
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 defendants; transfer to a correctional
5 facility. (1) When the court upon application of the director
6 of health in written agreement with the director of public
7 safety determines, after a hearing if a hearing is requested,
8 that a defendant who has been committed to the custody of the
9 director of health pursuant to section 704-406, the court shall
10 order the defendant transferred to a correctional facility if
11 the defendant:

12 (a) No longer requires an inpatient level of psychiatric
13 care, the defendant's mental health needs can be
14 adequately addressed at a correctional facility, and
15 the defendant is not ordered released on bail or on
16 the defendant's own recognizance;



1 (b) No longer requires an inpatient level of psychiatric
2 care but is not otherwise suitable for discharge into
3 a less restrictive community or residential treatment
4 setting; or

5 (c) Requires stricter security than can be provided at the
6 Hawaii state hospital or other facility designated by
7 the director of health.

8 (2) The director of health or the director's designee
9 shall work with the correctional facility to create an adequate
10 mental health plan for any defendant transferred pursuant to
11 this section.

12 (3) If the clinical needs of any defendant transferred to
13 a correctional facility pursuant to this section requires an
14 inpatient level of psychiatric care, the defendant may be
15 returned to a facility under the control of the director of
16 health pursuant to a court order, or as a resident in need of
17 treatment as provided under section 334-74.

18 (4) If there is an active order authorizing involuntary
19 administration of psychiatric medication obtained by the
20 director of health for the defendant, then at the time of the
21 order issued pursuant to subsection (1) the court may extend the
22 order to the department of public safety to permit the order to



1 be valid in the correctional facility for the duration of term
2 of the order."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

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



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. (SD1)

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