
A BILL FOR AN ACT

RELATING TO THREAT ASSESSMENT.

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

1 SECTION 1. The legislature finds that when communities
2 face threats of violence, developing threat assessment teams
3 within organizations may help the organizations identify,
4 assess, and manage the threats. A multidisciplinary threat
5 assessment team consisting of individuals with diverse training
6 and experience can help prevent violence. Psychologists, health
7 care providers, social workers, substance abuse counselors,
8 disability service providers, and other individuals all have
9 different information and perspectives that can help find
10 solutions to manage threats.

11 In order to succeed, threat assessment teams need the
12 following tools: training, assistance with developing
13 protocols, the ability for team members from different
14 disciplines to share information with each other, and assurance
15 that information is shared only among trusted team members and
16 only for threat assessment purposes.

17 This purpose of this Act is to:



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1 "Education threat assessment team" means a
2 multidisciplinary group of individuals, authorized by the
3 department of education, state public charter school commission,
4 or University of Hawaii who work collaboratively to engage in
5 threat assessment at their respective institutions. Members of
6 the team may but need not possess professional certifications or
7 licenses needed to conduct assessments in other subject matters.

8 "Fusion center" means the Hawaii state fusion center of the
9 office of homeland security.

10 "Threat" means an occurrence, person, entity, or action
11 that has or indicates the potential to:

12 (1) Cause death or bodily injury; or

13 (2) Harm information, operations, or property.

14 In the case of persons, threats may include the potential to
15 cause death or bodily injury to self. A threat may but need not
16 arise to the level of terroristic threatening.

17 "Threat assessment" means a standardized process to
18 identify or evaluate occurrences, persons, entities, or actions
19 that may pose a threat.

20 "Threat assessment team" means a multidisciplinary group of
21 individuals, authorized by an agency, who work collaboratively



1 to engage in threat assessment. Members of the team may but
2 need not possess professional certifications or licenses needed
3 to conduct assessments in other subject matters.

4 **§128A-B Threat assessment team program; established.**

5 There is established within the fusion center a program for the
6 fusion center to train, establish, and operate threat assessment
7 teams.

8 **§128A-C Threat assessment teams; generally.** (a) The

9 fusion center may assist agencies in developing threat
10 assessment teams by:

- 11 (1) Providing training in the development and
12 implementation of threat assessment-based protocols;
- 13 (2) In consultation with the agencies, providing model
14 guidance for the establishment of threat assessment
15 teams, including procedures for the assessment of
16 individuals whose behavior poses a threat to the
17 agency or the public;
- 18 (3) In consultation with the agencies, vetting threat
19 assessment team members for suitability to possess
20 confidential information and information from other
21 agencies;



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- 1 (4) Identifying and vetting a liaison within an agency to
2 act as a point of contact with the fusion center and
3 between agencies. When a vetted liaison for one
4 agency requests information or assistance from another
5 agency, the fusion center may inform the agency
6 receiving the request that the fusion center has
7 vetted the liaison; and
- 8 (5) Analyzing information obtained from threat assessment
9 teams and other data on public safety for the purpose
10 of discerning trends in threats.
- 11 (b) Upon a preliminary determination by a threat
12 assessment team that an individual poses a threat of violence to
13 self or others or exhibits significantly disruptive behavior or
14 need for assistance, the following may provide information to
15 the team's vetted liaison:
- 16 (1) Healthcare providers may disclose protected health
17 information to vetted liaisons when healthcare
18 providers believe such information is necessary to
19 prevent or lessen a serious and imminent threat to a
20 person or the public;



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- 1 (2) Educational institutions may provide educational
2 records to:
- 3 (A) Vetted liaisons who are employees of that
4 institution and are the vetted liaison for one of
5 the institution's threat assessment teams;
- 6 (B) Vetted liaisons of other educational institutions
7 if the educational institutions share dual-
8 enrollment of the individual or if the individual
9 transferred or matriculated from one educational
10 institution to the other; or
- 11 (C) Vetted liaisons from other agencies who have
12 entered into a written agreement with the
13 educational institution that the other agency is
14 ensuring school safety or in some other way
15 performing an institutional service or function,
16 will protect data and restrict its use to threat
17 assessment purposes, and will be included in the
18 institution's annual notification of federal
19 Family Educational Rights and Privacy Act rights;
20 and



