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## A BILL FOR AN ACT

RELATING TO MANDATORY PSYCHIATRIC EVALUATION AFTER ARREST.

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

1           SECTION 1. The legislature finds that many of the  
2 houseless people arrested are dealing with mental illness. The  
3 police do not have the training or authority to evaluate the  
4 arrestee's mental capacity. This act would require a trained  
5 social worker, or psychiatrist, to evaluate the mental health of  
6 the individual and connect the arrestee to supportive services.

7           SECTION 2. Section 803-9, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§803-9 Examination after arrest; rights of arrested**  
10 **person.** (a) It shall be unlawful in any case of arrest for  
11 examination:

12           (1) To deny to the person so arrested the right of seeing,  
13 at reasonable intervals and for a reasonable time at  
14 the place of the person's detention, counsel or a  
15 member of the arrested person's family;

16           (2) To unreasonably refuse or fail to make a reasonable  
17 effort, where the arrested person so requests and



1           prepays the cost of the message, to send a telephone,  
2           cable, or wireless message through a police officer or  
3           another than the arrested person to the counsel or  
4           member of the arrested person's family;  
5           (3) To deny to counsel, whether retained by the arrested  
6           person or a member of the arrested person's family, or  
7           to a member of the arrested person's family, the right  
8           to see or otherwise communicate with the arrested  
9           person for a reasonable period at the place of the  
10          arrested person's detention:  
11          (A) At any time for a first communication after the  
12             arrest; and  
13          (B) At reasonable intervals thereafter;  
14          (4) In case the person arrested has requested that the  
15          person see an attorney or member of the person's  
16          family, to examine the person before the person has  
17          had a fair opportunity to see and consult with the  
18          attorney or member of the person's family;  
19          (5) To fail, within forty-eight hours of the arrest of a  
20          person on suspicion of having committed a crime,  
21          either to release or to charge the arrested person



1 with a crime and take the arrested person before a  
2 qualified magistrate for examination.  
3 (b) After the arrest of a homeless person, the arresting  
4 officer shall contact the department of health's  
5 Hawai'i CARES line to get a social worker, or  
6 psychiatrist, assigned to the arrestee. The assigned  
7 worker will conduct a mandatory mental health  
8 screening for the homeless arrestee, and will provide  
9 supportive services as needed."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: *Jan M. Hahaione*  
JAN 20 2023



# H.B. NO. 637

**Report Title:**

Required mental health evaluation for arrested houseless persons.

**Description:**

Mandatory mental health screening for arrested persons who are houseless. Supportive services provided by social worker or psychiatrist, doing the evaluation.

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