

JAN 19 2024

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# 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 the State are cited or arrested each year for offenses such  
3 as drinking liquor in public; loitering in public parks after  
4 hours; and camping on sidewalks, beaches, and other restricted  
5 public places. Some individuals cited suffer from chronic  
6 conditions relating to drugs, alcohol, or mental illness. Many  
7 individuals cited do not appear in court, leading courts to  
8 issue bench warrants for their arrests. Extensive time and  
9 resources are expended bringing violators to court, creating an  
10 endless cycle for the court system, prosecutors, and police.

11           In response to an influx of habitual offenders, mental  
12 health service providers have been working with appropriate law  
13 enforcement agencies and the criminal justice system to  
14 implement crisis intervention programs. A critical member of a  
15 crisis intervention team is the law enforcement officer. When  
16 law enforcement officers are trained in mental health first aid



1 and crisis intervention, de-escalation and prevention efforts  
2 have been successful.

3 Accordingly, the purpose of this Act is to:

- 4 (1) Establish the role of crisis intervention officers  
5 within state and county law enforcement agencies; and  
6 (2) Require the department of law enforcement to  
7 coordinate the training of crisis intervention  
8 officers for state and county law enforcement agencies  
9 and with other appropriate service agencies.

10 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§353C- Crisis intervention training; crisis  
14 intervention officers. The department of law enforcement shall  
15 coordinate crisis intervention training for state and county law  
16 enforcement agencies and for crisis intervention officers as  
17 defined in section 334-1."

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



1       "Crisis intervention officer" means a law enforcement  
2 officer who has been trained to recognize and communicate with a  
3 person suffering from a mental health or substance use disorder  
4 crisis and certified by the department of health as a  
5 specialized first responder for calls involving persons in  
6 crisis."

7       SECTION 4. Section 334-3, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9       "(c) The department shall specifically:

10       (1) Perform statewide assessments of the need for  
11       prevention, treatment, and rehabilitation services in  
12       the areas of mental or emotional disorders and  
13       substance abuse;

14       (2) Adopt rules pursuant to chapter 91 for establishing  
15       the number and boundaries of the geographical service  
16       areas for the delivery of services in the areas of  
17       mental or emotional disorders and substance abuse.

18       The department shall periodically review the  
19       effectiveness of the geographical service areas in  
20       promoting accessibility and continuity of appropriate  
21       care to all residents of that geographical area;



- 1           (3) Appoint a service area administrator in each county  
2                    who shall be responsible for the development,  
3                    delivery, and coordination of services in that area;
- 4           (4) Ensure statewide and community-based planning for the  
5                    ongoing development and coordination of the service  
6                    delivery system as guided by needs assessment data and  
7                    performance related information;
- 8           (5) Establish standards and rules for psychiatric  
9                    facilities and their licensing, where applicable;
- 10          (6) Establish standards and rules for services in the  
11                    areas of mental health and substance abuse treatment,  
12                    including assurances of the provision of minimum  
13                    levels of accessible service to persons of all ages,  
14                    ethnic groups, and geographical areas in the State;
- 15          (7) Ensure community involvement in determining the  
16                    service delivery arrangements appropriate to each  
17                    community of the State;
- 18          (8) Cooperate with public and private health, education,  
19                    and human service groups, agencies, and institutions  
20                    in establishing a coordinated system to meet the needs



- 1 of persons with mental or emotional disorders and  
2 substance abuse difficulties;
- 3 (9) Evaluate and monitor all services in the fields of  
4 mental health and substance abuse where [~~such~~] the  
5 services are supported fully or in part by state  
6 resources;
- 7 (10) Promote and conduct research, demonstration projects,  
8 and studies concerned with the nature, prevention,  
9 intervention, and consequences of mental or emotional  
10 disorders and substance abuse;
- 11 (11) Keep records, statistical data, and other information  
12 as may be necessary in carrying out the functions of  
13 the mental health system and this chapter;
- 14 (12) Advocate patients' rights in all psychiatric  
15 facilities in the State and investigate any grievances  
16 submitted to the department by any patient in a  
17 psychiatric facility, except as provided in section  
18 334E-2(d). The department shall establish rules and  
19 procedures for the purpose of this paragraph within  
20 one year after January 1, 1985, and post the rules in  
21 a conspicuous manner and accessible place;



