
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, 2010, 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 that the duties of the department of public
2 safety include security at the Hawaii state hospital;
3 and

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

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

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

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



1 "§334-4 Personnel for mental health program. (a) The
2 director shall appoint professional and nonprofessional staff as
3 the director deems necessary to carry out the state mental
4 health program and for which appropriations are available.
5 Positions for psychiatrists are exempted from chapter 76. The
6 director may employ psychiatrists as needed by the department on
7 a contractual basis, subject to the approval of the governor.
8 The director may appoint an administrator, three associate
9 administrators, a director of psychosocial rehabilitation, a
10 chief of the department of nursing, a risk manager, a patients'
11 rights advisor, and a facilities plant engineer for the state
12 hospital or a secure psychiatric rehabilitation facility
13 established pursuant to this chapter and these positions shall
14 be exempt from chapter 76.

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

21 SECTION 4. The director of health, in collaboration with
22 the director of public safety, shall submit a report to the



1 legislature no later than twenty days prior to the convening of
2 the regular session of 2011 on:

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

6 (2) Short- and long-term strategies and plans to address
7 the increasing and aging forensic population of the
8 Hawaii state hospital, including facility needs,
9 capacity issues, and other off-site options.

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

12 SECTION 6. This Act shall take effect on July 1, 2025.



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. Effective July 1, 2025. (SB2919 HD1)

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