

Honolulu, Hawaii

March 27, 2015

RE: S.B. No. 961
S.D. 2
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 961, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH TREATMENT,"

begs leave to report as follows:

The purpose of this measure is to amend petition and hearing procedures for assisted community treatment. Specifically, this measure, among other things:

- (1) Removes the ten-day limit for setting a hearing date after the filing of a petition for assisted community treatment;
- (2) Amends petition and hearing notice requirements;
- (3) Specifies hearing circumstances under which a guardian ad litem, public defender, or other court-appointed counsel may be appointed to assist a subject of a petition;
- (4) Removes provisions allowing the court to order a subject to be examined by a licensed psychiatrist; and



- (5) Requires treating providers to provide information related to emergency mental health examinations and hospitalizations to the Department of Health for reporting purposes.

The Department of Health, PHOCUSED, Institute for Human Services, Waipahu Aloha Clubhouse Advisory Board, and Mental Health America of Hawaii testified in support of this measure.

Your Committee has amended this measure by:

- (1) Establishing that a psychiatric examination for the initiation of proceedings for assisted community treatment shall be valid so long as the examiner is able to receive enough information from the subject of the petition to reach a diagnosis of the mental illness of the subject of the petition, and to express a professional opinion concerning the same, even if the subject of the petition is not fully cooperative;
- (2) Clarifying that the subject of the petition is not required to accept legal representation by the public defender or other court-appointed counsel;
- (3) Establishing a "within a reasonable time" requirement for psychiatric assessments used in a hearing to commit a subject of a petition to receive assisted community treatment;
- (4) Changing its effective date to upon its approval; 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. 961, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 961, S.D. 2, H.D. 2.



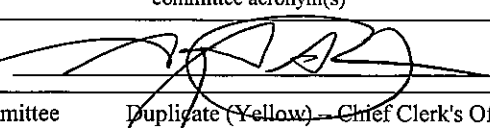
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 961, SD2, HD1	Committee Referral: HLT, JUD, FIN	Date: 3/24/15		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BELATTI, Della Au				/
4. BROWER, Tom	/			
5. CREAGAN, Richard P.	/			
6. HASHEM, Mark J.	/			
7. KAWAKAMI, Derek S.K.				/
8. LEE, Chris	/			
9. MORIKAWA, Dee	/			
10. NAKASHIMA, Mark M.	/			
11. TAKAYAMA, Gregg	/			
12. WOODSON, Justin H.				/
13. McDERMOTT, Bob	/			
14. THIELEN, Cynthia	/			
TOTAL (14)	11			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				