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# A BILL FOR AN ACT

RELATING TO THE HAWAII STATE HOSPITAL.

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

1           SECTION 1. The legislature finds that the Hawaii state  
2 hospital has suffered budget cuts and reductions in security  
3 positions, leaving the hospital vulnerable to escapes and  
4 security risks. Averaging six escapes a year and with numerous  
5 assaults upon staff, the high occupancy rate at the hospital,  
6 coupled with the budget cuts and security reductions, have  
7 compromised and jeopardized the safety of both workers and  
8 patients at the facility, as well as the community and  
9 surrounding neighborhood.

10           The patients at the Hawaii state hospital are considered to  
11 be in need of confinement, including forensic patients committed  
12 to institutionalization by the courts. The recent escape on  
13 December 3, 2009, of a forensic patient who was committed to the  
14 hospital in 2002, after allegedly committing kidnapping and  
15 sexual assault on a child further illustrates the current  
16 security situation at the hospital.

17           The purpose of this Act is to:



- 1           (1) Clarify the duties of the department of public safety  
2           to include security at the Hawaii state hospital; and  
3           (2) Require the director of health, in collaboration with  
4           the director of public safety, to report to the  
5           legislature on appropriate security measures and  
6           short- and long-range plans for security of the  
7           increasing and aging forensic population at the Hawaii  
8           state hospital.

9           SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is  
10          amended by amending subsection (b) to read as follows:

11          "(b) The department of public safety shall be responsible  
12          for the formulation and implementation of state policies and  
13          objectives for correctional, security, law enforcement, and  
14          public safety programs and functions, for the administration and  
15          maintenance of all public or private correctional facilities and  
16          services, for the service of process, and for the security of  
17          state buildings ~~[-]~~, including the Hawaii state hospital, which  
18          is a secure psychiatric rehabilitation facility."

19          SECTION 3. Section 334-4, Hawaii Revised Statutes, is  
20          amended to read as follows:

21          "**§334-4 Personnel for mental health program.** (a) The  
22          director shall appoint professional and nonprofessional staff as



1 the director deems necessary to carry out the state mental  
2 health program and for which appropriations are available.  
3 Positions for psychiatrists are exempted from chapter 76. The  
4 director may employ psychiatrists as needed by the department on  
5 a contractual basis, subject to the approval of the governor.  
6 The director may appoint an administrator, three associate  
7 administrators, a director of psychosocial rehabilitation, a  
8 chief of the department of nursing, a risk manager, a patients'  
9 rights advisor, and a facilities plant engineer for the state  
10 hospital or a secure psychiatric rehabilitation facility  
11 established pursuant to this chapter and these positions shall  
12 be exempt from chapter 76.

13 (b) Beginning September 1, 2010, security for the Hawaii  
14 state hospital, which is a secure psychiatric rehabilitation  
15 facility, shall be provided by the department of public safety  
16 under section 26-14.6; provided that the department of health  
17 may advise the department of public safety on the appropriate  
18 level of security."

19 SECTION 4. The director of health, in collaboration with  
20 the director of public safety, shall submit a report to the  
21 legislature no later than twenty days prior to the convening of  
22 the regular session of 2011 on:



1           (1) The plan, strategies, and timetable for ensuring the  
2           provision of appropriate levels of security at the  
3           Hawaii state hospital over the long term; and

4           (2) Short- and long-term strategies and plans to address  
5           the State's increasing and aging forensic population  
6           of the Hawaii state hospital, including but not  
7           limited to facility needs, capacity issues, and other  
8           off-site options.

9           SECTION 5. Statutory material to be repealed is bracketed  
10          and stricken. New statutory material is underscored.

11          SECTION 6. This Act shall take effect upon its approval.

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**Report Title:**

Department of Public Safety; Security of Hawaii State Hospital

**Description:**

Requires the department of public safety to provide security at Hawaii state hospital. Requires a report from department of health, in collaboration with department of public safety, to the legislature on the plan for the provision of short- and long-term security for the needs of the forensic population of the Hawaii state hospital. (CD1)

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