

JAN 18 2024

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 each year for offenses such as
3 drinking liquor in public, loitering in public parks after
4 hours, and camping on sidewalks, beaches, and other restricted
5 public places. Most of these people suffer from issues relating
6 to drugs, alcohol, or mental illness. Many of those cited do
7 not appear in court, leading courts to issue bench warrants for
8 their arrests. Time and resources are expended bringing people
9 to court, and the court system, prosecutors, and police are
10 caught in a never-ending revolving door situation. In response
11 to this situation, mental health service providers have been
12 working with appropriate law enforcement agencies and the
13 criminal justice system to implement a crisis intervention
14 program on the island of Oahu.

15 The purpose of this Act is to:

- 16 (1) Establish an expanded crisis intervention and
17 diversion activities program within the department of



1 health to expand existing crisis intervention and
2 diversion activities to divert persons in crisis from
3 the criminal justice system to the health care system;
4 and

5 (2) Appropriate funds to support crisis intervention
6 efforts.

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

10 "§334- Expanded crisis intervention and diversion
11 activities program. (a) There is established within the
12 department of health an expanded crisis intervention and
13 diversion activities program to expand existing crisis
14 intervention and diversion activities to redirect persons
15 experiencing mental illness who are at risk for involvement with
16 the criminal justice system, or in the criminal justice system,
17 to the appropriate health care system and services. The
18 department shall collaborate with law enforcement, courts,
19 mental health providers, and the community for the execution and
20 implementation of these activities.



1 (b) The department may lease or acquire a behavioral
2 health crisis center facility to treat and refer patients from
3 the criminal justice system to appropriate services and
4 providers."

5 SECTION 3. Section 334-1, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

8 "Crisis intervention officer" means a law enforcement
9 officer who has been trained to recognize and communicate with a
10 person suffering from a mental health crisis and certified by
11 the department of health as specialized first responders for
12 calls involving persons in crisis."

13 SECTION 4. Section 334-59, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Initiation of proceedings. An emergency admission
16 may be initiated as follows:

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



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

- 19 (2) Upon written or oral application of any licensed
20 physician, advanced practice registered nurse,
21 psychologist, attorney, member of the clergy, health



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



1 judge who issued the oral ex parte order. The written
2 application shall be executed subject to the penalties
3 of perjury but need not be sworn to before a notary
4 public.

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

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

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

11 (C) In need of care or treatment[+],

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



1 SECTION 5. In accordance with section 9 of article VII of
2 the Hawaii State Constitution and sections 37-91 and 37-93,
3 Hawaii Revised Statutes, the legislature has determined that the
4 appropriations contained in Act 164, Regular Session of 2023,
5 and this Act will cause the state general fund expenditure
6 ceiling for fiscal year 2024-2025 to be exceeded by
7 \$ or per cent. This current declaration takes
8 into account general fund appropriations authorized for fiscal
9 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
10 only. The reasons for exceeding the general fund expenditure
11 ceiling are that:

- 12 (1) The appropriation made in this Act is necessary to
13 serve the public interest; and
- 14 (2) The appropriation made in this Act meets the needs
15 addressed by this Act.

16 SECTION 6. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2024-2025 for
19 the expansion of existing crisis intervention and diversion
20 activities; provided that no funds shall be released unless



1 matched on a dollar-for-dollar basis by funds from a private
2 source.

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

5 SECTION 7. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2024-2025 to
8 certify law enforcement officers in:

9 (1) Mental health first aid, as managed, operated, and
10 disseminated by the National Council for Mental
11 Wellbeing; and

12 (2) The crisis intervention team model, as developed by
13 Crisis Intervention Team International.

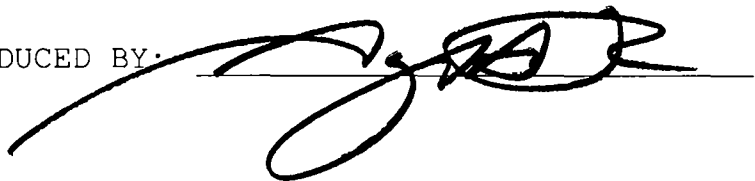
14 The sum appropriated shall be expended by the department of
15 health for the purposes of this Act.

16 SECTION 8. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 9. This Act shall take effect on July 1, 2024.

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INTRODUCED BY:

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S.B. NO. 2246

Report Title:

DOH; Crisis Intervention; Diversion; Crisis Centers; Crisis Intervention Officers; Crisis Intervention Team; Mental Health First Aid; Certifications; Expenditure Ceiling; Appropriations

Description:

Establishes an expanded crisis intervention and diversion activities program within the Department of Health to expand existing activities to divert those with mental health issues to appropriate health care services. Defines "crisis intervention officer". Authorizes a person believed to be imminently dangerous to self or others by a law enforcement officer to be assisted by a crisis intervention officer and transported to a designated crisis center. Makes appropriations for the expanded crisis intervention and diversion activities program and certification of law enforcement officers in mental health first aid and crisis intervention team model.

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