

STAND. COM. REP. NO. 701

Honolulu, Hawaii

MAR 06 2015

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

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 961, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Remove the ten-day time limit for setting a hearing date on a petition for assisted community treatment;
- (2) Allow for notice of continuation hearings to the subject to be served via the public defender;
- (3) Specify provisions governing the appointment of a public defender or other court-appointed counsel;
- (4) Remove provisions allowing the court to order a subject to be examined by a licensed psychiatrist; and
- (5) Require treating providers to provide to the Department of Health information related to MH-1s and hospitalization of persons who are under an order to treat by September 30 of each year.

Your Committees received testimony in support of this measure from the Hawaii Disability Legal Services, LLLC; PHOCUSED; and two individuals. Your Committees received testimony in opposition to this measure from the Office of the Public Defender. Your



Committees received comments on this measure from the Hawaii Disability Rights Center.

Your Committees find that Hawaii's mental health system is difficult to navigate, resulting in individuals with serious mental illness often getting arrested for petty crimes, utilizing emergency services at higher rates, or becoming homeless as a result of their mental illness. This measure strengthens Hawaii's assisted community treatment law to reduce hospitalization and incarceration rates of persons with mental illness.

Your Committees have amended this measure by:

- (1) Inserting language to authorize the court to appoint a guardian ad litem to represent the best interests of the subject through the proceedings if the subject has been served with a petition and does not appear at the hearing; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 961, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 961, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair

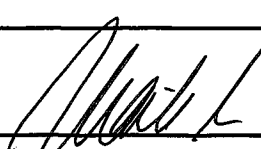


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

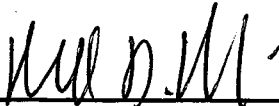
Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 961 SDI	Committee Referral: HTH/HSH, JDL/WAM	Date: 2/27/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: _____ <div style="text-align: center; font-size: 2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB961 SD1	Committee Referral: HHH/HSR, JDL/WAM	Date: 2/27/15		
<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
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
TOTAL	11	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes