
A BILL FOR AN ACT

RELATING TO CRISIS INTERVENTION.

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

1 SECTION 1. The legislature finds that each year thousands
2 of people in Hawaii are cited or arrested for offenses such as
3 drinking liquor in public, being in public parks after the hours
4 of closure, and camping on sidewalks, beaches, and other
5 restricted public places. Most of these people suffer from
6 issues related to drugs, alcohol, or mental illness. Many of
7 those cited do not appear in court, which leads to the issuance
8 of bench warrants for their arrest. Time and resources are
9 being used to bring these people to court. The court system,
10 prosecutors, and the police are caught up in a never-ending
11 revolving door situation.

12 Mental health service providers have been working with the
13 appropriate law enforcement agencies and the criminal justice
14 system in order to implement a crisis intervention program on
15 Oahu.

16 The purpose of this Act is to provide those in need with
17 appropriate care by requiring the department of health to create



1 a crisis intervention and diversion program to divert people in
2 crisis from the criminal justice system to the health care
3 system.

4 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§334- Crisis intervention and diversion program. (a)

8 There is established within the department of health, a crisis
9 intervention and diversion program that redirects those with
10 mental health issues toward the appropriate health care system
11 and services and away from the criminal justice system. The
12 program shall collaborate with law enforcement, courts, mental
13 health providers, and the community.

14 (b) The department may lease or acquire a crisis center to
15 treat and refer patients to appropriate services and providers
16 rather than the criminal justice system."

17 SECTION 3. Section 334-1, Hawaii Revised Statutes, is
18 amended by adding two new definitions to be appropriately
19 inserted and to read as follows:

20 ""Crisis center" means a clinic or psychiatric urgent care
21 center which offers immediate attention for people who are



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1 suffering from a mental health crisis and evaluates patients for
2 placement in a mental health program within the department.

3 "Crisis intervention officer" means an officer who has been
4 trained to recognize and communicate with a person suffering
5 from a mental health crisis. These officers are certified by
6 as specialized first responders for calls involving
7 people in crisis."

8 SECTION 4. Section 334-59, Hawaii Revised Statutes, is
9 amended by amending its title and subsection (a) to read as
10 follows:

11 "§334-59 Emergency examination and hospitalization[-] or
12 placement in a designated mental health program. (a)

13 Initiation of proceedings. An emergency admission may be
14 initiated as follows:

15 (1) If a law enforcement officer has reason to believe
16 that a person is imminently dangerous to self or
17 others, the officer shall call for assistance from the
18 mental health emergency workers designated by the
19 director[-] or a crisis intervention officer. Upon
20 determination by the mental health emergency workers
21 or crisis intervention officer that the person is



1 imminently dangerous to self or others, the person
2 shall be transported by ambulance or other suitable
3 means, to a licensed psychiatric facility or a
4 designated crisis center for further evaluation and
5 possible emergency hospitalization. A law enforcement
6 officer may also take into custody and transport to
7 any facility designated by the director any person
8 threatening or attempting suicide. The officer shall
9 make application for the examination, observation, and
10 diagnosis of the person in custody. The application
11 shall state or shall be accompanied by a statement of
12 the circumstances under which the person was taken
13 into custody and the reasons therefor which shall be
14 transmitted with the person to a physician, advanced
15 practice registered nurse, or psychologist at the
16 facility.

- 17 (2) Upon written or oral application of any licensed
18 physician, advanced practice registered nurse,
19 psychologist, attorney, member of the clergy, health
20 or social service professional, or any state or county
21 employee in the course of employment, a judge may



1 issue an ex parte order orally, but shall reduce the
2 order to writing by the close of the next court day
3 following the application, stating that there is
4 probable cause to believe the person is mentally ill
5 or suffering from substance abuse, is imminently
6 dangerous to self or others and in need of care or
7 treatment, or both, giving the findings upon which the
8 conclusion is based. The order shall direct that a
9 law enforcement officer or other suitable individual
10 take the person into custody and deliver the person to
11 a designated mental health program, if subject to an
12 assisted community treatment order issued pursuant to
13 part VIII of this chapter, or to the nearest facility
14 designated by the director for emergency examination
15 and treatment, or both. The ex parte order shall be
16 made a part of the patient's clinical record. If the
17 application is oral, the person making the application
18 shall reduce the application to writing and shall
19 submit the same by noon of the next court day to the
20 judge who issued the oral ex parte order. The written
21 application shall be executed subject to the penalties



1 of perjury but need not be sworn to before a notary
2 public.

3 (3) Any licensed physician, advanced practice registered
4 nurse, physician assistant, or psychologist who has
5 examined a person and has reason to believe the person
6 is:

7 (A) Mentally ill or suffering from substance abuse;

8 (B) Imminently dangerous to self or others; and

9 (C) In need of care or treatment;

10 may direct transportation, by ambulance or other
11 suitable means, to a licensed psychiatric facility for
12 further evaluation and possible emergency
13 hospitalization. A licensed physician, an advanced
14 practice registered nurse, or physician assistant may
15 administer treatment as is medically necessary, for
16 the person's safe transportation. A licensed
17 psychologist may administer treatment as is
18 psychologically necessary."

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2019-2020 and the



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Report Title:

Department of Health; Crisis Intervention

Description:

Creates a crisis intervention and diversion program in the department of health to divert those in need to appropriate health care and away from the criminal justice system.

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