
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO
EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND PUBLIC POLICY
CHANGES TO DECREASE THE CENSUS AT HAWAII STATE HOSPITAL AND
ENHANCE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC
PATIENTS.

1 WHEREAS, mental health and substance abuse are major health
2 concerns that impact thousands of Hawaii residents, particularly
3 when these illnesses are inadequately treated or not treated at
4 all; and

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6 WHEREAS, as a result of inadequate treatment, many
7 individuals who suffer from mental illness often end up in the
8 criminal justice system and are consequently admitted to the
9 Hawaii State hospital by court order; and

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11 WHEREAS, the Hawaii State Hospital is facing a severe
12 overcrowding problem as eighty percent of patients admitted are
13 forensics patients sent there by court order; and

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15 WHEREAS, the current structures of the community mental
16 health system and the criminal justice system in Hawaii do not
17 provide the level of supervision, monitoring, or treatment
18 necessary to ensure the safety of individuals with mental
19 illness or within the community at large; and

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21 WHEREAS, the number of individuals with mental illnesses
22 that come into contact with the criminal justice system can be
23 greatly reduced by coordinated efforts of the community mental
24 health system and the criminal justice system; and

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26 WHEREAS, it is imperative that the quality of patient care
27 at Hawaii State Hospital be improved by eliminating overcrowding
28 and by providing necessary community-based mental health
29 services that are easy to navigate and evidence-based; now,
30 therefore,

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1 BE IT RESOLVED by the Senate of the Twenty-third
2 Legislature of the State of Hawaii, Regular Session of 2006, the
3 House of Representatives concurring, that the Department of
4 Health is requested to convene a task force of agency and other
5 stakeholders to analyze the identification, diagnosis, and
6 treatment of persons with mental illness who are referred from
7 the state criminal justice system; and

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9 BE IT FURTHER RESOLVED that the task force shall consider,
10 but is not limited to, the following issues:

- 11 (1) Early identification, diagnosis, and treatment of
12 adults with mental illness who are charged with
13 criminal offenses;
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- 15 (2) Prosecution and sentencing alternatives for persons
16 with mental illness who are charged with criminal
17 offenses;
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- 19 (3) Diagnosis, treatment, and housing of persons with
20 mental illness who plead not guilty by reason of
21 insanity or who are found to be incompetent to stand
22 trial;
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- 24 (4) Ongoing treatment and supervision, including
25 medication administration for forensic patients housed
26 in the community;
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- 28 (5) Developing a Mental Health Court on Oahu;
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- 30 (6) Making procedural changes in District and Circuit
31 Court to fast track those with severe and persistent
32 mental illness, especially recidivists with a history
33 of violence;
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- 35 (7) Encouraging the use of videoconferencing for weekly
36 sessions between Hawaii State Hospital and District
37 and Family Courts;
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- 39 (8) Evaluating those sentenced under §704-404, Hawaii
40 Revised Statutes, where they are detained outside of
41 the Hawaii State Hospital to determine that, if they
42 have a mental illness requiring an acute level of
43 care, they could be remanded to Hawaii State Hospital;
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1 (9) Prioritizing commitments and orders to treat cases in
2 District and Circuit Court and setting a time frame
3 with specific target dates and times for court
4 turnaround; and

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6 (10) Revising Hawaii Revised Statutes and the Hawaii
7 Administrative Rules to allow orders to treat as part
8 of the initial order for detention, specific care, and
9 treatment; and

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11 BE IT FURTHER RESOLVED that the task force be comprised of
12 representatives from:

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14 (1) The Department of Health, including line staff from
15 the Hawaii State Hospital and the community mental
16 health centers;

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18 (2) The Department of the Attorney General;

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20 (3) The Judiciary;

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22 (4) The Hawaii Mental Health Association;

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24 (5) The Hawaii Disability Rights Center;

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26 (6) The Hawaii Government Employees Association;

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28 (7) National Association of the Mentally Ill Hawaii
29 Chapter (Oahu);

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31 (8) The Hawaii Psychiatric Medical Association;

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33 (9) Qualified mental health consumer advocates who have
34 been involved with the criminal justice system; and

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36 (10) A forensic mental health service provider; and

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38 (11) National Association of Social Workers-Hawaii Chapter;
39 and

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41 (12) The Public Defenders; and

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43 (13) The chairs of the Senate and House Health Committees
44 or designees; and



1 BE IT FURTHER RESOLVED that the Chairs of the Senate and
2 House Health Committees, or their designees, co-chair the task
3 force; and

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5 BE IT FURTHER RESOLVED that the Legislative Reference
6 Bureau shall assist the task force in drafting recommended
7 legislation, if any; and

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9 BE IT FURTHER RESOLVED that the task force shall meet at
10 least monthly from May through November 2006 and submit a report
11 with recommendations regarding the issues reviewed, including
12 any necessary legislation, no later than twenty days prior to
13 the convening of the Regular Session of 2007; and

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15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Director of Health,
17 the Attorney General, the Chief Justice, the President of the
18 Hawaii Mental Health Association, the President of the Hawaii
19 Psychiatric Medical Association, the President of the Hawaii
20 Disability Rights Center, the President of the National
21 Association of the Mentally Ill, Hawaii Chapter, the Executive
22 Director of the Hawaii Government Employees Association, and the
23 Acting Director of the Legislative Reference Bureau.

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26 OFFERED BY: *Rosely H Baker*
 Bruce Kanno

 Ann Mercedes Ki
 Tizanne Chun Oaliland

