
SENATE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS.

1 WHEREAS, individuals with mental illness may be prosecuted
2 in the criminal justice system, and in the process many are
3 admitted to the Hawaii State Hospital by court order; and
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5 WHEREAS, the current structure of the mental health and
6 criminal justice system in Hawaii can improve the level of
7 supervision, monitoring, or treatment necessary to ensure the
8 safety of individuals with mental illness and the community at
9 large; and
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11 WHEREAS, the number of individuals with mental illnesses
12 that come into contact with the criminal justice system may be
13 reduced by coordinated efforts of the mental health and the
14 criminal justice systems; now, therefore,
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16 BE IT RESOLVED by the House of Representatives of the
17 Twenty-third Legislature of the State of Hawaii, Regular Session
18 of 2006, the Senate concurring, that the Governor is requested
19 to convene a task force composed of government agencies and
20 other stakeholders to analyze the identification, diagnosis, and
21 treatment of persons with mental illness who are committed to
22 the Hawaii State Hospital by the state criminal justice system;
23 and
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25 BE IT FURTHER RESOLVED that the task force is to consider
26 but is not limited to the following issues:
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- 28 (1) Developing public policies that address community-
29 based mental health services for forensic patients
30 conditionally released by the courts into the

1 community, with specific attention to supervision and
2 monitoring of forensic patients;

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4 (2) Considering the further and enhanced use of mental
5 health interventions and jail diversion programs to
6 assist persons with mental illness who come into
7 contact with the criminal justice system;

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9 (3) Collaborating with the Judiciary to expand and enhance
10 the Mental Health Court statewide;

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12 (4) Reviewing Chapter 704, Hawaii Revised Statutes, "Penal
13 Responsibility and Fitness to Proceed" for possible
14 revisions, including but not limited to:

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16 (A) Clarifying the time frames for persons held
17 pursuant to this chapter and setting maximum
18 court turnaround dates;

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20 (B) Simplifying the "orders to treat" process, where
21 applicable; and

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23 (C) Clarifying the revocation process for those
24 forensic patients conditionally released by the
25 courts into the community;

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27 (5) Encouraging the continued and expanded use of
28 videoconferencing for forensic patient's court
29 appearances;

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31 (6) Improving forensic mental health examiner training-
32 content, selection, oversight, continuing education,
33 management, and continuous quality improvement
34 processes; and

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36 (7) Improving the coordination of post-release after-care
37 services for incarcerated severely and persistently
38 mentally ill individuals;

39
40 and

1 BE IT FURTHER RESOLVED that the task force be comprised of
2 representatives from:

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- 4 (1) The Department of Health, including:
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- 6 (A) The Adult Mental Health Division's (AMHD)
7 Forensic Director;
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- 9 (B) Forensic and line staff from the Hawaii State
10 Hospital;
- 11
- 12 (C) Community mental health center forensic
13 coordinators; and
- 14
- 15 (D) AMHD forensic evaluators;
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- 17 (2) The Department of the Attorney General;
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- 19 (3) The Judiciary;
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- 21 (4) The Department of Public Safety;
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- 23 (5) The Office of the Public Defender;
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- 25 (6) The County Prosecutor's Office of each county;
- 26
- 27 (7) The County police departments;
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- 29 (8) The chairs of the Senate and House Health Committees
30 or designees;
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- 32 (9) The Hawaii Disability Rights Center;
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- 34 (10) The Hawaii Government Employees Association;
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- 36 (11) A forensic specialist from the Hawaii Psychiatric
37 Medical Association;
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- 39 (12) Qualified mental health consumers who have knowledge
40 of forensic mental health issues;
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- 42 (13) A forensic mental health service provider;

1 (14) A forensic specialist from the National Association of
2 Social Workers-Hawaii Chapter; and
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4 (15) Other organizations, as identified by the chairs of
5 the Senate and House Health Committees or their
6 designees to serve on the task force or to participate
7 on an ad-hoc basis;

8 and
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10 BE IT FURTHER RESOLVED that the Chairs of the Senate and
11 House Health Committees, or their designees, co-chair the task
12 force; and
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14 BE IT FURTHER RESOLVED that the Legislative Reference
15 Bureau is requested to assist the task force in drafting
16 recommended legislation, if any; and
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18 BE IT FURTHER RESOLVED that the task force is requested to
19 meet at least monthly from September 2006 through December 2007,
20 and is requested to submit a progress report with any
21 recommendations regarding the issues reviewed, including any
22 necessary legislation no later than 20 days prior to the
23 convening of the Regular Session of 2007 and a final report with
24 recommendations including any necessary legislation no later
25 than 20 days prior to the convening of the Regular Session of
26 2008; and
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28 BE IT FURTHER RESOLVED that certified copies of this
29 Concurrent Resolution be transmitted to the Governor, Director
30 of Health, Attorney General, Chief Justice, Director of Public
31 Safety, Public Defender, Prosecuting Attorneys of all county
32 offices of the Prosecuting Attorney, Chiefs of all county police
33 departments, President of the Hawaii Psychiatric Medical
34 Association, President of the Hawaii Disability Rights Center,
35 Executive Director of the National Association of Social
36 Workers, Hawaii Chapter, Executive Director of the Hawaii
37 Government Employees Association, and the Acting Director of the
38 Legislative Reference Bureau.