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# 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 Hawaii are cited or arrested each year for offenses such as  
3 drinking liquor in public, loitering in public parks after  
4 hours, and camping on sidewalks, beaches, and other restricted  
5 public places. Most of these people suffer from issues relating  
6 to drugs, alcohol, or mental illness. Many of those cited do  
7 not appear in court, leading courts to issue bench warrants for  
8 their arrests. Time and resources are expended bringing people  
9 to court, and the court system, prosecutors, and police are  
10 caught in a never-ending revolving door situation. In response  
11 to this situation, mental health service providers have been  
12 working with appropriate law enforcement agencies and the  
13 criminal justice system to implement a crisis intervention  
14 program on the island of Oahu.

15           Accordingly, the purpose of this Act is to:

16           (1) Establish an expanded crisis intervention and  
17           diversion activities program within the department of



1 health to expand existing crisis intervention and  
2 diversion activities to divert persons in crisis from  
3 the criminal justice system to the health care system;  
4 and

5 (2) Appropriate funds to support crisis intervention  
6 efforts.

7 SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 "§334- Expanded crisis intervention and diversion  
11 activities program. (a) There is established within the  
12 department of health an expanded crisis intervention and  
13 diversion activities program to expand existing crisis  
14 intervention and diversion activities to redirect persons  
15 experiencing mental illness who are at risk for involvement with  
16 the criminal justice system, or in the criminal justice system,  
17 to the appropriate health care system and services. The  
18 department shall collaborate with law enforcement, courts,  
19 mental health providers, and the community for the execution and  
20 implementation of these activities.



1        (b) The department may lease or acquire a behavioral  
2 health crisis center facility to treat and refer patients from  
3 the criminal justice system to appropriate services and  
4 providers."

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

8        "Crisis intervention officer" means a law enforcement  
9 officer who has been trained to recognize and communicate with a  
10 person suffering from a mental health crisis and certified by  
11 the department of health as specialized first responders for  
12 calls involving persons in crisis."

13        SECTION 4. Section 334-59, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15        "(a) Initiation of proceedings. An emergency admission  
16 may be initiated as follows:

17        (1) If a law enforcement officer has reason to believe  
18            that a person is imminently dangerous to self or  
19            others, the officer shall call for assistance from the  
20            mental health emergency workers designated by the  
21            director[-] or a crisis intervention officer. Upon



1 determination by the mental health emergency workers  
2 or crisis intervention officer that the person is  
3 imminently dangerous to self or others, the person  
4 shall be transported by ambulance or other suitable  
5 means[7] to a licensed psychiatric facility or  
6 designated behavioral health crisis center for further  
7 evaluation and possible emergency hospitalization. A  
8 law enforcement officer may also take into custody and  
9 transport to any facility designated by the director  
10 any person threatening or attempting suicide. The  
11 officer shall make application for the examination,  
12 observation, and diagnosis of the person in custody.  
13 The application shall state or shall be accompanied by  
14 a statement of the circumstances under which the  
15 person was taken into custody and the reasons  
16 therefor, which shall be transmitted with the person  
17 to a physician, advanced practice registered nurse, or  
18 psychologist at the facility.

- 19 (2) Upon written or oral application of any licensed  
20 physician, advanced practice registered nurse,  
21 psychologist, attorney, member of the clergy, health



1 or social service professional, or any state or county  
2 employee in the course of employment, a judge may  
3 issue an ex parte order orally, but shall reduce the  
4 order to writing by the close of the next court day  
5 following the application, stating that there is  
6 probable cause to believe the person is mentally ill  
7 or suffering from substance abuse, is imminently  
8 dangerous to self or others and in need of care or  
9 treatment, or both, giving the findings upon which the  
10 conclusion is based. The order shall direct that a  
11 law enforcement officer or other suitable individual  
12 take the person into custody and deliver the person to  
13 a designated mental health program, if subject to an  
14 assisted community treatment order issued pursuant to  
15 part VIII of this chapter, or to the nearest facility  
16 designated by the director for emergency examination  
17 and treatment, or both. The ex parte order shall be  
18 made a part of the patient's clinical record. If the  
19 application is oral, the person making the application  
20 shall reduce the application to writing and shall  
21 submit the same by noon of the next court day to the



1 judge who issued the oral ex parte order. The written  
2 application shall be executed subject to the penalties  
3 of perjury but need not be sworn to before a notary  
4 public.

5 (3) Any licensed physician, advanced practice registered  
6 nurse, physician assistant, or psychologist who has  
7 examined a person and has reason to believe the person  
8 is:

9 (A) Mentally ill or suffering from substance abuse;

10 (B) Imminently dangerous to self or others; and

11 (C) In need of care or treatment;

12 may direct transportation, by ambulance or other  
13 suitable means, to a licensed psychiatric facility for  
14 further evaluation and possible emergency  
15 hospitalization. A licensed physician, an advanced  
16 practice registered nurse, or physician assistant may  
17 administer treatment as is medically necessary, for  
18 the person's safe transportation. A licensed  
19 psychologist may administer treatment as is  
20 psychologically necessary."



1 SECTION 5. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2023-2024 and  
4 the same sum or so much thereof as may be necessary for fiscal  
5 year 2024-2025 for the expansion of existing crisis intervention  
6 and diversion activities; provided that no funds shall be  
7 released unless matched on a dollar-for-dollar basis by funds  
8 from a private source.

9 The sums appropriated shall be expended by the department  
10 of health for the purposes of this Act.

11 SECTION 6. 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 2023-2024 and  
14 the same sum or so much thereof as may be necessary for fiscal  
15 year 2024-2025 to certify law enforcement officers in:

16 (1) Mental health first aid, as managed, operated, and  
17 disseminated by the National Council for Mental  
18 Wellbeing; and

19 (2) The crisis intervention team model, as developed by  
20 Crisis Intervention Team International.



1           The sums appropriated shall be expended by the department  
2 of health for the purposes of this Act.

3           SECTION 7. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 8. This Act shall take effect on June 30, 3000.



**Report Title:**

DOH; Crisis Intervention; Diversion; Crisis Centers; Crisis Intervention Officers; Crisis Intervention Team; Mental Health First Aid; Certifications; Appropriation

**Description:**

Establishes an expanded crisis intervention and diversion activities program within the department of health to expand existing activities to divert those with mental health issues to appropriate health care services. Defines "crisis center" and "crisis intervention officer". Authorizes a person believed to be imminently dangerous to self or others by a law enforcement officer to be assisted by a crisis intervention officer and transported to a designated crisis center. Appropriates funds for the expanded crisis intervention and diversion activities program and for certification of law enforcement officers in mental health first aid by the department of health. Effective 6/30/3000. (HD1)

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