
A BILL FOR AN ACT

RELATING TO INVOLUNTARY PSYCHIATRIC HOSPITALIZATION.

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

1 SECTION 1. Chapter 334, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV, to be appropriately
3 designated and to read as follows:

4 "§334- Extended involuntary emergency treatment. (a)

5 Persons subject to extended involuntary emergency treatment.

6 Application for extended involuntary emergency treatment may be

7 made for any person who is being treated pursuant to section

8 334-59 whenever the psychiatric facility determines that the

9 need for emergency treatment is likely to extend beyond one

10 hundred twenty hours. The application shall be filed in the

11 appropriate court, and shall state the grounds on which extended

12 emergency treatment is believed to be necessary. The

13 application shall state the name of any examining physician and

14 the substance of the physician's opinion regarding the mental

15 condition of the person.

16 (b) Appointment of counsel and scheduling of informal

17 hearing. Upon receiving the application, the court shall

18 appoint an attorney who shall represent the person unless it



1 shall appear that the person can afford, and desires to have,
2 private representation. Within twenty-four hours after the
3 application is filed, an informal hearing shall be conducted by
4 a judge or a mental health worker designated by the director
5 and, if practicable, shall be held at the facility.

6 (c) Informal hearing on extended emergency treatment
7 application.

8 (1) At the commencement of the informal hearing, the judge
9 or the mental health worker designated by the director
10 shall inform the person of the nature of the
11 proceedings. Information relevant to whether the
12 person is mentally ill, imminently dangerous to self
13 or others, or is gravely disabled, or is obviously
14 ill, and in need of care or treatment shall be
15 reviewed, including the reasons that continued
16 involuntary treatment is considered necessary. The
17 explanation shall be made by a physician who examined
18 the person and shall be in terms understandable to a
19 layperson. The judge or mental health worker may
20 review any relevant information even if it would
21 normally be excluded under rules of evidence if the
22 judge or mental health worker believes that the



1 information is reliable. The person or the person's
2 representative shall have the right to ask questions
3 of the physician and of any other witnesses and to
4 present any relevant information. At the conclusion
5 of the review, if the judge or mental health worker
6 finds that the person is mentally ill, imminently
7 dangerous to self or others, or is gravely disabled,
8 or is obviously ill, and in need of continued
9 involuntary treatment, the judge or mental health
10 worker shall so certify. Otherwise, the judge or
11 mental health worker shall direct that the facility
12 administrator or designee discharge the person; and

13 (2) A record of the proceedings, which need not be a
14 stenographic record, shall be made. The record shall
15 be kept by the court or mental health worker for at
16 least one year.

17 (d) Contents of certification. A certification for
18 extended involuntary treatment shall be made in writing upon a
19 form adopted by the department and shall include:

20 (1) Findings by the judge or mental health worker as to
21 the reasons that extended involuntary emergency
22 treatment is necessary;



1 (2) A description of the treatment to be provided together
2 with an explanation of the adequacy and
3 appropriateness of the treatment, based upon the
4 information received at the hearing;

5 (3) Any documents required by section 334-59;

6 (4) The application filed pursuant to subsection (a);

7 (5) A statement that the person is represented by counsel;
8 and

9 (6) An explanation of the effect of the certification, the
10 person's right to petition the court for release under
11 subsection (g), and the continuing right to be
12 represented by counsel.

13 (e) Filing and service. The certification shall be filed
14 with the administrator of the facility and a copy served on the
15 person, any other parties that the person requested to be
16 notified pursuant to section 334-59(d), and on counsel.

17 (f) Effect of certification. Upon the filing and service
18 of a certification for extended involuntary emergency treatment,
19 the person may be given treatment in an approved facility for a
20 period not to exceed four hundred eighty hours.

21 (g) Petition to court for review. In all cases in which
22 the hearing was conducted by a mental health worker, a person



1 made subject to treatment pursuant to this section shall have
2 the right to petition the court for review of the certification.
3 A hearing shall be held within seventy-two hours after the
4 petition is filed, unless a continuance is requested by the
5 person's counsel. The hearing shall include a review of the
6 certification and any evidence that the court may receive or
7 require. If the court determines that further involuntary
8 treatment is necessary and that the procedures prescribed by
9 this part have been followed, the court shall deny the petition.
10 Otherwise, the person shall be discharged.

11 (h) Duration of extended involuntary emergency treatment.
12 Whenever a person is no longer imminently dangerous to self or
13 others, or gravely disabled, or obviously ill, or in need of
14 care or treatment, and in, any event, within twenty days after
15 the filing of the certification, the person shall be discharged,
16 unless within the period:

17 (1) The person is admitted to voluntary treatment pursuant
18 to section 334-60.1; or
19 (2) The court orders involuntary treatment pursuant to
20 section 334-60.5."

21 SECTION 2. Section 334-59, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "§334-59 [~~Emergency examination and hospitalization.~~]

2 Involuntary emergency examination and treatment. [~~(a)~~]

3 ~~Initiation of proceedings. An emergency admission may be~~
4 ~~initiated as follows:~~

5 ~~(1) If a police officer has reason to believe that a~~
6 ~~person is imminently dangerous to self or others, or~~
7 ~~is gravely disabled, or is obviously ill, the officer~~
8 ~~shall call for assistance from the mental health~~
9 ~~emergency workers designated by the director. Upon~~
10 ~~determination by the mental health emergency workers~~
11 ~~that the person is imminently dangerous to self or~~
12 ~~others, or is gravely disabled, or is obviously ill,~~
13 ~~the person shall be transported by ambulance or other~~
14 ~~suitable means, to a licensed psychiatric facility for~~
15 ~~further evaluation and possible emergency~~
16 ~~hospitalization. A police officer may also take into~~
17 ~~custody and transport to any facility designated by~~
18 ~~the director any person threatening or attempting~~
19 ~~suicide. The officer shall make application for the~~
20 ~~examination, observation, and diagnosis of the person~~
21 ~~in custody. The application shall state or shall be~~
22 ~~accompanied by a statement of the circumstances under~~



1 ~~which the person was taken into custody and the~~
2 ~~reasons therefor which shall be transmitted with the~~
3 ~~person to a physician or psychologist at the facility.~~

4 ~~(2) Upon written or oral application of any licensed~~
5 ~~physician, psychologist, attorney, member of the~~
6 ~~clergy, health or social service professional, or any~~
7 ~~state or county employee in the course of employment,~~
8 ~~a judge may issue an ex parte order orally, but shall~~
9 ~~reduce the order to writing by the close of the next~~
10 ~~court day following the application, stating that~~
11 ~~there is probable cause to believe the person is~~
12 ~~mentally ill or suffering from substance abuse, is~~
13 ~~imminently dangerous to self or others, or is gravely~~
14 ~~disabled, or is obviously ill, and in need of care or~~
15 ~~treatment, or both, giving the findings on which the~~
16 ~~conclusion is based, and directing that a police~~
17 ~~officer or other suitable individual take the person~~
18 ~~into custody and deliver the person to the nearest~~
19 ~~facility designated by the director for emergency~~
20 ~~examination and treatment. The ex parte order shall~~
21 ~~be made a part of the patient's clinical record. If~~
22 ~~the application is oral, the person making the~~



1 ~~application shall reduce the application to writing~~
2 ~~and shall submit the same by noon of the next court~~
3 ~~day to the judge who issued the oral ex parte order.~~
4 ~~The written application shall be executed subject to~~
5 ~~the penalties of perjury but need not be sworn to~~
6 ~~before a notary public.~~

- 7 ~~(3) Any licensed physician, physician assistant, or~~
8 ~~psychologist who has examined a person and has reason~~
9 ~~to believe the person is:~~
- 10 ~~(A) Mentally ill or suffering from substance abuse;~~
 - 11 ~~(B) Imminently dangerous to self or others, or is~~
12 ~~gravely disabled, or is obviously ill; and~~
 - 13 ~~(C) In need of care or treatment;~~
- 14 ~~may direct transportation, by ambulance or other~~
15 ~~suitable means, to a licensed psychiatric facility for~~
16 ~~further evaluation and possible emergency~~
17 ~~hospitalization. A licensed physician or physician~~
18 ~~assistant may administer treatment as is medically~~
19 ~~necessary, for the person's safe transportation. A~~
20 ~~licensed psychologist may administer treatment as is~~
21 ~~psychologically necessary.]~~



1 (a) Application for examination. Emergency examination may be
2 undertaken at a psychiatric facility upon the certification of a
3 physician stating the need for the examination; upon a warrant
4 issued by the director authorizing the examination; or without a
5 warrant upon application by a physician or other authorized
6 person who has personally observed conduct showing the need for
7 the examination as follows:

8 (1) Warrant for emergency examination. Upon written
9 application by a physician or other responsible party
10 setting forth facts constituting reasonable grounds to
11 believe a person is mentally ill, is imminently
12 dangerous to self or others, or is gravely disabled,
13 or is obviously ill, and in need of care or treatment,
14 the director may issue a warrant requiring an
15 individual authorized by the director, or any police
16 officer, to take the person to the facility specified
17 in the warrant; or

18 (2) Emergency examination without a warrant. Upon
19 personal observation of the conduct of a person
20 constituting reasonable grounds to believe that the
21 person is mentally ill, is imminently dangerous to
22 self or others, or is gravely disabled, or is



1 obviously ill, and in need of care or treatment, a
 2 physician or police officer, or any individual
 3 authorized by the director may take the person to an
 4 approved psychiatric facility for an emergency
 5 examination. Upon arrival, the physician, police
 6 officer, or other authorized individual shall make a
 7 written statement setting forth the grounds for
 8 believing the person to be in need of the examination.

9 (b) Emergency examination[-] and determination of need for
 10 emergency treatment. A patient who is [delivered for emergency
 11 examination and treatment] taken to a facility designated by the
 12 director shall be examined by a licensed physician [without
 13 unnecessary delay, and may be given such treatment as is
 14 indicated by good medical practice. A psychiatrist or
 15 psychologist may further examine the patient to diagnose the
 16 presence or absence of a mental disorder, assess the risk that
 17 the patient may be dangerous to self or others, or is gravely
 18 disabled, or is obviously ill, and assess whether or not the
 19 patient needs to be hospitalized.] within two hours of arrival
 20 in order to determine if the patient is mentally ill, is
 21 imminently dangerous to self or others, or is gravely disabled,
 22 or is obviously ill, and in need of care or treatment. If it is



1 determined that the patient is mentally ill, is imminently
2 dangerous to self or others, or is gravely disabled, or is
3 obviously ill, and in need of care or treatment, treatment shall
4 begin immediately.

5 (c) Release from emergency examination. If the physician
6 ~~[who performs the emergency examination, in consultation with a~~
7 ~~psychologist if applicable, concludes that the patient need not~~
8 ~~be hospitalized, the patient shall be discharged immediately]~~
9 does not make a determination that treatment is needed, pursuant
10 to subsection (b), or if at any time it appears there is no
11 longer a need for immediate treatment, the patient shall be
12 discharged and returned to a place as the patient may reasonably
13 direct, unless the patient is under criminal charges, in which
14 case the patient shall be returned to the custody of a law
15 enforcement officer. The physician shall make a record of the
16 examination and the physician's findings. In no event shall a
17 person be accepted for involuntary emergency treatment if a
18 previous application was granted for the treatment and the new
19 application is not based on behavior occurring after the earlier
20 application.



1 ~~[(d) Emergency hospitalization. If the physician or the~~
2 ~~psychologist who performs the emergency examination has reason~~
3 ~~to believe that the patient is:~~

4 ~~(1) Mentally ill or suffering from substance abuse;~~
5 ~~(2) Imminently dangerous to self or others, or is gravely~~
6 ~~disabled, or is obviously ill; and~~

7 ~~(3) In need of care or treatment, or both;~~

8 ~~the physician or the psychologist may direct that the patient be~~
9 ~~hospitalized on an emergency basis or cause the patient to be~~
10 ~~transferred to another psychiatric facility for emergency~~
11 ~~hospitalization, or both. The patient shall have the right~~
12 ~~immediately upon admission to telephone the patient's guardian~~
13 ~~or a family member including a reciprocal beneficiary, or an~~
14 ~~adult friend and an attorney. If the patient declines to~~
15 ~~exercise that right, the staff of the facility shall inform the~~
16 ~~adult patient of the right to waive notification to the family~~
17 ~~including a reciprocal beneficiary, and shall make reasonable~~
18 ~~efforts to ensure that the patient's guardian or family~~
19 ~~including a reciprocal beneficiary, is notified of the emergency~~
20 ~~admission but the patient's family including a reciprocal~~
21 ~~beneficiary, need not be notified if the patient is an adult and~~



1 ~~requests that there be no notification. The patient shall be~~
2 ~~allowed to confer with an attorney in private.]~~

3 (d) Notification of rights at emergency examination. Upon
4 arrival at the psychiatric facility, the patient shall be
5 informed of the reasons for the emergency examination and of the
6 right to communicate immediately with others. The patient shall
7 be allowed reasonable use of the telephone. The patient shall
8 be requested to provide the names of parties that the patient
9 may want notified of the patient's custody and kept informed of
10 the patient's status. The director or the administrator of the
11 facility shall:

12 (1) Give notice to the parties of the whereabouts and
13 status of the patient, how and when the patient may be
14 contacted and visited, and how they may obtain
15 information concerning the patient while the patient
16 is in inpatient treatment; and
17 (2) Take reasonable steps to ensure that while the patient
18 is detained, the health and safety needs of any of the
19 patient's dependents are met, and that the patient's
20 personal property and the premises the patient
21 occupies are secure.



1 (e) ~~[Release from emergency hospitalization. If at any~~
2 ~~time during the period of emergency hospitalization the~~
3 ~~responsible physician concludes that the patient no longer meets~~
4 ~~the criteria for emergency hospitalization the physician shall~~
5 ~~discharge the patient.]~~ Duration of emergency examination and
6 treatment. A patient who is in treatment pursuant to this
7 section shall be discharged whenever it is determined that the
8 patient no longer is in need of treatment. If the patient is
9 under criminal charges, the patient shall be returned to the
10 custody of a law enforcement officer. In any event, the patient
11 must be released within forty-eight hours of the patient's
12 admission, unless within that period the patient voluntarily
13 agrees to further hospitalization, or a proceeding for court-
14 ordered evaluation or hospitalization, or both, is initiated as
15 provided in section 334-60.3[-] or a certification for extended
16 involuntary emergency treatment is filed pursuant to section
17 334-_____. If that time expires on a Saturday, Sunday, or
18 holiday, the time for initiation is extended to the close of the
19 next court day. Upon initiation of the proceedings, the
20 facility shall be authorized to detain the patient until further
21 order of the court."



1 SECTION 3. Section 334-60.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§334-60.3 Initiation of proceeding for court-ordered
4 involuntary hospitalization. (a) Procedures for initiating
5 court-ordered involuntary treatment for persons already subject
6 to involuntary treatment. Petition for court-ordered
7 involuntary treatment for persons already subject to treatment
8 under sections 334-59 and 334- , may be made by the director
9 or the administrator of the psychiatric facility to the court.
10 The petition shall be in writing upon a form adopted by the
11 department and shall include a statement of the facts
12 constituting reasonable grounds to believe that the subject of
13 the petition is mentally ill, is imminently dangerous to self or
14 others, or is gravely disabled, or is obviously ill, and in need
15 of care or treatment. The petition shall state the name of any
16 examining physician and the substance of the physician's opinion
17 regarding the mental condition of the subject, and that the
18 subject has been given the required information regarding the
19 subject's rights. Upon the filing of the petition, the director
20 shall serve a copy on the subject, the subject's attorney, and
21 those designated to be kept informed, as provided in section
22 334-59, including an explanation of the nature of the



1 proceedings and the subject's right to an attorney and the
2 services of an expert in the field of mental health. A hearing
3 on the petition shall be held in all cases, not more than five
4 days after the filing of the petition. Treatment shall be
5 permitted to be maintained pending the determination of the
6 petition.

7 Where a petition is filed for a person already subject to
8 involuntary treatment, it shall be sufficient to represent, and
9 upon hearing to reestablish, that the conduct originally
10 required for emergency treatment in fact occurred, and that the
11 person's condition continues to evidence the criteria for
12 commitment.

13 (b) Procedures for initiating court-ordered involuntary
14 treatment for persons not in involuntary treatment. Any person
15 may file a petition alleging that a person located in the county
16 not already in involuntary treatment for whom application could
17 be made meets the criteria for commitment to a psychiatric
18 facility. The petition shall be in writing upon a form adopted
19 by the department and shall set forth facts constituting
20 reasonable grounds to believe that the subject of the petition
21 is mentally ill, is imminently dangerous to self or others, or
22 is gravely disabled, or is obviously ill, and in need of care or



1 treatment. The petition shall state the name of any examining
2 physician and the substance of the physician's opinion regarding
3 the mental condition of the subject of the petition. The
4 petition shall be executed subject to the penalties of perjury
5 but need not be sworn to before a notary public. The attorney
6 general, the attorney general's deputy, special deputy, or
7 appointee designated to present the case shall assist the
8 petitioner to state the substance of the petition in plain and
9 simple language. The petition may be accompanied by a
10 certificate of the licensed physician or psychologist who has
11 examined the ~~[person]~~ subject within two days before submission
12 of the petition, unless the ~~[person]~~ subject whose commitment is
13 sought has refused to submit to medical or psychological
14 examination, in which case the fact of refusal shall be alleged
15 in the petition. The certificate shall set forth the signs and
16 symptoms relied upon by the physician or psychologist to
17 determine the ~~[person]~~ subject is in need of care or treatment,
18 ~~[or both,]~~ and whether or not the ~~[person]~~ subject is capable of
19 realizing and making a rational decision with respect to the
20 ~~[person's]~~ subject's need for treatment. If the petitioner
21 believes that further evaluation is necessary before commitment,
22 the petitioner may request ~~[such]~~ further evaluation.



1 [~~(b) In the event~~] If the subject of the petition has been
2 given an examination, evaluation, or treatment in a psychiatric
3 facility within five days before submission of the petition, and
4 hospitalization is recommended by the staff of the facility, the
5 petition may be accompanied by the administrator's certificate
6 in lieu of a physician's or psychologist's certificate.

7 Upon a determination that the petition sets forth
8 reasonable cause, the court shall appoint an attorney to
9 represent the subject of the petition and set a date for the
10 hearing as soon as practicable. The attorney shall represent
11 the subject unless it shall appear that the subject can afford,
12 and desires to have, private representation.

13 The court, by summons, shall direct the subject to appear
14 for a hearing. The court may issue a warrant directing a person
15 authorized by the director or a police officer to bring the
16 subject before the court at the time of the hearing if there are
17 reasonable grounds to believe that the subject will not appear
18 voluntarily. A copy of the petition shall be served on the
19 subject at least three days before the hearing together with a
20 notice advising the subject that an attorney has been appointed
21 who shall represent the subject unless the subject obtains an
22 attorney oneself, that the subject has a right to be assisted in



1 the proceedings by an expert in the field of mental health, and
2 that the subject may request or be made subject to psychiatric
3 examination.

4 Upon motion of either the petitioner or the subject of the
5 petition, or upon its own motion, the court may order the
6 subject of the petition to be examined by a psychiatrist
7 appointed by the court. The examination shall be conducted on
8 an outpatient basis, and the subject shall have the right to
9 have counsel present. A report of the examination shall be
10 given to the court and counsel at least forty-eight hours prior
11 to the hearing.

12 Involuntary treatment shall not be authorized during the
13 pendency of a petition except as otherwise provided by law.

14 (c) The subject of the petition shall have and be informed
15 of a right to employ a physician, clinical psychologist, or
16 other mental health expert of the subject's choice to assist the
17 subject in connection with the hearing and to testify on the
18 subject's behalf. If the subject cannot afford to engage a
19 mental health expert, the court, upon application, shall allow a
20 reasonable fee for that purpose. The fee shall be a charge
21 against the department."



1 SECTION 4. Section 334-60.5, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (b) to read:

4 " (b) [~~The time and form of the procedure incident to~~
5 ~~hearing the issues in the petition shall be provided by court~~
6 ~~rule.]~~ Unless the hearing is waived, the judge shall hear the
7 petition as soon as possible and no later than ten days after
8 the date the petition is filed unless a reasonable delay is
9 sought for good cause shown by the subject of the petition, the
10 subject's attorney, or those persons entitled to receive notice
11 of the hearing under section 334-60.4.

12 The time and form of the procedure incident to hearing the
13 issues in the petition shall be determined by court rule,
14 provided that:

- 15 (1) The subject shall have the right to counsel and to the
16 assistance of a mental health expert;
17 (2) The subject shall not be called as a witness without
18 the subject's consent;
19 (3) The subject shall have the right to confront and
20 cross-examine all witnesses and to present evidence in
21 the subject's own behalf;



- 1 (4) The hearing shall be public unless it is requested to
2 be private by the subject or the subject's counsel;
- 3 (5) A stenographic or other sufficient record shall be
4 made, which shall be kept by the court and may be
5 obtained or examined only upon the request of the
6 subject or the subject's counsel or by order of the
7 court on good cause shown;
- 8 (6) The hearing shall be conducted by a judge and may be
9 held at a location other than a courthouse when doing
10 so appears to be in the best interest of the subject;
11 and
- 12 (7) A decision shall be rendered within forty-eight hours
13 after the close of evidence."

