

JAN 19 2024

A BILL FOR AN ACT

RELATED TO MENTAL HEALTH.

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

1 PART I

2 SECTION 1. The purpose of this part is to:

3 (1) Provide for the examination of defendants through
4 telehealth; and

5 (2) Appropriate funds to provide additional job positions
6 and resources for the implementation of this Act.

7 SECTION 2. Chapter 704, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§704- Examination of defendants via telehealth. (1)

11 An examiner who is appointed by the court under section 704-404,
12 may conduct an examination of a defendant via telehealth
13 pursuant to this chapter.

14 (2) Examination of a defendant pursuant to subsection (1)
15 may be conducted via telehealth at any facility under the
16 jurisdiction of the director of health, the director of law
17 enforcement, or the chief justice.



1 (3) Each facility shall establish procedures regarding the
2 provision and use of telehealth resources at appropriate
3 facilities. The procedures shall ensure the widest availability
4 of telehealth resources feasible at appropriate facilities.

5 (4) For purposes of this section, "telehealth" means the
6 provision of healthcare or examination remotely by means of
7 telecommunications technology by a healthcare professional or
8 examiner in accordance with the requirements of section
9 453-1.3."

10 SECTION 3. Section 704-421, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~§~~704-421~~§~~ **Proceedings for defendants charged with**
13 **petty misdemeanors not involving violence or attempted violence;**
14 **criminal justice diversion program.** (1) In cases where the
15 defendant is charged with a petty misdemeanor not involving
16 violence or attempted violence, if, at the hearing held pursuant
17 to section 704-404(2)(a) or at a further hearing held after the
18 appointment of an examiner pursuant to section 704-404(2)(b),
19 the court determines that the defendant is fit to proceed, then
20 the proceedings against the defendant shall resume. In all
21 other cases under this section where fitness remains an



1 outstanding issue, the court shall continue the suspension of
2 the proceedings and either commit the defendant to the custody
3 of the director of health to be placed in a hospital or other
4 suitable facility for further examination and assessment[-] or,
5 in cases where the defendant is not imminently dangerous to
6 their self or others and need not be committed to the director
7 of health for the purpose of the fitness examination under
8 section 704-404(2), the court may order that the defendant be
9 released on terms and conditions.

10 (2) [~~Within seven days from the commitment of the~~
11 ~~defendant to the custody of the director of health, or as soon~~
12 ~~thereafter as is practicable, the director of health]~~ In cases
13 under this section where the defendant's fitness to proceed
14 remains an outstanding issue at the hearing held pursuant to
15 section 704-404(2)(a) or a further hearing held after the
16 appointment of an examiner pursuant to section 704-404(2)(b), as
17 applicable, the director of health, within fourteen days of the
18 hearing or as soon thereafter as is practicable, shall report to
19 the court on the defendant's current capacity to understand the
20 proceedings against the defendant and defendant's current
21 ability to assist in the defendant's own defense. If, following



1 the report, the court finds defendant fit to proceed, the
2 proceedings against defendant shall resume. In all other cases,
3 the court shall dismiss the charge with or without prejudice in
4 the interest of justice. [~~The director of health may at any~~
5 ~~time proceed under the provisions of section 334-60.2 or 334-~~
6 ~~121.]"~~

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$500,000 or so much
9 thereof as may be necessary for fiscal year 2024-2025 for
10 additional job positions and resources for the implementation of
11 this part.

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

14 PART II

15 SECTION 5. The purpose of this part is to authorize the
16 department of health to implement behavioral health crisis
17 centers to provide intervention and stabilization services for
18 persons experiencing a mental illness or substance use disorder
19 crisis, including a dedicated first responder drop-off area for
20 potential clients.



1 SECTION 6. Chapter 334, Hawaii Revised Statutes, is
2 amended by adding a new section to part I be appropriately
3 designated and to read as follows:

4 "§334 Behavioral health crisis centers. (a) Pursuant
5 to the authority and functions established under sections
6 334-2.5(a)(3)(B) and 334-3(a)(5), the director may establish or
7 contract with behavioral health crisis centers to provide care,
8 diagnosis, or treatment for persons experiencing a mental
9 illness or substance use disorder crisis.

10 (b) Each behavioral health crisis center established or
11 contracted with pursuant to this section shall:

12 (1) Screen, assess, admit, refer, or redirect a person
13 experiencing a mental illness or substance use
14 disorder crisis;

15 (2) Provide assessment and support for the person's
16 medical stability while at the crisis center;

17 (3) Accept walk-ins and referrals and provide services
18 regardless of the person's ability to pay, subject to
19 subsection (c);

20 (4) Provide services while open to the public for
21 services; and



1 SECTION 8. 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:

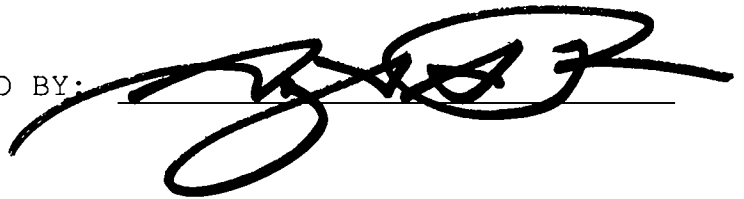
- 12 (1) The appropriation made in this Act is necessary to
- 13 serve the public interest; and
- 14 (2) The appropriation made in this Act meets the needs
- 15 addressed by this Act.

16 SECTION 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. 2463

Report Title:

DOH; Mental Health; Fitness to Proceed; Examination Via Telehealth; Behavioral Health Crisis Centers; Expenditure Ceiling; Appropriation

Description:

Authorizes examination of defendants via telehealth. Amends conditions for a defendant's release or examination of fitness to proceed. Authorizes the Department of Health to implement behavioral health crisis centers. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

