
A BILL FOR AN ACT

RELATING TO EXCITED DELIRIUM.

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

1 SECTION 1. Chapter 338, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§338- Cause of death; excited delirium prohibited.

5 (a) Excited delirium shall not be recognized as a valid medical
6 diagnosis or cause of death in the State.

7 (b) A local health officer or local agent of the
8 department of health shall not document, testify to, or
9 otherwise use excited delirium as a recognized medical diagnosis
10 or cause of death in any official capacity or communication.

11 (c) A local health officer or local agent of the
12 department of health shall not state on the certificate of
13 death, or in any report, that the cause of death was excited
14 delirium. The local health officer or local agent of the
15 department of health may list and describe the contributing
16 causes of death, but shall not describe the underlying cause as
17 excited delirium.



1 (d) A state or county government entity, or employee or
 2 contractor of a state or county government entity, shall not
 3 document, testify to, or otherwise use in any official capacity
 4 or communication excited delirium as a recognized medical
 5 diagnosis or cause of death.

6 (e) As used in this section, "excited delirium" means a
 7 term used to describe a person's state of agitation,
 8 excitability, paranoia, extreme aggression, physical violence,
 9 and apparent immunity to pain that is not listed in the most
 10 current version of the Diagnostic and Statistical Manual of
 11 Mental Disorders, or for which a court finds there is
 12 insufficient scientific evidence or diagnostic criteria to be
 13 recognized as a medical condition. "Excited delirium" includes
 14 but is not limited to excited delirium syndrome, hyperactive
 15 delirium, agitated delirium, and exhaustive mania."

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

19 **"§353C- Incident reports; excited delirium prohibited.**

20 (a) A law enforcement officer shall not use the term excited
 21 delirium to describe an individual in an incident report



1 completed by a law enforcement officer. A law enforcement
2 officer may describe the characteristics of an individual's
3 conduct, but shall not generally describe the individual's
4 demeanor, conduct, or physical or mental condition at issue as
5 excited delirium.

6 (b) As used in this section:

7 "Excited delirium" shall have the same meaning as in
8 section 338- .

9 "Law enforcement officer" shall have the same meaning as in
10 section 134-81."

11 SECTION 3. Section 626-1, Hawaii Revised Statutes, is
12 amended by adding a new rule to article XI to be appropriately
13 designated and to read as follows:

14 **"Rule _____ Excited delirium; prohibition. (a) Evidence**
15 **that a person suffered or experienced excited delirium shall not**
16 **be admitted in any civil action.**

17 (b) A party or witness may describe the factual
18 circumstances surrounding the case, including a person's
19 demeanor, conduct, and physical or mental condition at issue,
20 but shall not describe or diagnose the demeanor, conduct, or
21 physical or mental condition as excited delirium, or attribute



1 the demeanor, conduct, or physical or mental condition to
2 excited delirium.

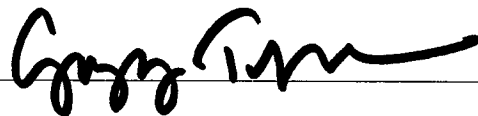
3 (c) As used in this rule, "excited delirium" means a term
4 used to describe a person's state of agitation, excitability,
5 paranoia, extreme aggression, physical violence, and apparent
6 immunity to pain that is not listed in the most current version
7 of the Diagnostic and Statistical Manual of Mental Disorders, or
8 for which the court finds there is insufficient scientific
9 evidence or diagnostic criteria to be recognized as a medical
10 condition. "Excited delirium" includes but is not limited to
11 excited delirium syndrome, hyperactive delirium, agitated
12 delirium, and exhaustive mania."

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15

INTRODUCED BY:



JAN 10 2025



H.B. NO. 36

Report Title:

Excited Delirium; Medical Diagnosis; Cause of Death; Incident Report; Law Enforcement Officers; Hawaii Rules of Evidence

Description:

Prohibits excited delirium from being recognized as a valid medical diagnosis or cause of death in the State. Prohibits a local health officer or local agent of the Department of Health from stating on a certificate of death or in any report that the cause of death was excited delirium. Prohibits law enforcement officers from using the term excited delirium to describe an individual in an incident report. Establishes a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered an excited delirium inadmissible in a civil action.

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

