

STAND. COM. REP. NO. 1784

Honolulu, Hawaii

APR 02 , 2025

RE: S.B. No. 228
S.D. 1
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 228, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXCITED DELIRIUM,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit excited delirium from being recognized as a valid medical diagnosis or cause of death in the State;
- (2) Prohibit a medical examiner, coroner, or health care provider from:
 - (A) Documenting, testifying to, or otherwise using excited delirium as a recognized medical diagnosis or cause of death in any official capacity or communication; and
 - (B) Stating on a certificate of death or in any report that the cause of death was excited delirium;
- (3) Prohibit law enforcement officers from using the term "excited delirium" to describe an individual in an incident report; and



- (4) Establish a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered excited delirium to be inadmissible in a civil action.

Your Committee received testimony in support of this measure from the Department of Health; Office of the Public Defender; Hawaii Disability Rights Center; Drug Policy Forum of Hawai'i; Haddad & Sherwin LLP; Reimagining Public Safety in Hawai'i Coalition; Hui Malama Pono Hawai'i; National Police Accountability Project; ACLU of Hawai'i; Hawaii Health & Harm Reduction Center; and numerous individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the term "excited delirium" is now disavowed by major medical organizations, including the American Medical Association, American Psychiatric Association, American Academy of Emergency Medicine, National Association of Medical Examiners, American College of Medical Toxicology, and American College of Emergency Physicians. Your Committee further finds that the concept of excited delirium has been used in various cases over the years to justify, excuse, or negate liability for police misconduct in cases involving the deaths of individuals in custody. This measure would strengthen accountability on the part of law enforcement.

Your Committee has amended this measure by:

- (1) Renaming the title of Chapter 327C, Hawaii Revised Statutes, to "Medical Diagnosis; Death";
- (2) Modifying the definition of "excited delirium" in Chapter 327C, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 228, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 228, S.D. 1, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



