

STAND. COM. REP. NO. 1633

Honolulu, Hawaii

April 10, 2015

RE: S.B. No. 961  
S.D. 2  
H.D. 3

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

Sir:

Your Committee on Finance, to which was referred S.B. No. 961, S.D. 2, H.D. 2, 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) Establishes 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) Removes the 10-day limit for setting a hearing date after the filing of a petition for assisted community treatment;
- (3) Amends petition and hearing notice requirements;

SB961 HD3 HSCR FIN HMS 2015-3163



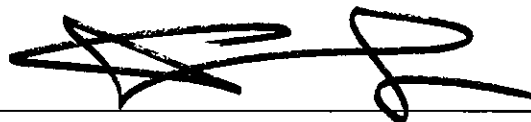
- (4) Specifies hearing circumstances under which a guardian ad litem, public defender, or other court-appointed counsel may be appointed to assist a subject of a petition, while clarifying that the subject of the petition is not required to accept legal representation by the public defender or other court-appointed counsel;
- (5) Establishes 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;
- (6) Removes provisions allowing the court to order a subject to be examined by a licensed psychiatrist; and
- (7) Requires treating providers to provide information to the Department of Health for reporting purposes.

The Department of Health and Waipahu Aloha Clubhouse Advisory Board provided testimony in support of this measure. The Department of the Attorney General provided comments.

Your Committee has amended this measure by adopting the amendments proposed by the Department of the Attorney General relating to the appointment of counsel and making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance 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. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 961, S.D. 2, H.D. 3.

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



SYLVIA LUKE, Chair



