

JAN 20 2023

---

---

# A BILL FOR AN ACT

RELATING TO HEALTH.

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

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

4           "Forensic facility" means a psychiatric hospital facility  
5 that assesses and treats forensically committed persons."

6           SECTION 2. Section 334-2.5, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8           (b) The department may operate or contract for a secure  
9 psychiatric rehabilitation program for individuals who require  
10 intensive therapeutic treatment and rehabilitation in a secure  
11 setting. The services authorized by this section shall be for  
12 persons:

13           (1) Involuntarily hospitalized under this chapter for whom  
14           the services cannot be reimbursed, covered, or  
15           provided by an insurer, plan, or other person;

16           (2) Committed to the custody of the director under chapter  
17           704; and



1 (3) Appropriately hospitalized under chapter 704 or 706.

2 The director shall be responsible for the appropriate  
3 placement of all persons placed in forensic facilities or  
4 services contracted for or operated by the director under  
5 paragraphs (1) through (3).

6 Any [~~such~~] person placed in a forensic facility or services  
7 contracted for or operated by the director who leaves or remains  
8 away from the forensic facility or services, without permission,  
9 may be apprehended and returned to the forensic facility or  
10 services by any employee of the department or by any law  
11 enforcement officer without any warrant or further proceeding."

12 SECTION 3. Section 334-2.7, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) to read as follows:

14 "(c) For the purposes of this section[+]

15 ~~"Forensic facility" means a facility that assesses and~~  
16 ~~treats forensically committed persons.~~

17 ~~"Useful],~~ "useful life costs" means an economic evaluation  
18 that compares alternate building and operating methods and  
19 provides information on the design, construction methods, and  
20 materials to be used with respect to efficiency in building  
21 maintenance and facility operation."



1 SECTION 4. Section 334-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§334-4 Personnel for mental health program. The director  
4 shall appoint professional and nonprofessional staff as the  
5 director deems necessary to carry out the state mental health  
6 program and for which appropriations are available. Positions  
7 for psychiatrists are exempted from chapter 76. The director  
8 may employ psychiatrists as needed by the department on a  
9 contractual basis, subject to the approval of the governor. The  
10 director may appoint an administrator, three associate  
11 administrators, a director of psychosocial rehabilitation, a  
12 chief of the department of nursing, a risk manager, a patients'  
13 rights advisor, and a facilities plant engineer for the state  
14 hospital or a secure psychiatric rehabilitation forensic  
15 facility established pursuant to this chapter and these  
16 positions shall be exempt from chapter 76."

17 SECTION 5. Section 334-74, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§334-74 Transfer of residents of correctional facilities.  
20 If any resident of a state correctional facility is in need of  
21 acute psychiatric treatment for mental illness, the director of



1 public safety or the officer in charge of the correctional  
2 facility may file with the director an application for the  
3 transfer of the resident to a forensic facility operated by the  
4 department of health or at which the director of health  
5 contracts for services, together with the certificate of a  
6 psychiatrist or psychologist employed by the department showing  
7 the need for [such] treatment, and, upon approval of the  
8 application by the director, the official having custody of the  
9 resident shall transfer the resident to the forensic facility  
10 operated by the department or at which the director contracts  
11 for care and treatment. The official effecting the transfer of  
12 the resident shall keep the director informed of the maximum  
13 period of commitment of the resident to the director of public  
14 safety, and, if the continued care of the resident beyond the  
15 expiration of the period is deemed necessary, the director shall  
16 institute the procedures required to detain the resident as a  
17 patient notwithstanding the resident's release from the state  
18 correctional facility; provided that a judicial hearing pursuant  
19 to sections 334-60.2 to 334-60.7 be held by the same circuit  
20 court that sentenced the resident. In the event that discharge  
21 from the forensic facility operated by the department or at



1 which the director contracts for services occurs before the  
2 expiration of the maximum period of commitment or confinement,  
3 the resident shall be returned to the appropriate state  
4 correctional facility.

5 As used in this section, "resident" means any person  
6 serving a sentence in a state correctional facility or any child  
7 or minor detained in a state correctional facility."

8 SECTION 6. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

11

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'JBL', is written over a horizontal line.

**Report Title:**

Hawaii State Hospital; Mental Health Services; Forensic Facility; Psychiatric Services

**Description:**

Requires that any secure psychiatric rehabilitation program operated or contracted for by the Department of Health must be a forensic facility.

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

