

JAN 24 2019

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 thousands of people
2 in Hawaii are cited or arrested for offenses such as drinking
3 liquor in public, being in public parks after the hours of
4 closure, and camping on sidewalks, beaches, and other restricted
5 public places. Many of those cited do not come to court, which
6 leads to the issuance of bench warrants for their arrest. Time
7 and resources are wasted bringing these individuals to court,
8 resulting in the court system, prosecutors, and police involved
9 in a continuous revolving door situation.

10 The legislature further finds that this cycle of arrests
11 and court cases does not address the underlying cause - that
12 many of these individuals suffer from some form of mental
13 illness. Establishing a diversion program, whereby mentally ill
14 individuals are diverted from the judicial system into the
15 health care system, is an appropriate first step in ensuring
16 that these individuals are able to receive much needed mental
17 health care.



1 The purpose of this Act is to:

2 (1) Enable trained crisis intervention team officers to
3 determine if an individual meets the criteria for
4 emergency examination or hospitalization;

5 (2) Authorize crisis intervention team officers to
6 transport an individual experiencing a mental health
7 crisis to a crisis center for further evaluation and
8 potential placement in a mental health program; and

9 (3) Appropriate funds for the development of a crisis
10 intervention team program designed for responding to
11 individuals in a mental health crisis or in danger of
12 experiencing a drug or alcohol overdose.

13 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By adding two new definitions to be appropriately
16 inserted and to read:

17 "Crisis center" means a clinic or psychiatric urgent care
18 center which offers immediate attention to people in a mental
19 health crisis and people who are in the process of or in danger
20 of experiencing a drug or alcohol overdose.



1 "Crisis intervention team officer" means an officer who has
2 been trained to recognize and communicate with a person
3 suffering from a mental health crisis."

4 2. By amending the definition of "dangerous to self" to
5 read:

6 "Dangerous to self" means the person recently has:

7 (1) Threatened or attempted suicide or serious bodily
8 harm; or

9 (2) Behaved in such a manner as to indicate that the
10 person is unable, without supervision and the
11 assistance of others, to satisfy the need for
12 nourishment, essential medical care, shelter or self-
13 protection [~~so that it is probable that death,~~
14 ~~substantial bodily injury, or serious physical~~
15 ~~debilitation or disease will result unless adequate~~
16 ~~treatment is afforded]."~~

17 SECTION 3. Section 334-59, Hawaii Revised Statutes, is
18 amended by amending its title and subsection (a) to read as
19 follows:



1 "§334-59 Emergency examination and hospitalization[-];
2 mental health program. (a) Initiation of proceedings. An
3 emergency admission may be initiated as follows:
4 (1) If a law enforcement officer has reason to believe
5 that a person is imminently dangerous to self or
6 others, the officer shall call for assistance first
7 from a crisis intervention team officer who shall
8 respond to the initial officer's location, or, if the
9 crisis intervention team officer is not available,
10 from the mental health emergency workers designated by
11 the director. Upon determination by the crisis
12 intervention team officer or the mental health
13 emergency workers that the person is imminently
14 dangerous to self or others, the person shall be
15 transported by ambulance or other suitable means, to a
16 licensed psychiatric facility or a crisis center
17 designated by the director for further evaluation and
18 for placement in a mental health program or possible
19 emergency hospitalization. A law enforcement officer
20 may also take into custody and transport to any
21 facility designated by the director any person



1 threatening or attempting suicide. The officer shall
2 make application for the examination, observation, and
3 diagnosis of the person in custody. The application
4 shall state or shall be accompanied by a statement of
5 the circumstances under which the person was taken
6 into custody and the reasons therefor which shall be
7 transmitted with the person to a physician, advanced
8 practice registered nurse, or psychologist at the
9 facility.

10 (2) Upon written or oral application of any licensed
11 physician, advanced practice registered nurse,
12 psychologist, attorney, member of the clergy, health
13 or social service professional, or any state or county
14 employee in the course of employment, a judge may
15 issue an ex parte order orally, but shall reduce the
16 order to writing by the close of the next court day
17 following the application, stating that there is
18 probable cause to believe the person is mentally ill
19 or suffering from substance abuse, is imminently
20 dangerous to self or others and in need of care or
21 treatment, or both, giving the findings upon which the



1 conclusion is based. The order shall direct that a
2 law enforcement officer or other suitable individual
3 take the person into custody and deliver the person to
4 a designated mental health program, if subject to an
5 assisted community treatment order issued pursuant to
6 part VIII of this chapter, or to the nearest facility
7 designated by the director for emergency examination
8 and treatment, or both. The ex parte order shall be
9 made a part of the patient's clinical record. If the
10 application is oral, the person making the application
11 shall reduce the application to writing and shall
12 submit the same by noon of the next court day to the
13 judge who issued the oral ex parte order. The written
14 application shall be executed subject to the penalties
15 of perjury but need not be sworn to before a notary
16 public.

17 (3) Any licensed physician, advanced practice registered
18 nurse, physician assistant, or psychologist who has
19 examined a person and has reason to believe the person
20 is:

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



1 (B) Imminently dangerous to self or others; and
2 (C) In need of care or treatment;
3 may direct transportation, by ambulance or other
4 suitable means, to a licensed psychiatric facility for
5 further evaluation and possible emergency
6 hospitalization. A licensed physician, an advanced
7 practice registered nurse, or physician assistant may
8 administer treatment as is medically necessary, for
9 the person's safe transportation. A licensed
10 psychologist may administer treatment as is
11 psychologically necessary."

12 SECTION 4. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2019-2020 and
15 the same sum or so much thereof as may be necessary for fiscal
16 year 2020-2021 as a grant-in-aid to the city and county of
17 Honolulu to enable the Honolulu police department to develop and
18 implement a crisis intervention team program, including the
19 hiring of necessary staff; the designation of a crisis center to
20 act as a clearing house for referrals of persons experiencing a
21 mental health crisis or a drug or alcohol overdose crisis; and



1 the retention of crisis intervention team officers specifically
2 trained to recognize a person in crisis.

3 The sums appropriated shall be expended by the city and
4 county of Honolulu for the purposes of this Act.

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

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval;
11 provided that section 4 shall take effect on July 1, 2019.

12

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S.B. NO. 1319

Report Title:

Mental Health; Crisis Intervention; Crisis Intervention Team Officer; Appropriation

Description:

Defines "crisis center" and "crisis intervention team officer". Enables crisis intervention team officers to determine if an individual meets the criteria for emergency examination or hospitalization. Authorizes crisis intervention team officers to transport an individual experiencing a mental health crisis to a crisis center. Appropriates funds as a grant-in-aid for the development of a crisis intervention team program.

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