

JAN 21 2011

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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. The high occupancy rate at the hospital,  
5 coupled with the budget cuts and security reductions, has  
6 compromised and jeopardized the safety of both workers and  
7 patients at the facility, as well as the surrounding  
8 neighborhood and community at-large.

9           The patients at the Hawaii state hospital, including  
10 forensic patients committed to institutionalization by the  
11 courts, are considered to be in need of confinement. On  
12 average, six escapes per year and numerous assaults upon staff  
13 occur at the Hawaii state hospital. On December 3, 2009, a  
14 forensic patient, who was committed to the hospital in 2002  
15 after allegedly kidnapping and sexually assaulting a child,  
16 escaped, further illustrating the current security situation at  
17 the hospital. Over a year later, this individual has not been  
18 re-captured.



1 The purpose of this Act is to:

2 (1) Clarify that the duties of the department of public  
3 safety include security at the Hawaii state hospital;  
4 and

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

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

13 "(b) The department of public safety shall be responsible  
14 for the [~~formulation~~]:

15 (1) Formulation and implementation of state policies and  
16 objectives for correctional, security, law  
17 enforcement, and public safety programs and  
18 functions [~~for the administration~~];

19 (2) Administration and maintenance of all public or  
20 private correctional facilities and services [~~for the~~  
21 ~~service~~];

22 (3) Service of process [~~and security~~]; and



1       (4) Security of state buildings[-], including the Hawaii  
2           state hospital, which is a secure psychiatric  
3           rehabilitation facility."

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

6       "**§334-4 Personnel for mental health program.** (a) The  
7 director shall appoint professional and nonprofessional staff as  
8 the director deems necessary to carry out the state mental  
9 health program and for which appropriations are available.

10 Positions for psychiatrists are exempted from chapter 76. The  
11 director may employ psychiatrists as needed by the department on  
12 a contractual basis, subject to the approval of the governor.

13 The director may appoint an administrator, three associate  
14 administrators, a director of psychosocial rehabilitation, a  
15 chief of the department of nursing, a risk manager, a patients'  
16 rights advisor, and a facilities plant engineer for the state  
17 hospital or a secure psychiatric rehabilitation facility  
18 established pursuant to this chapter and these positions shall  
19 be exempt from chapter 76.

20       (b) Beginning September 1, 2011, security for the Hawaii  
21 state hospital, which is a secure psychiatric rehabilitation  
22 facility, shall be provided by the department of public safety



1 under section 26-14.6; provided that the department of health  
2 may advise the department of public safety on the appropriate  
3 level of security."

4 SECTION 4. The director of health, in collaboration with  
5 the director of public safety, shall submit a report to the  
6 legislature no later than twenty days prior to the convening of  
7 the regular session of 2012 detailing:

8 (1) The plan, strategies, and timetable for ensuring the  
9 provision of appropriate levels of long-term security  
10 at the Hawaii state hospital; and

11 (2) Short- and long-term strategies and plans to address  
12 the State's increasing and aging forensic population  
13 at the Hawaii state hospital, including but not  
14 limited to facility needs, capacity issues, and other  
15 off-site options.

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 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 the Hawaii state hospital. Requires a report to the legislature on strategies and plans to address the needs for appropriate security and the needs of the increasing and aging forensic population at the Hawaii state hospital.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

