THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

S.B. NO. 1612 S.D. 2

A BILL FOR AN ACT

RELATING TO FITNESS TO PROCEED.

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

SECTION 1. (a) The following shall be required for buildings constructed after December 31, 2025. The department of corrections and rehabilitation shall establish a five-year fitness to proceed pilot program to help reduce overcrowding at the Hawaii state hospital and ensure the safety of the hospital's staff and personnel while an inmate is awaiting a determination on the inmate's fitness to proceed pursuant to chapter 704, Hawaii Revised Statutes.

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

(c) An inmate housed in a reserved cell or living space shall be in the joint custody of the department of corrections and rehabilitation and department of health until a

determination is made regarding the inmate's fitness to proceed pursuant to chapter 704, Hawaii Revised Statutes.

For the purposes of this subsection, "joint custody" means the department of corrections and rehabilitation having primary physical custody of an inmate and the department of health having responsibility for the mental health services and medications of the inmate.

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

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

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

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

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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 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. (SD2)

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