

Honolulu, Hawaii

FEB 16 2017

RE: S.B. No. 716
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs, Commerce, Consumer Protection, and Health, and Human Services, to which was referred S.B. No. 716 entitled:

"A BILL FOR AN ACT RELATING TO A PRE-ARREST DIVERSION PILOT PROJECT,"

beg leave to report as follows:

The purpose and intent of this measure is to establish a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Hawaii Youth Services Network; Hawaii Substance Abuse Coalition; Ho'omana Pono, LLC; The Salvation Army; and ten individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Public Safety; Department of Health; Governor's Coordinator on Homelessness; Community Alliance on Prisons; Drug Policy Action Group; Drug Policy Forum of Hawai'i; Harm Reduction Hawaii; Helping Hands Hawai'i; The CHOW Project; and one individual.

Your Committees find that employing alternatives to incarceration for nonviolent, non-felony offenders is important for dealing with overcrowding in prisons and for promoting public welfare. There is growing concern that too many nonviolent, non-



felony offenses lead to the offender going to prison instead of receiving the kind of help the offender needs. This is of particular concern when the offender is an individual with mental health or substance abuse challenges. Individuals facing these challenges would be better served if, instead of arrest and incarceration, they were diverted to services targeted at correcting the underlying cause of their nonviolent behavior.

Your Committees also note the testimony of a number of interested parties expressing support for the pre-arrest diversion program, but imploring your Committees to not let the creation of this pilot program interfere with the work of the LEAD Hawai'i Hui in preparation for the Law Enforcement Assisted Diversion program at the county level. Your Committees understand these concerns and believe that the pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property created by this measure should function as a complement, but not an impediment, to any efforts ongoing in preparation of the Law Enforcement Assisted Diversion program.

Accordingly, this measure:

- (1) Creates a pre-arrest diversion pilot program in counties having a population of not less than six hundred thousand, which will refer individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property to appropriate community mental health services instead of arresting or citing them;
- (2) Requires the responsible state officer to provide an interim and final report to the Legislature; and
- (3) Appropriates an unspecified amount of funds for the establishment of the pilot program.

Your Committees have amended this measure by:

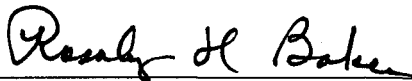
- (1) Clarifying that a deputy sheriff, appropriately trained under the pilot program, may make a preliminary determination if a person may be a potential participant in the program when the deputy sheriff reasonably believes that the person is engaged in a nonviolent, non-felony offense; and



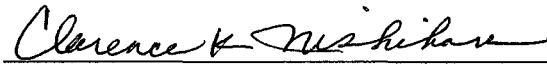
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs, Commerce, Consumer Protection, and Health, and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 716, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 716, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary and Labor.

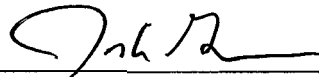
Respectfully submitted on behalf of the members of the Committees on Public Safety, Intergovernmental, and Military Affairs, Commerce, Consumer Protection, and Health, and Human Services,



ROSALYN H. BAKER, Chair



CLARENCE K. NISHIHARA, Chair




JOSH GREEN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 716	PSM/CPH/HMS, WAMP/DL	2/9/17		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
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				

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i


Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 716	PSM / CPH / HMS, WAM / JDL	2/9/17		
<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
BAKER, Rosalyn H. (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
CHANG, Stanley	✓			
ESPERO, Will	✓			
IHARA, Jr., Les				✓
KIDANI, Michelle N.				✓
RUDERMAN, Russell E.				✓
TOTAL	4			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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The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 716	PSM/CPH/HMS, WAM/IDL	02/09/17		
<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, Josh (C)	✓			
CHANG, Stanley (VC)	✓			
HARIMOTO, Breene				✓
TOKUDA, Jill N.				✓
WAKAI, Glenn	✓			
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
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