
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.

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 forty per cent of those
6 committed to the State's correctional facilities are mentally
7 ill and that the United States Department of Justice has
8 threatened litigation against the Oahu community correctional
9 center over practices alleged to be harmful to mentally ill and
10 suicidal prisoners and to have caused the worsening of
11 prisoners' conditions.

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

- 14 (1) Creating a forensic treatment facility within each
15 community correctional center to house individuals
16 with mental illness, as defined in section 335-1, who
17 do not require hospital level care or, in the
18 alternative, creating a separate, centralized forensic
19 treatment facility;
- 20 (2) Recruiting, hiring, and training appropriate medical
21 staff for each forensic treatment facility to ensure
22 that the committed persons housed in the facility



- 1 receive proper and adequate treatment for their
2 psychiatric conditions;
- 3 (3) Terminating the practice of housing committed persons
4 with mental illness with the general population; and
- 5 (4) Terminating the practice of placing committed persons
6 with mental illness in solitary confinement, or
7 restricting use of the practice to short periods and
8 only when the committed person is imminently dangerous
9 to self or others.

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

- 13 (1) The director of health, or the director's designee;
- 14 (2) A mental health professional with training and
15 experience in treating committed persons with mental
16 illness, who is not an employee of the department of
17 public safety; and
- 18 (3) A representative from an organization that advocates
19 on behalf of committed persons.

20 (c) The members of the advisory committee shall serve
21 without compensation but shall be reimbursed for necessary



1 expenses, including travel expenses incurred in the performance
2 of their duties.

3 (d) The department of public safety shall submit a report
4 to the legislature regarding the findings and recommendations of
5 the feasibility study, together with any proposed legislation,
6 no later than twenty days prior to the convening of the regular
7 session of 2009.

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2008-2009 for
11 performance of the feasibility study required by this Act.

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

14 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 creating separate forensic treatment facilities for mentally ill prisoners in all community correctional centers or, in the alternative, a separate, centralized forensic treatment facility. Makes an appropriation. Effective 7/1/2025. (SB2524 SD2)

