

CHAPTER 336
DEPORTATION AND TRANSFER OF ALIEN AND
NONRESIDENT PUBLIC CHARGES

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"PART I. PATIENTS AT STATE HOSPITAL

§336-1 Cooperation, U.S. immigration. The director of health shall cooperate with the government of the United States in arranging for the deportation of all alien public charges admitted to or hospitalized at the state hospital. [L 1927, c 235, §1; RL 1935, §1010; am L 1939, c 203, §3; RL 1945, §3821; RL 1955, §84-1; am L Sp 1959 2d, c 1, §19; HRS §336-1]

" **§336-2 Nonresident public charges.** The director of health shall also return all nonresident public charges admitted to or hospitalized at the hospital to the states in which they may have a legal residence. For the purpose of facilitating the return of such persons, the director may enter into reciprocal agreements with the proper boards, commissions, or officers of other states for the mutual exchange of such public charges whose legal residence is in another state, and the director may file written permission for the return of any residents of the State now confined in a public institution in another state, corresponding to any institution coming within the definition of state hospitals for the insane, or in which they were under detention, not having been lawfully discharged therefrom. [L 1927, c 235, §2; RL 1935, §1011; am L 1939, c 203, §3; RL 1945, §3822; RL 1955, §84-2; am L Sp 1959 2d, c 1, §19; HRS §336-2; gen ch 1985]

" **§336-3 Resident defined.** A person shall be deemed to be a resident of the State within the meaning of this part who has lived continuously in the State for a period of one year and who has not acquired a residence in another state by living continuously therein for at least one year subsequent to the person's residence in the State; provided that the time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another state. In determining the residence of a minor patient at the hospital, due consideration shall be given to the residence of the parents of the patient, and if either one or both parents of the minor patient are residents of the State the patient shall also be deemed a resident of the State. [L 1927, c 235, §3; RL 1935, §1012; RL 1945, §3823; RL 1955, §84-3; HRS §336-3; gen ch 1985]

" **§336-4 Expenses.** All expenses incurred in returning such persons to another state shall be paid by the State, but the expense of returning residents of the State shall be borne by the state making the return.

The cost and expense incurred in effecting the transportation of such persons shall be paid from the funds

appropriated for that purpose, or if no funds are available, then from the money appropriated for the care of the insane, or incompetent and delinquent, as may be necessary, upon vouchers approved by the director of health. [L 1927, c 235, §§4, 5; RL 1935, §1013; am L 1939, c 203, §3; RL 1945, §3824; RL 1955, §84-4; am L Sp 1959 2d, c 1, §19; HRS §336-4]

" **§336-5 Release of aliens for return to native land.** The official or board in charge of any institution of the State in which any alien may be maintained or confined, may, notwithstanding any law to the contrary, release any alien from the institution for the purpose of returning or being returned to the alien's native land, such release to be conditioned upon the person so released remaining away from the State. [L 1933, JR 3; RL 1935, §1014; RL 1945, §3825; RL 1955, §84-5; am L Sp 1959 2d, c 1, §19; HRS §336-5; gen ch 1985]

"PART II. PATIENTS WITH CERTAIN CHRONIC DISEASES

§336-11 Payment of transportation costs; agreements for continued care; funds. The director of health may in the director's discretion authorize the payment of the cost of transportation of aliens and other nonresident persons who have become public charges by reason of their hospitalization for Hansen's disease, tuberculosis, or other chronic diseases requiring prolonged hospitalization, from the State to the place where the persons have their legal residence. For the purpose of facilitating the return of such persons to the place of their residence or to facilitate the return to the State of any person similarly situated, the department of health may enter into agreements with any state of the United States or any foreign country. The department may also enter into any agreement to provide for the continued care of the aliens or nonresidents of the State, at the expense of the state or foreign country or to provide for reciprocal treatment of residents of the State by such state or foreign country.

The department may receive funds by way of grant, gift, or otherwise from any state, the United States, or any foreign country or any person for the purpose of paying all or a part of the cost of such transportation or care. [L 1957, c 90, §1; am L Sp 1959 2d, c 1, §19; Supp, §50A-1; HRS §336-11; am L 1969, c 152, §1; am L 1981, c 185, §1; am L 1983, c 124, §16; gen ch 1985]

" **§336-12 Alien or nonresident defined.** A person shall not be deemed to be an alien or a nonresident of the State within

the meaning of this part if the person meets the following requirements:

- (1) Is a citizen of the United States or is a resident alien as defined by the United States bureau of immigration, and
- (2) Has lived continuously in the State for a period of one year, and has not acquired a residence in another state by living continuously therein for at least one year subsequent to the person's residence in the State, provided that for a person who is not a resident of the State by birth, then the one year of continuous residence in the State shall have been immediately prior to the person's admittance to a hospital of the State for treatment. Any time spent in the state or other government hospitals for the isolation and treatment of Hansen's disease, tuberculosis, or other chronic diseases shall not be counted in determining the matter of residence in this or another state. In determining the residence of a minor patient of hospitals of the State, due consideration shall be given to the residence of the parents of the patients, and if either one or both parents of the minor patient is a resident of the State, the minor patient shall also be deemed a resident of the State. [L 1957, c 90, §2; Supp, §50A-2; HRS §336-12; am L 1969, c 152, §1; am L 1981, c 185, §1; am L 1983, c 124, §16; gen ch 1985]

" **§336-13 Expenses to be paid by State.** All expenses incurred in returning such aliens or nonresident persons to the place where they have legal residence, shall be paid by the State out of any appropriations made to the hospital in which any such person is a patient, or out of any moneys received by the department of health for this part. [L 1957, c 90, §3; am L Sp 1959 2d, c 1, §19; Supp, §50A-3; HRS §336-13]

" **§336-14 When this part not applicable.** Where support or bond has already been pledged or is available, this part shall not be applicable. [L 1957, c 90, §4; Supp, §50A-4; HRS §336-14]

" **§336-15 Rules and regulations.** The department of health is authorized to adopt all necessary rules and regulations to carry out the purposes of this part. [L 1957, c 90, §5; am L Sp 1959 2d, c 1, §19; Supp, §50A-5; HRS §336-15]

Cross References

Rulemaking, see chapter 91.