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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH 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 TO 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 may be  
3 admitted to the Hawaii State hospital by court order; and  
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5 WHEREAS, the current structures of the mental health and  
6 criminal justice systems in Hawaii may be able to improve the  
7 level of supervision, monitoring, or treatment necessary to  
8 ensure the safety of individuals with mental illness and the  
9 community at 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 criminal  
14 justice systems; now, therefore,  
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16 BE IT RESOLVED by the Senate of the Twenty-third  
17 Legislature of the State of Hawaii, Regular Session of 2006, the  
18 House of Representatives concurring, that the Department of  
19 Health is requested to convene a task force of agency and other  
20 stakeholders to analyze the identification, diagnosis, and  
21 treatment of persons with mental illness who are committed by  
22 the state criminal justice system; and  
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24 BE IT FURTHER RESOLVED that the task force is requested to  
25 consider, but is not limited to, the following issues  
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- 27 (1) Developing public policies that address community-  
28 based mental health services for forensic patients  
29 conditionally released by the courts into the  
30 community, with specific attention to supervision and  
31 monitoring of the forensic patients;



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- (2) Considering the further and enhanced use of mental health interventions and jail diversion programs to assist persons with mental illness who come into contact with the criminal justice system;
- (3) Collaborating with the Judiciary to expand and enhance the Mental Health Court statewide;
- (4) Reviewing Chapter 704, Hawaii Revised Statutes, "Fitness to Proceed and Penal Responsibility," for possible revisions that include, but are not limited to:
  - (A) Clarifying the time frames for persons held pursuant to this chapter and setting maximum court turnaround dates;
  - (B) Simplifying the "orders to treat" process, where applicable; and
  - (C) Clarifying the revocation process for those forensic patients conditionally released by the courts into the community; and
- (5) Encouraging the continued and expanded use of video-conferencing for forensic patients' court appearances;
- (6) Improving the forensic mental health examiner training content, selection, oversight, continuing education, management, and continuous quality improvement processes; and
- (7) Improving the coordination of post-release aftercare services for incarcerated severely and persistently mentally ill individuals; and

BE IT FURTHER RESOLVED that the task force be comprised of the following:

- (1) Representatives from:



- 1 (A) The Department of Health, including the Adult
- 2 Mental Health Division's (AMHD) Forensic
- 3 Director, forensic and line staff from the Hawaii
- 4 State Hospital, community mental health center
- 5 forensic coordinators, and AMHD forensic
- 6 evaluators;
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- 8 (B) The Department of the Attorney General;
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- 10 (C) The Judiciary;
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- 12 (D) The Public Safety Division;
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- 14 (E) The Hawaii Disability Rights Center;
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- 16 (F) The Hawaii Government Employees Association;
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- 18 (G) The County Police Departments; and
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- 20 (H) The Offices of the Public Defender and the
- 21 Prosecutor; and
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- 23 (2) Individuals, including:
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- 25 (A) A forensic specialist from the Hawaii Psychiatric
- 26 Medical Association;
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- 28 (B) Qualified mental health consumers who have
- 29 knowledge of forensic mental health issues;
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- 31 (C) A forensic mental health service provider;
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- 33 (D) A forensic specialist from the National
- 34 Association of Social Workers-Hawaii Chapter;
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- 36 (E) The chairs of the Senate and House Health
- 37 Committees or designees; and
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- 39 (F) Other organizations, as identified by the co-
- 40 chairs, to serve on the task force or to
- 41 participate on an ad hoc basis; and
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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 Department of Health, in  
6 conjunction with the Department of the Attorney General, is  
7 requested to provide the administrative and staff support  
8 necessary to fulfill the purpose and duties of the task force;  
9 and  
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11 BE IT FURTHER RESOLVED that the Legislative Reference  
12 Bureau shall assist the task force in drafting recommended  
13 legislation, if any; and  
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15 BE IT FURTHER RESOLVED that the task force shall meet at  
16 least monthly from August 2006 through November 2007 and submit  
17 a progress report with any recommendations regarding the issues  
18 reviewed, including any necessary legislation, no later than  
19 twenty days prior to the convening of the Regular Session of  
20 2007, and a final report, including any necessary legislation,  
21 no later than twenty days prior to the convening of the Regular  
22 Session 2008; and  
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24 BE IT FURTHER RESOLVED that certified copies of this  
25 Concurrent Resolution be transmitted to the Director of Health,  
26 the Attorney General, the Chief Justice, the President of the  
27 Hawaii Psychiatric Medical Association, the President of the  
28 Hawaii Disability Rights Center, NASW-Hawaii, the Public  
29 Defender, the Prosecutor, the County Police Chiefs, the  
30 Executive Director of the Hawaii Government Employees  
31 Association, and the Acting Director of the Legislative  
32 Reference Bureau.  
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