

STAND. COM. REP. NO.

3205

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2631  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2631, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE MENTAL HEALTH OF DEFENDANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to permit judicial discretion to refer a defendant to a diversion program or treatment court when the judge has reason to believe that the defendant has an untreated serious and persistent mental health illness that does not meet the criteria of section 704-404, Hawaii Revised Statutes, and after conferring with counsel.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii State Judiciary, Hawaii Substance Abuse Coalition, and Hawai'i Psychological Association.


Your Committee finds that section 704-404, Hawaii Revised Statutes, provides procedures for whenever there is reason to doubt a defendant's fitness to proceed in prosecution proceedings. Your Committee further finds that a defendant may have an untreated, serious, and persistent mental health illness that does not meet the criteria to exclude fitness to proceed, but may still render the defendant at a disadvantage in support of their due process rights. This measure provides an alternative option for



judges to use at their discretion and after consultation with counsel to ensure fairness in criminal proceedings.

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. 2631, S.D. 1, and recommends that it pass Third Reading.

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



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KARL RHOADS, Chair