- 1       (13) Promote and conduct a systematic program of  
2            accountability for all services provided, funds  
3            expended, and activities carried out under its  
4            direction or support in accordance with sound  
5            business, management, and scientific principles;
- 6       (14) Coordinate mental health resources in each county of  
7            the State by the development and presentation of a  
8            comprehensive integrated service area plan developed  
9            by the service area administrator in conjunction with  
10           the service area board. The service area  
11           administrator and the service area board, in  
12           collaboration with private and public agencies serving  
13           their population, shall submit recommendations for the  
14           statewide comprehensive integrated service plan,  
15           including needs assessment, program planning, resource  
16           development, priorities for funding, monitoring, and  
17           accountability activities;
- 18       (15) Oversee and coordinate service area programs and  
19            provide necessary administrative and technical  
20            assistance to assist service area programs in meeting  
21            their program objectives; [and]



1 (16) Provide staffing to the state council and service area  
2 boards to assist in the performance of their  
3 functions [-]; and

4 (17) Coordinate the certification of crisis intervention  
5 officers by the department of law enforcement pursuant  
6 to section 353C- and the training of employees of  
7 the department of law enforcement to provide the  
8 training of crisis intervention officers."

9 SECTION 5. Section 334-59, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

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

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



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

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





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



1           (3) Any licensed physician, advanced practice registered  
2           nurse, physician assistant, or psychologist who has  
3           examined a person and has reason to believe the person  
4           is:

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

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

7           (C) In need of care or treatment;

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

17          SECTION 6. In accordance with section 9 of article VII of  
18          the Hawaii State Constitution and sections 37-91 and 37-93,  
19          Hawaii Revised Statutes, the legislature has determined that the  
20          appropriations contained in Act 164, Regular Session of 2023,  
21          and this Act will cause the state general fund expenditure



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

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

11           SECTION 7. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$500,000 or so much  
13 thereof as may be necessary for fiscal year 2024-2025 for the  
14 establishment of three full-time equivalent (3.0 FTE) crisis  
15 intervention coordinator positions, who shall be exempt from  
16 chapter 76, Hawaii Revised Statutes, to administer and  
17 coordinate the crisis intervention training program; provided  
18 that, upon approval from the director of law enforcement, a  
19 crisis intervention coordinator may be removed by the director  
20 of law enforcement; provided further that the director of law



1 enforcement shall determine the final salary of crisis  
2 intervention coordinators.

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

5 SECTION 8. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$163,000 or so much  
7 thereof as may be necessary for fiscal year 2024-2025 to train  
8 and certify 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.

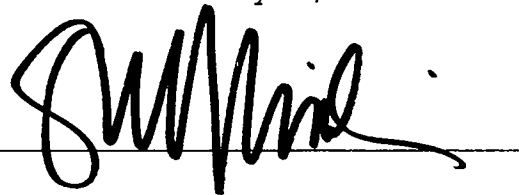
14 The sum appropriated shall be expended by the department of  
15 law enforcement for the purposes of this Act.

16 SECTION 9. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on July 1, 2024.

19

INTRODUCED BY:



# S.B. NO. 2345

**Report Title:**

DLE; DOH; Crisis Intervention; Crisis Intervention Officers;  
Training; Positions; Expenditure Ceiling; Appropriation

**Description:**

Requires the Department of Law Enforcement to coordinate crisis intervention training for state and county law enforcement agencies and crisis intervention officers. Requires the Department of Health to certify crisis intervention officers. Defines "crisis intervention officer". Authorizes crisis intervention officers to order persons determined to be imminently dangerous to themselves or others to be transported to a designated behavioral health crisis center. Establishes positions. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

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