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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 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.

11 Building on S.R. No. 37, the purpose of this Act is 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) 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. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so much  
3 thereof as may be necessary for fiscal year 2008-2009 for  
4 creating separate forensic treatment facilities for mentally ill  
5 prisoners in all community correctional centers.

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

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2025.



**Report Title:**

Forensic Treatment Facilities

**Description:**

Creates separate forensic treatment facilities for mentally ill prisoners in all community correctional centers and terminates the practice of housing mentally ill prisoners with the general prison population or in solitary confinement. (SD1)

