
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. The legislature finds that the chapters of the
2 Hawaii Revised Statutes relating to mental health and
3 involuntary transport, examination, hospitalization, and
4 treatment have been amended in a piecemeal manner over the past
5 several decades. This has led to some lack in clarity and
6 inconsistencies. It is imperative that such an important part
7 of state law receives full and deliberate attention from time to
8 time to ensure the law's continued force and effectiveness.

9 The legislature further finds that a comprehensive review
10 of the Hawaii Penal Code has been conducted every decade since
11 the Code's enactment in 1972. The legislature believes that
12 periodically reviewing Hawaii's mental health laws would also be
13 helpful to advance the overall goal of improving mental health
14 in the State, especially for those unable to help themselves.

15 The purpose of this Act is to require the department of the
16 attorney general to convene an advisory committee on mental
17 health code review every ten years.



1 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§28- Advisory committee on mental health code review;

5 report. (a) Beginning July 1, 2024, and every ten years
6 thereafter, the department of the attorney general shall convene
7 an advisory committee on mental health code review. The scope
8 of the advisory committee's review shall be determined by the
9 department of the attorney general; provided that each advisory
10 committee shall review all federal and state court cases and
11 constitutional, statutory, and rule changes impacting the Hawaii
12 Revised Statutes that relate to mental health and involuntary
13 transport, examination, hospitalization, and treatment,
14 including assisted community treatment, since the previous
15 advisory committee's review.

16 (b) Membership of the advisory committee on mental health
17 code review shall be as follows:

18 (1) The attorney general, or the attorney general's
19 designee;



- 1 (2) A representative from the department of health, adult
2 mental health division, to be selected by the director
3 of health;
- 4 (3) A representative from the department of corrections
5 and rehabilitation, to be selected by the director of
6 corrections and rehabilitation;
- 7 (4) A representative of the judiciary, to be selected by
8 the chief justice;
- 9 (5) A member of the senate standing committee with primary
10 subject matter jurisdiction over health or human
11 services, to be selected by the senate president;
- 12 (6) A member of the house of representatives standing
13 committee with primary subject matter jurisdiction
14 over health or homelessness, to be selected by the
15 speaker of the house of representatives;
- 16 (7) A representative from the prosecutor's office of each
17 county, to be selected by the respective prosecuting
18 attorney of each county;
- 19 (8) A representative from the office of the public
20 defender, to be selected by the state public defender;



1 (9) A representative from the city and county of
2 Honolulu's crisis outreach response and engagement
3 program, to be selected by the mayor of the city and
4 county of Honolulu;

5 (10) A representative from a private nonprofit human
6 services organization focused on ending or preventing
7 homelessness, to be selected by the director of human
8 services;

9 (11) A representative from a private acute care hospital
10 that offers psychiatric and mental health services, to
11 be selected by the director of health;

12 (12) Four members with relevant experience and expertise as
13 a:

14 (A) Psychologist or social worker;

15 (B) Psychiatrist;

16 (C) Representative from a residential treatment
17 program; or

18 (D) Representative from a mental health advocacy
19 group;



1 provided that the president of the senate and speaker
2 of the house of representatives shall each select two
3 members; and

4 (13) Any other representatives the advisory committee deems
5 necessary.

6 (c) The members of the advisory committee on mental health
7 code review shall serve without compensation but shall be
8 reimbursed for expenses, including travel expenses, necessary
9 for the performance of their duties. The department of the
10 attorney general shall request the necessary funding for the
11 advisory committee to conduct its review during the regular
12 session immediately preceding the convening of the advisory
13 committee.

14 (d) The advisory committee on mental health code review
15 shall submit a report of its findings and recommendations,
16 including any proposed legislation, to the legislature no later
17 than twenty days prior to the convening of the regular session
18 immediately following the convening of the advisory committee."

19 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000.



H.B. NO. 2800 H.D. 1

Report Title:

Department of the Attorney General; Advisory Committee on Mental Health Code Review

Description:

Beginning 7/1/2024, and occurring every ten years thereafter, requires the Department of the Attorney General to convene an Advisory Committee on Mental Health Code Review. Effective 7/1/3000. (HD1)

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