

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 3069  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3069, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO RECORDS OF DEFENDANTS  
COMMITTED TO A HOSPITAL CONTROLLED BY THE DIRECTOR OF HEALTH  
OR TO CUSTODY OF DIRECTOR OF HEALTH,"

begs leave to report as follows:

The purpose of this bill is to require the courts to provide the Director of Health (Director) with existing medical, mental health, social, police, and juvenile records of defendants who are committed to a hospital under the control of the Director or to the custody of the Director.

The Department of Health (DOH) and the Judiciary testified in support of this bill with amendments. The City and County of Honolulu Department of the Prosecuting Attorney opposed this measure. The Office of the Public Defender offered comments.

Your Committee has amended this bill by:

- (1) Deleting provisions that require the courts to provide the Director with existing medical, mental health, social, police, and juvenile records of defendants who are committed to a hospital under the control of the Director or to the custody of the Director;



- (2) Making the county police departments responsible for providing to the Director certain police records of defendants who are committed to a hospital under the control of the Director or to the custody of the Director;
- (3) Providing the defendant with an opportunity to object to the release of information;
- (4) Changing its effective date to January 1, 2112, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3069, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3069, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
TOMMY WATERS, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

**HSCR 1345-08**

**Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: <b>SB 3069, SD 2 (SSCR 2797)</b>	Committee Referral: <b>HLT, JUD, FIN</b>	Date: <b>3/18/08</b>
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The committee is reconsidering its previous decision on the measure.

The recommendation is to:     Pass, unamended (as is)     Pass, with amendments (HD) <sup>1</sup>     Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. EVANS, Cindy	/			
4. GREEN, Josh, M.D.	/			
5. ITO, Ken	/			
6. LUKE, Sylvia	/			
7. McKELVEY, Angus L.K.	/			
8. MORITA, Hermina M.				/
9. SONSON, Alex M.				/
10. SOUKI, Joseph M.	/			
11. TSUJI, Clift	/			
12. YAMANE, Ryan I.	/			
13. YAMASHITA, Kyle T.	/			
14. MARUMOTO, Barbara C.	/			
15. PINE, Kymberly Marcos				/
16. THIELEN, Cynthia	/			
TOTAL (16)	17	0	0	3

The recommendation is:     Adopted     Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature:

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