

JAN 18 2008

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 sixteen per cent of
4 adults and over twenty per cent of juveniles incarcerated in the
5 United States who are mentally ill, the majority have illnesses
6 or disorders that are responsive to treatment. Also in 2003,
7 Human Rights Watch, the international human rights group based
8 in New York, published a report called, *Ill-Equipped: U.S.*
9 *Prisons and Offenders with Mental Illness*. The study found that
10 one in six prisoners in the United States, or roughly sixteen
11 per cent, is mentally ill, suffering from illnesses including
12 schizophrenia, bipolar disorder, and major depression. The
13 report further states that prisons are dangerous and damaging
14 places for mentally ill individuals, where they are more likely
15 to be under-treated or not treated at all, picked on, physically
16 or 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. In 2007, the legislature
3 passed Act 144, Session Laws of Hawaii 2007, and Senate
4 Resolution No. 37 (S.R. No. 37), finding that up to forty per
5 cent of those committed to the State's correctional facilities
6 are mentally ill, and that the United States Department of
7 Justice has threatened litigation against the Oahu Community
8 Correctional Center over its practices that were harmful to
9 mentally ill and suicidal prisoners, and have resulted in the
10 worsening of prisoners' conditions. Building on S.R. No. 37,
11 the purpose of this Act would be to:

- 12 (1) Require the department of public safety to create a
13 forensic treatment facility within each community
14 correctional center to house individuals with severe
15 mental illnesses;
- 16 (2) Require each forensic treatment facility to have the
17 appropriate medical staff;
- 18 (3) End the practice of housing committed persons with
19 mental illnesses with the general population; and
- 20 (4) End the punitive and damaging practice of placing
21 committed persons with mental illnesses in solitary
22 confinement.



1 SECTION 2. Section 353-13.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§353-13.3[+] Mental health care. (a) The department
4 shall be responsible for providing mental health services in
5 community correctional centers.

6 (b) There shall be created at each community correctional
7 center a separate forensic treatment facility to house and
8 provide services to committed persons with mental illness. Each
9 facility shall be equipped with the appropriate medical staff
10 necessary to ensure that the committed persons housed in the
11 facility receive proper and adequate treatment for their
12 psychiatric conditions.

13 (c) The department shall house a committed person with
14 mental illness in a separate forensic treatment facility created
15 under this section. At no time shall the department house a
16 committed person with a mental illness in solitary confinement,
17 or with the general prison population.

18 (d) Definitions. As used in this section:

19 (1) "Mental illness" shall have the same definition as
20 provided in section 335-1.

21 (2) "Solitary confinement" means the confinement of a
22 prisoner in isolation from all other prisoners."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY: Ray L. Hoan
Will Espero
Clarence Dickerson
Arvid Ylge
Anna Mercedes K.
Hal Gish
Frederick J.
Norman Sakomfi
Ronald de Baker
Shiranne Chun Oakland



Report Title:

Forensic Treatment Facilities

Description:

Creates separate forensic treatment facilities within all community correctional centers. Ends practice of housing mentally ill prisoners in solitary confinement and with general prison population.

