
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 in crisis or suffering from some form of impairment,
4 whether from dementia, Alzheimer's disease, or any physical,
5 developmental, cognitive, psychological, or substance disorder
6 influencing their behavior."

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 [~~sueh~~] 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 [7]; 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. Upon determination by the mental health
18 emergency workers that the person is imminently
19 dangerous to self or others, the person shall be
20 transported by ambulance or other suitable means [7] to
21 a licensed psychiatric facility or designated



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

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



1 probable cause to believe the person is mentally ill
2 or suffering from substance abuse, is imminently
3 dangerous to self or others and in need of care or
4 treatment, or both, giving the findings upon which the
5 conclusion is based. The order shall direct that a
6 law enforcement officer or other suitable individual
7 take the person into custody and deliver the person to
8 a designated mental health program, if subject to an
9 assisted community treatment order issued pursuant to
10 part VIII of this chapter, or to the nearest facility
11 designated by the director for emergency examination
12 and treatment, or both. The ex parte order shall be
13 made a part of the patient's clinical record. If the
14 application is oral, the person making the application
15 shall reduce the application to writing and shall
16 submit the same by noon of the next court day to the
17 judge who issued the oral ex parte order. The written
18 application shall be executed subject to the penalties
19 of perjury but need not be sworn to before a notary
20 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 \$ or so
 13 much thereof as may be necessary for fiscal year 2024-2025 for
 14 the 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 \$ or so
7 much thereof as may be necessary for fiscal year 2024-2025 to
8 train 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 January 1, 2042.



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". Establishes positions. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. Takes effect 1/1/2042. (SD1)

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