

STAND. COM. REP. NO.

873

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 1071
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Health and Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 1071, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL,"

beg leave to report as follows:

The purpose and intent of this measure is to establish a compliance reporting mechanism for persons found unfit to stand trial who are conditionally released to the community in order to further protect the safety of Hawaii's residents.

Your Committees received testimony in support of this measure from the Department of Health; Department of the Prosecuting Attorney, City and County of Honolulu; and one private individual.

Your Committees find that when a defendant is conditionally released after a finding of unfitness to proceed, this measure would provide much needed monitoring of released individuals and added security for residents of the State by requiring the Department of Health to establish and monitor a fitness restoration program that is consistent with conditions set by a court order and to inform the Department of Public Safety's Intake Service Center of the plan and the defendant's ongoing compliance with the fitness restoration program.

Your Committees have amended this measure by:

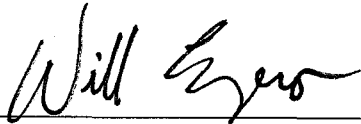
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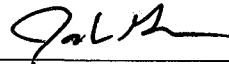
- (1) Changing the effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1071, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1071, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Health and Public
Safety, Government Operations,
and Military Affairs,



WILL ESPERO, Chair



JOSH GREEN, M.D., Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:
<i>HB 1071, HD2</i>	<i>HTH/PGM, JDL</i>	<i>3/21/11</i>

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile				✓
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	<i>5</i>			<i>2</i>

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Clarence K. Nishihara

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*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* HB 1071 HDZ	Committee Referral: HCH/PGM, JDL	Date: 3/21/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai				/
SLOM, Sam				/
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
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