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# A BILL FOR AN ACT

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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 to help reduce overcrowding at the Hawaii state  
4   hospital and ensure the safety of the hospital's staff and  
5   personnel while an inmate is awaiting a determination on the  
6   inmate's fitness to proceed pursuant to chapter 704, Hawaii  
7   Revised Statutes.

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

13          (c) An inmate housed in a reserved cell or living space  
14   shall be the joint responsibility of the department of  
15   corrections and rehabilitation and department of health until a  
16   determination is made regarding the inmate's fitness to proceed  
17   pursuant to chapter 704, Hawaii Revised Statutes.



1 (d) The department of corrections and rehabilitation shall  
2 submit an interim report to the legislature on the status of the  
3 pilot program no later than twenty days prior to the convening  
4 of the regular session of 2027 and a final report of its  
5 findings and recommendations, including any proposed  
6 legislation, no later than twenty days prior to the convening of  
7 the regular session of 2030.

8 SECTION 2. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so much  
10 thereof as may be necessary for fiscal year 2025-2026 and the  
11 same sum or so much thereof as may be necessary for fiscal year  
12 2026-2027 for the establishment and implementation of the  
13 fitness to proceed pilot program.

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

16 SECTION 3. This Act shall take effect on July 1, 2077.



# S.B. NO. 1612 S.D. 1

**Report Title:**

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

**Description:**

Requires and appropriates funds for the Department of Corrections and Rehabilitation, in collaboration with the Department of Health, to establish and implement a 5-year Fitness to Proceed Pilot Program. Requires an interim report and final report to the Legislature. Effective 7/1/2077. (SD1)

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

