
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 provide persons
16 in need with appropriate care by establishing a crisis
17 intervention and diversion program within the department of



1 health to divert persons in crisis from the criminal justice
2 system to the health care system, and to appropriate funds to
3 support crisis intervention efforts.

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

7 "§334- Crisis intervention and diversion program. (a)

8 There is established within the department of health a crisis
9 intervention and diversion program to redirect persons in the
10 criminal justice system having mental illnesses to the
11 appropriate health care system and services. The program shall
12 collaborate with law enforcement, courts, mental health
13 providers, and the community.

14 (b) The department may lease or acquire a behavioral
15 health crisis center facility to treat and refer patients from
16 the criminal justice system to appropriate services and
17 providers."

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



1 "Crisis intervention officer" means a law enforcement
 2 officer who has been trained to recognize and communicate with a
 3 person suffering from a mental health crisis. Crisis
 4 intervention officers shall be certified by the department of
 5 health as specialized first responders for calls involving
 6 persons in crisis."

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

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

11 (1) If a law enforcement officer has reason to believe
 12 that a person is imminently dangerous to self or
 13 others, the officer shall call for assistance from the
 14 mental health emergency workers designated by the
 15 director[-] or a crisis intervention officer certified
 16 by the department of health. Upon determination by
 17 the mental health emergency workers or crisis
 18 intervention officer certified by the department of
 19 health that the person is imminently dangerous to self
 20 or others, the person shall be transported by
 21 ambulance or other suitable means[-] to a licensed



1 psychiatric facility or designated behavioral health
2 crisis center for further evaluation and possible
3 emergency hospitalization. A law enforcement officer
4 may also take into custody and transport to any
5 facility designated by the director any person
6 threatening or attempting suicide. The officer shall
7 make application for the examination, observation, and
8 diagnosis of the person in custody. The application
9 shall state or shall be accompanied by a statement of
10 the circumstances under which the person was taken
11 into custody and the reasons therefor, which shall be
12 transmitted with the person to a physician, advanced
13 practice registered nurse, or psychologist at the
14 facility.

- 15 (2) Upon written or oral application of any licensed
16 physician, advanced practice registered nurse,
17 psychologist, attorney, member of the clergy, health
18 or social service professional, or any state or county
19 employee in the course of employment, a judge may
20 issue an ex parte order orally, but shall reduce the
21 order to writing by the close of the next court day



1 following the application, stating that there is
2 probable cause to believe the person is mentally ill
3 or suffering from substance abuse, is imminently
4 dangerous to self or others and in need of care or
5 treatment, or both, giving the findings upon which the
6 conclusion is based. The order shall direct that a
7 law enforcement officer or other suitable individual
8 take the person into custody and deliver the person to
9 a designated mental health program, if subject to an
10 assisted community treatment order issued pursuant to
11 part VIII of this chapter, or to the nearest facility
12 designated by the director for emergency examination
13 and treatment, or both. The ex parte order shall be
14 made a part of the patient's clinical record. If the
15 application is oral, the person making the application
16 shall reduce the application to writing and shall
17 submit the same by noon of the next court day to the
18 judge who issued the oral ex parte order. The written
19 application shall be executed subject to the penalties
20 of perjury but need not be sworn to before a notary
21 public.



1 (3) Any licensed physician, advanced practice registered
2 nurse, physician assistant, or psychologist who has
3 examined a person and has reason to believe the person
4 is:

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

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

7 (C) In need of care or treatment;

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

17 SECTION 5. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2023-2024 and
20 the same sum or so much thereof as may be necessary for fiscal
21 year 2024-2025 for the crisis intervention and diversion



1 program; provided that no funds shall be released unless matched
2 on a dollar-for-dollar basis by funds from a private source.

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

5 SECTION 6. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2023-2024 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2024-2025 to certify law enforcement officers in:

10 (1) Mental health first aid, as managed, operated, and
11 disseminated by the National Council for Mental
12 Wellbeing; and

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

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

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Establishes a Crisis Intervention and Diversion Program within the Department of Health 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 Crisis Intervention and Diversion Program and for the Department of Health certify law enforcement officers in mental health first aid, as disseminated by the National Council for Mental Wellbeing, and the crisis intervention team model, as developed by Crisis Intervention Team International. Effective 7/1/2050. (SD2)

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