

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 1260
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Health, to which was referred H.B.
No. 1260, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this measure is to allow the court to order a
defendant to submit to a presentence mental or other medical
examination.

Your Committee received testimony in support of this measure
from the State Attorney General and Honolulu Prosecuting Attorney.

This measure restores the statutory provision allowing pre-
sentence mental or medical examinations of defendants for the
purposes of sentencing, which was inadvertently repealed by Act
112, Session Laws of Hawaii 2005 (Act 112), relating to biological
evidence. Act 112 repealed the mental and medical examination
provision in section 706-603, Hawaii Revised Statutes, which also
contained provisions relating to deoxyribonucleic acid collection
(DNA). Act 112 enacted a comprehensive statutory scheme for DNA
collection and testing.

Your Committee believes that the court should continue to
have the authority to order defendants to undergo a complete
mental or medical examination prior to sentencing in order to
determine the type of sentence to impose.



Your Committee has amended this measure to take effect upon its approval.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1260, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1260, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



DAVID Y. IGE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <p style="text-align:center">HB 1260 HD1</p>	Committee Referral: <p style="text-align:center">HTH, JDL</p>	Date: <p style="text-align:center"><i>3/21/07</i></p>		
<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
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron	✓			
WHALEN, Paul				✓
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes