

JAN 25 2012

A BILL FOR AN ACT

RELATING TO DEFENDANTS COMMITTED TO THE CUSTODY OF THE DIRECTOR
OF HEALTH.

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

1 SECTION 1. Chapter 704, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§704- Committed persons; transfer to a correctional
5 facility. (1) Any person committed to the custody of the
6 director of health pursuant to section 704-406, 704-411(1), or
7 704-413(3), may be transferred to a correctional facility as
8 determined by the director of public safety, when, upon the
9 filing of a petition by the director of health, the court of
10 original jurisdiction finds that:

11 (a) The person no longer requires inpatient clinical
12 support and the person's mental health needs can be
13 adequately addressed at a correctional facility;

14 (b) The person no longer requires inpatient clinical
15 support but is not otherwise suitable for discharge
16 into a less restrictive community or residential
17 treatment setting; or



1 (c) The person requires stricter security than can be
2 provided for at the Hawaii state hospital or other
3 facility designated by the director of health.

4 (2) The director of health or the director's designee
5 shall work with the correctional facility in creating an
6 adequate mental health plan for any person transferred pursuant
7 to this section.

8 (3) Should the clinical needs of any person transferred to
9 a correctional facility pursuant to this section require
10 inpatient clinical support services, that person may be
11 recommitted to a facility under the control of the director of
12 health pursuant to a court order, as a pretrial detainee or
13 resident in need of treatment.

14 (4) Nothing in this section shall prohibit the director of
15 public safety from transferring a person to an out-of-state
16 correctional facility pursuant to section 353-16.2."

17 SECTION 2. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 2681

Report Title:

Penal Responsibility; Mental Health; Hawaii State Hospital

Description:

Allows for the transfer of persons committed to the custody of the director of health to be transferred to correctional facilities under certain conditions.

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