
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 an expanded crisis intervention and diversion
13 activities program to expand existing crisis intervention and
14 diversion activities to redirect persons experiencing mental
15 illness who are at risk for involvement with the criminal
16 justice system, or in the criminal justice system, to the
17 appropriate health care system and services. The department
18 shall collaborate with law enforcement, courts, mental health
19 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."

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

13 "(a) Initiation of proceedings. An emergency admission
14 may be 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. Upon determination by the mental health
20 emergency workers that the person is imminently
21 dangerous to self or others, the person shall be



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

16 (2) Upon written or oral application of any licensed
17 physician, advanced practice registered nurse,
18 psychologist, attorney, member of the clergy, health
19 or social service professional, or any state or county
20 employee in the course of employment, a judge may
21 issue an ex parte order orally, but shall reduce the



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

20 SECTION 5. In accordance with section 9 of article VII of
21 the Hawaii State Constitution and sections 37-91 and 37-93,



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

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

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



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

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

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

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

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

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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



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 transported to a facility designated by the Director of Health. Declares that the general fund expenditure ceiling is exceeded. 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. (SD1)

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