
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH TREATMENT.

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

1 SECTION 1. The legislature finds that part IV of chapter
2 334, Hawaii Revised Statutes, includes procedures authorizing
3 any person to petition a court to commit another person in the
4 same county to a psychiatric facility under certain limited
5 circumstances. Pursuant to section 334-60.3(a), Hawaii Revised
6 Statutes, the petition may be accompanied by a certificate from
7 a medical professional that describes the symptoms justifying
8 the need for treatment and stating whether the person is capable
9 of realizing and making a rational decision with respect to the
10 person's need for treatment. Pursuant to section 334-60.5(g),
11 Hawaii Revised Statutes, no person may be found to require
12 treatment in a psychiatric facility unless at least one medical
13 professional who has personally examined the person testifies in
14 person at the hearing on the petition.

15 The respondent to the petition for involuntary
16 hospitalization may be committed to a psychiatric facility if



1 the court finds all of the following criteria under section 334-
2 60.2, Hawaii Revised Statutes:

- 3 (1) That the respondent is mentally ill or suffering from
4 substance abuse;
- 5 (2) That the respondent is imminently dangerous to self or
6 others; and
- 7 (3) That the respondent is in need of care or treatment,
8 or both, and there is no suitable alternative
9 available through existing facilities and programs
10 that would be less restrictive than hospitalization.

11 "Dangerous to self" and "dangerous to others" are defined
12 in section 334-1, Hawaii Revised Statutes, as collectively
13 meaning that the respondent recently has:

- 14 (1) Threatened or attempted suicide or serious bodily harm
15 to self;
- 16 (2) Behaved in such a manner as to indicate that the
17 respondent is unable, without supervision and the
18 assistance of others, to satisfy the need for
19 nourishment, essential medical care, shelter or self-
20 protection, so that it is probable that death,
21 substantial bodily injury, or serious physical



1 deilitation or disease to self will result unless
2 adequate treatment is afforded; or

3 (3) Engaged in an act, attempt, or threat that makes the
4 respondent likely to do substantial physical or
5 emotional injury on another.

6 These definitions are consistent with the criteria for
7 involuntary commitment applied in most other states that require
8 a finding of danger to self or others, using a standard of a
9 serious or substantial risk, likelihood, or probability of harm.
10 However, the standard in Hawaii is that of an "imminent" danger
11 to self or others. In the few states that operate under that
12 threshold for involuntary commitment, it is possible for the
13 respondent to be discharged from the proceedings, even if harm
14 is virtually certain to occur in the future, if the respondent
15 does not exhibit any signs of immediate danger during the
16 involuntary commitment proceedings.

17 The purpose of this Act is to facilitate involuntary
18 hospitalizations and other forms of treatment for the protection
19 of mentally ill individuals and the public, by defining the term
20 "imminently dangerous to self or others" to mean that, without



1 intervention, the person will likely remain dangerous within the
2 next ninety days.

3 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
4 amended by adding a new definition to be appropriately inserted
5 and to read as follows:

6 "Imminently dangerous to self or others" means that,
7 without intervention, the person will likely remain dangerous to
8 the person's self or others within the next ninety days."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2070.



Report Title:

Mental Health Treatment; Involuntary Hospitalization

Description:

Defines "imminently dangerous to self or others" to mean that, without intervention, the person will likely remain dangerous to the person's self or others within the next ninety days.

(HB1686 HD1)

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