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# A BILL FOR AN ACT

RELATING TO PSYCHIATRIC FACILITIES.

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

1           SECTION 1. Section 334-60.7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§334-60.7 Notice of intent to discharge. (a) When the  
4 administrator or attending physician of a psychiatric facility  
5 contemplates discharge of an involuntary patient because of  
6 expiration of the court order for commitment or because the  
7 patient is no longer a proper subject for commitment, as  
8 determined by the criteria for involuntary hospitalization in  
9 section 334-60.2, the administrator or attending physician shall  
10 provide notice of intent to discharge, or if the patient  
11 voluntarily agrees to further hospitalization, the administrator  
12 shall provide notice of the patient's admission to voluntary  
13 inpatient treatment.

14           (b) This section shall apply only to civil commitments  
15 that result directly from legal proceedings under chapters 704  
16 and 706.

17           (c) The notice and a certificate of service shall be filed  
18 with the family court and served [~~personally or by certified~~



1 ~~mail]~~ on those persons whom the order of commitment specifies as  
2 entitled to receive notice ~~[-]~~, by mail at the person's last  
3 known address. Notice shall also be sent to the prosecuting  
4 attorney of the county from which the person was originally  
5 committed, by facsimile or electronically, for the sole purpose  
6 of victim notification.

7 (d) Any person specified as entitled to receive notice may  
8 waive this right in writing with the psychiatric facility.

9 (e) If no objection is filed within ~~[three]~~ five calendar  
10 days of [service,] mailing the notice, the administrator or  
11 attending physician of the psychiatric facility shall discharge  
12 or accept the patient for voluntary inpatient treatment.

13 (f) If any person specified as entitled to receive notice  
14 files a written objection, with a certificate of service, to the  
15 discharge or to the patient's admission to voluntary inpatient  
16 treatment on the grounds that the patient is a proper subject  
17 for commitment, the family court shall conduct a hearing as soon  
18 as possible, prior to the termination of the current commitment  
19 order, to determine if the patient still meets the criteria for  
20 involuntary hospitalization in section 334-60.2. The person  
21 filing the objection shall also notify the psychiatric facility  
22 by telephone on the date the objection is filed.



1        (g) If the court finds that the patient does not meet the  
2 criteria for involuntary hospitalization in section 334-60.2,  
3 the court shall issue an order of discharge from the commitment.

4        (h) If the court finds that the patient does meet the  
5 criteria for involuntary hospitalization in section 334-60.2,  
6 the court shall issue an order denying discharge from the  
7 commitment."

8        SECTION 2. Section 334-76, Hawaii Revised Statutes, is  
9 amended to read as follows:

10        "§334-76 Discharge from custody. (a) Subject to any  
11 special requirements of law as provided in sections 704-406,  
12 704-411, and 706-607 or elsewhere, with respect to patients  
13 committed on court order~~[7]~~ from a criminal proceeding, the  
14 administrator of a psychiatric facility, pursuant to section  
15 334-60.7, shall ~~[send]~~:

16        (1) Send a notice of intent to discharge or notice of the  
17        patient's admission to voluntary inpatient treatment  
18        to those persons specified in the order of commitment  
19        as entitled to receive notice of intent to discharge,  
20        by mail at their last known address; and ~~[the]~~

21        (2) Send a notice of intent to discharge or notice of the  
22        patient's admission to voluntary inpatient treatment



1           to the prosecuting attorney of the county from which  
2           the person was originally committed, by facsimile or  
3           electronically.

4           (b) The administrator or the deputy or the physician  
5 assuming medical responsibility for the patient shall discharge  
6 an involuntary patient when the patient is no longer a proper  
7 subject for commitment, as determined by the criteria for  
8 involuntary hospitalization in section 334-60.2.

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

16           SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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



**Report Title:**

Psychiatric Facilities; Notice of Intent to Discharge

**Description:**

Amends the notice requirements for the discharge of an involuntary patient committed pursuant to a civil or criminal proceeding involving fitness to proceed under sections 704-406, 706-607, or 704-411, HRS. Requires the family court to conduct a timely hearing prior to the termination of a standing commitment order. (HB1723 HD1)

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

