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# A BILL FOR AN ACT

RELATING TO PRISONS.

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

1           SECTION 1. When the federal Mentally Ill Offender  
2 Treatment and Crime Reduction Act of 2003 was enacted, the  
3 United States Senate noted that, of the 16 per cent of adults  
4 and over 20 per cent of juveniles incarcerated in the United  
5 States who are mentally ill, the majority have illnesses or  
6 disorders that are responsive to treatment. Also in 2003, Human  
7 Rights Watch, the international human rights group based in New  
8 York, published a report called, *Ill-Equipped: U.S. Prisons and*  
9 *Offenders with Mental Illness*. The study found that one in six  
10 prisoners in the United States, or roughly 16 per cent, is  
11 mentally ill, suffering from illnesses including schizophrenia,  
12 bipolar disorder, and major depression. The report further  
13 states that prisons are dangerous and damaging places for  
14 mentally ill individuals, where they are more likely to be  
15 under-treated or not treated at all, picked on, physically or  
16 sexually abused, manipulated by other inmates, disciplined at  
17 higher-than-average rates, and housed in especially harsh



1 conditions, such as isolation, which can exacerbate their  
2 conditions into acute psychosis.

3 In 2007, the legislature passed Act 144, Session Laws of  
4 Hawaii 2007, and the Senate adopted Senate Resolution No. 37  
5 (S.R. No. 37), finding that up to 40 per cent of those committed  
6 to the State's correctional facilities are mentally ill and that  
7 the United States Department of Justice has threatened  
8 litigation against the Oahu community correctional center over  
9 practices alleged to be harmful to mentally ill and suicidal  
10 prisoners and to have caused the worsening of prisoners'  
11 conditions.

12 SECTION 2. (a) The department of public safety shall  
13 conduct a study to determine the feasibility of:

- 14 (1) Recruiting, hiring, and training appropriate medical  
15 staff to ensure that the committed persons receive  
16 proper and adequate treatment for their psychiatric  
17 conditions;
- 18 (2) Terminating the practice of housing committed persons  
19 with mental illness with the general population; and
- 20 (3) Terminating the practice of placing committed persons  
21 with mental illness in solitary confinement, or  
22 restricting use of the practice to short periods and



1           only when the committed person is imminently dangerous  
2           to self or others.

3           (b) The department of public safety shall convene an  
4 advisory committee to assist in conducting the feasibility study  
5 that shall consist, at a minimum, of:

6           (1) The director of health, or the director's designee;

7           (2) A mental health professional with training and  
8           experience in treating committed persons with mental  
9           illness, who is not an employee of the department of  
10          public safety; and

11          (3) A representative from an organization that advocates  
12          on behalf of committed persons.

13          (c) The members of the advisory committee shall serve  
14 without compensation but shall be reimbursed for necessary  
15 expenses, including travel expenses incurred in the performance  
16 of their duties.

17          (d) The department of public safety shall submit a report  
18 to the legislature regarding the findings and recommendations of  
19 the feasibility study, together with any proposed legislation,  
20 no later than twenty days prior to the convening of the regular  
21 session of 2009.



1           SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$5,000 or so much  
3 thereof as may be necessary for fiscal year 2008-2009 for  
4 performance of the feasibility study required by this Act.

5           The sum appropriated shall be expended by the department of  
6 public safety for the purposes of this Act.

7           SECTION 4. This Act shall take effect on July 1, 2025.



**Report Title:**

Forensic Treatment Facilities Feasibility Study

**Description:**

Requires the department of public safety to conduct a study of the feasibility of providing greater medical care for mentally ill prisoners and making changes to disciplinary practices when dealing with mentally ill prisoners. Makes an appropriation. Effective 7/1/2025. (SB2524 HD1)

