

STAND. COM. REP. NO.

279

Honolulu, Hawaii

FEB 16 2011

RE: S.B. No. 1308
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 Public Safety, Government Operations, and Military Affairs and Health, to which was referred S.B. No. 1308 entitled:

"A BILL FOR AN ACT RELATING TO CORRECTIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Public Safety to order an inmate or detainee in its custody to receive involuntary treatment, including the taking or application of medication, upon specified findings of a court order and upon procedural requirements.

Your Committees received testimony in support of this measure from one state department.

Your Committees find that current law is silent on any authority of the Department of Public Safety to require an inmate to receive psychological treatment, including the administration of medication. Under this measure, involuntary medical treatment may be ordered by the court if the court finds that: the subject poses a danger of physical harm to self or others; treatment with medication is medically appropriate; and considering less intrusive alternatives, the treatment is essential to forestall the danger posed by the subject.

The intent of your Committees is to improve the care of individuals who suffer from mental illness within the State's correctional system and to more efficiently provide needed care to

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detainees and inmates who refuse recommended treatment when their mental health is a reason for that refusal. Your Committees note that this measure intends to provide necessary constitutional safeguards, including the right to representation by counsel or by a public defender.

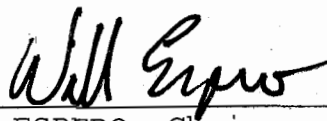
Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1308, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1308, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



JOSH GREEN, M.D., Chair



WILL ESPERO, Chair



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.:* SB 1308	Committee Referral: PGM/HTH, JDL	Date: 2-8-11
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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
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai	/			
SLOM, Sam		/		
TOTAL	4	1		

Recommendation:
 Adopted
 Not Adopted

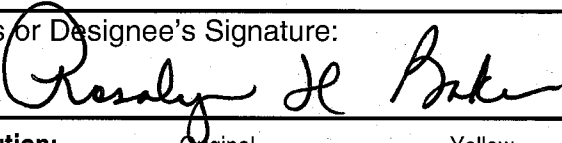
Chair's or Designee's Signature:
Michelle N. Kidani

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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 Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1308	PGM/HTH, JDL	2-8-2011		
<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
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)				✓
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne				✓
SHIMABUKURO, Maile				✓
WAKAI, Glenn	✓			
SLOM, Sam		✓		
TOTAL	3	1	-	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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