination on the inmate's fitness to proceed  
7       pursuant to chapter 704, Hawaii Revised Statutes; provided that  
8       the county in which the pilot program is established has a  
9       population of more than two hundred thousand but less than five  
10      hundred thousand.

11       (b) For purposes of the pilot program, the department of  
12      corrections and rehabilitation shall reserve at least one cell  
13      or personal living space to accommodate every two inmates who  
14      have filed a motion or cited a defense pursuant to chapter 704,  
15      Hawaii Revised Statutes.

16       (c) An inmate housed in a reserved cell or living space  
17      shall be in the primary custody of the department of corrections



1 and rehabilitation and receive mental health services through a  
2 partnership with the department of health until a determination  
3 is made regarding the inmate's fitness to proceed pursuant to  
4 chapter 704, Hawaii Revised Statutes.

5 For the purposes of this subsection, the department of  
6 corrections and rehabilitation shall have primary physical  
7 custody of an inmate in the pilot program, and the department of  
8 health shall be a partnering agency to provide mental health  
9 services for the inmate.

10 (d) The department of corrections and rehabilitation shall  
11 submit an interim report to the legislature on the status of the  
12 pilot program no later than twenty days prior to the convening  
13 of the regular session of 2027 and a final report of its  
14 findings and recommendations, including any proposed  
15 legislation, no later than twenty days prior to the convening of  
16 the regular session of 2030.

17 SECTION 2. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$ or so much  
19 thereof as may be necessary for fiscal year 2025-2026 and the  
20 same sum or so much thereof as may be necessary for fiscal year



1 2026-2027 for the establishment and implementation of the  
2 fitness to proceed pilot program.

3 The sums appropriated shall be expended by the department  
4 of corrections and rehabilitation for the purposes of this Act.

5 SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

DCR; DOH; Fitness to Proceed; Hawaii State Hospital; Reports;  
Appropriation

**Description:**

Requires and appropriates funds for the Department of Corrections and Rehabilitation, in partnership with the Department of Health, to establish and implement a five-year Fitness to Proceed Pilot Program in one county of the State. Requires an interim report and final report to the Legislature. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