14 2. By amending subsection (d) to read:

15 "(d) Hearings may be held at any convenient place within
16 the circuit. The subject of the petition, any interested
17 person, or the court on its own motion may request a hearing in
18 another circuit because of convenience to the parties,
19 witnesses, or the court or because of the ~~[individual's]~~
20 subject's mental or physical condition."



1 3. By amending subsection (i) to read:

2 "(i) If after hearing all relevant evidence, including the
3 result of any diagnostic examination ordered by the court, the
4 court finds that [~~an individual is not a person requiring~~] the
5 subject does not require medical, psychiatric, psychological, or
6 other rehabilitative treatment or supervision, the court shall
7 order that the [~~individual~~] subject be discharged if the
8 [~~individual~~] subject has been hospitalized prior to the hearing.

9 If the court finds that the criteria for involuntary
10 hospitalization under section 334-60.2(1) [~~has~~] have been met
11 beyond a reasonable doubt and that the criteria under [~~sections~~]
12 section 334-60.2(2) and 334-60.2(3) have been met by clear and
13 convincing evidence, the court may issue an order to any police
14 officer to deliver the subject to a facility that has agreed to
15 admit the subject as an involuntary patient, or if the subject
16 is already a patient in a psychiatric facility, authorize the
17 facility to retain the patient for treatment for a period of
18 ninety days unless sooner discharged. Inpatient treatment shall
19 be deemed appropriate only after full consideration has been
20 given to less restrictive alternatives. Investigation of
21 treatment alternatives shall include consideration of the
22 subject's relationship to the subject's community and family,



1 the subject's employment possibilities, all available community
2 resources, and guardianship services. An order of commitment
3 shall include findings on this issue. An order of commitment
4 shall specify which of those persons served with notice pursuant
5 to section 334-60.4, together with [sueh] any other persons as
6 the court may designate, shall be entitled to receive any
7 subsequent notice of intent to discharge, transfer, or
8 recommit."

9 SECTION 5. Section 334-60.6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§334-60.6 Period of detention.** (a) The psychiatric
12 facility may detain a subject for a period of time ordered by
13 the court not to exceed ninety days from the date of admission
14 unless sooner discharged by the facility pursuant to section
15 [~~334-76 or section 334-74.~~] 334-74 or 334-76. At the end of the
16 ninety-day period, the subject shall be discharged automatically
17 except as provided in sections 704-406, 704-411, and 706-607,
18 unless before expiration of the period and by a proceeding
19 initiated pursuant to section 334-60.3, the facility obtains a
20 court order for the subject's recommitment. Recombitment for a
21 period not to exceed ninety days may not be ordered unless the
22 court determines that the criteria for involuntary



1 hospitalization set forth in section 334-60.2 continue to exist.
2 If at the end of a recommitment period the court finds that the
3 criteria for involuntary hospitalization set forth in section
4 334-60.2 continue to exist and are likely to continue beyond
5 ninety days, the court may order recommitment for a period not
6 to exceed one hundred eighty days.

7 **(b)** Nothing in this section shall preclude a facility from
8 accepting for voluntary inpatient treatment, in accordance with
9 the procedures in section 334-60.1, a patient, for whom the
10 facility contemplates discharge pursuant to section 334-60.7 and
11 who voluntarily agrees to further hospitalization after the
12 period of commitment has expired, or where the patient is no
13 longer a proper subject for commitment."

14 SECTION 6. Section 334-71, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§334-71 Transfer of patients between facilities.** [A]

17 (a) Except as otherwise provided in subsection (b), a patient
18 at a psychiatric facility, including those held on court order,
19 may be transferred to another psychiatric facility when the
20 administrator of the sending facility determines that it would
21 be in the best interest of the patient that the patient be
22 transferred and the administrator of the receiving facility



1 agrees to accept the patient; provided that prior notice of
2 [~~such~~] the transfer be given to the subject of [~~such~~] the
3 transfer and to those persons specified in a current order of
4 commitment. If there is no current order of commitment, notice
5 shall be given to those persons [~~enumerated~~] designated in
6 section 334-60.4.

7 (b) Whenever a transfer shall constitute a greater
8 restraint, the transfer shall not take place unless, upon
9 hearing, a judge finds it to be necessary and appropriate."

10 SECTION 7. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

Mental Health; Involuntary Psychiatric Hospitalization

Description:

Establishes new procedures for the examination and involuntary hospitalization of persons that meet criteria for commitment to psychiatric facilities. Effective July 1, 2050. (HB2011 HD1)

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

