

JAN 17 2020

A BILL FOR AN ACT

RELATING TO THE MENTAL HEALTH OF DEFENDANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:




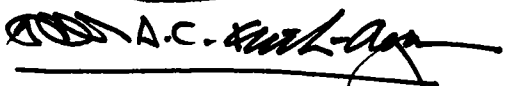
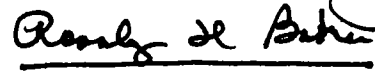

1 SECTION 1. Chapter 334, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§334- Suspension of proceedings for mental health
5 assessment. (a) Where a judge has reason to believe that the
6 defendant has an untreated serious and persistent mental health
7 illness that does not meet the criteria of section 704-404, the
8 judge may suspend all further proceedings in the prosecution and
9 order the defendant to undergo a mental health assessment. The
10 assessment shall include a mental health evaluation and referral
11 to appropriate mental health services.
12 (b) After the mental health assessment, the judge may:
13 (1) Resume the proceedings;
14 (2) Transfer the proceedings to a mental health court
15 within the judiciary;
16 (3) Further stay the proceedings while the defendant
17 voluntarily obtains appropriate mental health



1 services, including agreeing to an order for assisted
 2 community treatment pursuant to part IV, chapter 334,
 3 if services were recommended by the evaluation;
 4 (4) Authorize the defendant to be placed on probation and
 5 voluntarily adhere to a mental health treatment plan,
 6 including agreeing to an order for assisted community
 7 treatment pursuant to part IV, chapter 334, if
 8 services were recommended by the evaluation; provided
 9 that the defendant, prosecutor, and any victim agree
 10 to the probation; or
 11 (5) Any other disposition as justice may require.
 12 (c) This section shall not apply to defendants covered by
 13 section 704-404."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect on July 1, 2020.

16 INTRODUCED BY: Kal Rhoads







S.B. NO. 2631

Report Title:

Mental Health; Criminal Defendants; Mental Health Assessment

Description:

Permits judicial discretion for suspension of criminal proceedings for assessment and treatment should the defendant have serious and persistent mental health illness.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

