
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 pursuant to section
2 5-7.5, Hawaii Revised Statutes, the "Aloha Spirit" is the
3 coordination of mind and heart within each person. It brings
4 each person to the self. Each person must think and emote good
5 feelings to others. In the contemplation and presence of the
6 life force, "Aloha", the following unuhi laula loa may be used:

- 7 (1) "Akahai", meaning kindness to be expressed with
8 tenderness;
- 9 (2) "Lokahi", meaning unity, to be expressed with harmony;
- 10 (3) "Oluolu", meaning agreeable, to be expressed with
11 pleasantness;
- 12 (4) "Haahaa", meaning humility, to be expressed with
13 modesty; and
- 14 (5) "Ahonui", meaning patience, to be expressed with
15 perseverance.

16 The legislature further recognizes that these are traits of
17 character that express the charm, warmth, and sincerity of



1 Hawaii's people. It was the working philosophy of native
2 Hawaiians and was presented as a gift to the people of Hawaii.
3 "Aloha" is more than a word of greeting or farewell or a
4 salutation. "Aloha" means mutual regard and affection and
5 extends warmth in caring with no obligation in return. "Aloha"
6 is the essence of relationships in which each person is
7 important to every other person for collective existence.
8 "Aloha" means to hear what is not said, to see what cannot be
9 seen and to know the unknowable.

10 In exercising their power on behalf of the people and in
11 fulfillment of their responsibilities, obligations, and service
12 to the people, the members of the legislature; governor;
13 lieutenant governor; executive officers of each department;
14 chief justice; associate justices; judges of the appellate,
15 circuit, and district courts; chief of police of each county;
16 and first responders may contemplate and reside with the life
17 force and give consideration to the "Aloha Spirit".

18 The legislature finds that each year, thousands of
19 individuals in Hawaii are cited or arrested for offenses such as
20 drinking liquor in public; being in public parks after the hours
21 of closure; and camping on sidewalks, beaches, and other



1 restricted public places. Most of these individuals suffer from
2 issues related to drugs, alcohol, or mental illness. Many of
3 those cited do not appear in court, which leads to the issuance
4 of bench warrants for their arrest. Time and resources are
5 being used to bring these individuals to court. The court
6 system, prosecutors, and police are caught up in a never-ending
7 revolving door situation.

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

11 The purpose of this Act is to provide those in need with
12 appropriate care by establishing within the department of health
13 a crisis intervention and diversion program to divert
14 individuals in crisis from the criminal justice system and into
15 the health care system.

16 This Act shall also be known as "Tiffany and Kaulike's
17 Law".

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



1 "§334- Crisis intervention and diversion program. (a)

2 There is established within the department of health, a crisis
3 intervention and diversion program that redirects those with
4 mental health issues toward the appropriate health care system
5 and services and away from the criminal justice system. The
6 program shall collaborate with law enforcement, courts, mental
7 health providers, and the community.

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

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

14 "Crisis center" means a clinic or psychiatric urgent care
15 center that offers immediate attention for persons who are
16 suffering from a mental health crisis and evaluates patients for
17 placement in a mental health program within the department.

18 "Crisis intervention officer" means an officer who has been
19 trained to recognize and communicate with a person suffering
20 from a mental health crisis. These officers are certified by



1 as specialized first responders for calls involving
2 people in crisis."

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

6 "§334-59 Emergency examination and hospitalization~~[-]~~ or
7 placement in a designated mental health program. (a)

8 Initiation of proceedings. An emergency admission may be
9 initiated as follows:

- 10 (1) If a law enforcement officer has reason to believe
- 11 that a person is imminently dangerous to self or
- 12 others, the officer shall call for assistance from the
- 13 mental health emergency workers designated by the
- 14 director~~[-]~~ or a crisis intervention officer. Upon
- 15 determination by the mental health emergency workers
- 16 or a crisis intervention officer that the person is
- 17 imminently dangerous to self or others, the person
- 18 shall be transported by ambulance or other suitable
- 19 means, to a licensed psychiatric facility or a crisis
- 20 center for further evaluation and possible emergency
- 21 hospitalization. A law enforcement officer may also



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

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



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

- 19 (3) Any licensed physician, advanced practice registered
20 nurse, physician assistant, or psychologist who has



1 examined a person and has reason to believe the person
2 is:

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

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

5 (C) In need of care or treatment;

6 may direct transportation, by ambulance or other

7 suitable means, to a licensed psychiatric facility for

8 further evaluation and possible emergency

9 hospitalization. A licensed physician, an advanced

10 practice registered nurse, or physician assistant may

11 administer treatment as is medically necessary, for

12 the person's safe transportation. A licensed

13 psychologist may administer treatment as is

14 psychologically necessary."

15 SECTION 5. There is appropriated out of the general

16 revenues of the State of Hawaii the sum of \$ or so

17 much thereof as may be necessary for fiscal year 2020-2021 for

18 the crisis intervention and diversion program; provided that no

19 funds shall be released unless matched dollar-for-dollar by the

20 private sector.



1 The sum appropriated shall be expended by the department of
2 health for the purposes of this Act.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2050;
6 provided that this Act shall be repealed on June 30, 2023.



Report Title:

Department of Health; Crisis Intervention; Appropriation

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. Appropriates funds. Sunsets on 6/30/2023. Effective 7/1/2050. (HD2)

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