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## A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

1           SECTION 1. The legislature finds that the issue of  
2 homelessness continues to be one of the State's most significant  
3 and challenging social problems. In particular, Hawaii has the  
4 highest rate of chronic unsheltered homeless per capita of any  
5 state. Many of the persons who fall within this category suffer  
6 from mental health or substance abuse issues that make it  
7 difficult for outreach workers to connect these persons with the  
8 services that they require.

9           The legislature further finds that there is a process under  
10 section 334-59, Hawaii Revised Statutes, by which a law  
11 enforcement officer may initiate proceedings for an emergency  
12 examination or hospitalization for individuals who are  
13 imminently dangerous to themselves or others.

14           The purpose of this Act is to establish, within the  
15 department of health, a civil rights board consisting of  
16 individuals with a background in homelessness, mental health



1 treatment, substance abuse treatment, human services, or  
2 criminal justice that may:

3 (1) Request that a law enforcement officer initiate  
4 proceedings for the emergency examination and  
5 hospitalization of an individual pursuant to section  
6 334-59(a), Hawaii Revised Statutes; and

7 (2) Order a law enforcement officer to address a complaint  
8 if an individual poses a danger to public health and  
9 safety and the law enforcement officer declines to  
10 initiate an emergency and hospitalization.

11 SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
12 amended by adding a new section to part IV to be appropriately  
13 designated and to read as follows:

14 "§334- Civil rights board; established. (a) There is  
15 established, within the department, the civil rights board.

16 (b) The civil rights board shall consist of nine members:

17 (1) Three to be appointed by the governor;

18 (2) Three to be appointed by the governor from a list of  
19 not less than five nominees submitted to the governor  
20 by the president of the senate; and



1       (3) Three to be appointed by the governor from a list of  
2           not less than five nominees submitted to the governor  
3           by the speaker of the house of representatives.

4 The members of the civil rights board shall be subject to  
5 section 26-34.

6       (c) Each member of the civil rights board shall have a  
7 background in homelessness, mental health treatment, substance  
8 abuse treatment, human services, or criminal justice.

9       (d) The civil rights board may request that a law  
10 enforcement officer initiate proceedings for an emergency  
11 examination and hospitalization of an individual pursuant to  
12 section 334-59(a).

13       (e) If a law enforcement officer declines a request made  
14 pursuant to subsection (d), and the civil rights board  
15 determines that the individual poses a danger to public health  
16 or safety, the civil rights board may order a law enforcement  
17 officer to address any complaint by taking action that would  
18 help to ameliorate the situation or ensure that the individual  
19 no longer poses a danger to public health or safety, including  
20 relocating the individual or taking the individual into custody.



1 (f) The department shall establish rules pursuant to  
2 chapter 91 to implement the purposes of this section."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# H.B. NO. 412

**Report Title:**

Homelessness; Civil Rights Board; Emergency Examination and Hospitalization

**Description:**

Establishes a Civil Rights Board to address the civil rights of homeless. Authorizes the board to: (1) request a law enforcement officer to initiate proceedings for an individual's emergency examination and hospitalization; and (2) if the law enforcement officer declines to do so, order the officer to address any complaint by taking action that would help to ameliorate the situation.

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