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- 1 (3) The fusion center may provide criminal history
2 information to a vetted liaison for a threat
3 assessment team authorized by a government agency;
4 provided that:
- 5 (A) The fusion center shall review the request for
6 criminal history information and, in consultation
7 with law enforcement, provide only the
8 information relevant to an imminent threat;
- 9 (B) In the case of criminal history information, the
10 vetted liaison's professional duties shall
11 involve the safety and security of that
12 government agency;
- 13 (C) The vetted liaison shall only disclose criminal
14 history information to members of the threat
15 assessment team who are also employees of the
16 government agency that has authorized the team;
17 and
- 18 (D) The fusion center shall not provide to a threat
19 assessment team criminal history information that
20 has been expunged.



1 (c) No member of a threat assessment team shall redisclose
2 any protected health information, educational records, or
3 criminal history information obtained pursuant to this section
4 or otherwise use any record of an individual beyond the purpose
5 for which such disclosure was made to the threat assessment
6 team.

7 (d) The fusion center shall adopt rules pursuant to
8 chapter 91 to implement this section.

9 **§128A-D Education threat assessment teams; generally.** (a)

10 The fusion center may assist the department of education, state
11 public charter school commission, and University of Hawaii in
12 developing education threat assessment teams by:

13 (1) Providing training in the development and
14 implementation of education threat assessment-based
15 protocols;

16 (2) In consultation with the department of education,
17 state public charter school commission, and University
18 of Hawaii, providing model guidance for the
19 establishment of education threat assessment teams,
20 including procedures for the assessment of individuals



1 whose behavior poses a threat to the safety of school
2 staff, students, or self;

3 (3) Developing a statewide education threat assessment
4 team consisting of representatives of the department
5 of education, state public charter school commission,
6 and University of Hawaii to:

7 (A) Combine the effort and knowledge needed to
8 develop education threat assessment teams;

9 (B) Identify and assess threats to educational
10 institutions and individuals who work or learn
11 therein; and

12 (C) Provide an opportunity for individual
13 institutions to request assistance in threat
14 assessment;

15 (4) In consultation with the department of education,
16 state public charter school commission, and University
17 of Hawaii, vetting threat assessment team members for
18 suitability to possess confidential information or
19 information from other agencies;

20 (5) Identifying and vetting a liaison within the
21 department of education, state public charter school



1 commission, and University of Hawaii to serve as a
2 point of contact with the fusion center and between
3 institutions. When a vetted liaison for one
4 institution requests information or assistance from
5 another institution, the fusion center may inform the
6 agency receiving the request that the fusion center
7 has vetted the liaison; and

8 (6) Analyzing information obtained from threat assessment
9 teams and other data on public safety for the purpose
10 of identifying trends in threats against educational
11 institutions and school safety.

12 (b) Nothing in this section shall be construed to prohibit
13 the fusion center from providing assistance to private schools,
14 colleges, or universities.

15 **§128A-E Education threat assessment teams; department of**
16 **education and charter schools.** (a) The department of education
17 and state public charter school commission may adopt policies
18 for the establishment of education threat assessment teams,
19 consistent with the model guidance developed in consultation
20 with the fusion center pursuant to section 128A-D.



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1 (b) Education threat assessment teams may be established
2 to serve one or more schools as determined by the department of
3 education or state public charter school commission, as
4 applicable.

5 (c) Each education threat assessment team shall include
6 persons with training and experience in human resources,
7 teaching, school administration, mental health, disability
8 services, safety and security, emergency preparedness, student
9 support services, Title IX of the federal Education Amendments
10 of 1972, student misconduct and discipline, and searches and
11 seizures.

12 (d) The fusion center shall vet education threat
13 assessment team members for suitability to receive protected
14 health information, educational records, and criminal history
15 records.

16 (e) Each education threat assessment team shall:

17 (1) Identify members of the school community to whom
18 threatening behavior should be reported; and

19 (2) Implement policies adopted by the department of
20 education or state public charter school commission,
21 as applicable, pursuant to subsection (a).



1 (f) Upon a preliminary determination that an occurrence,
2 person, entity, or action poses a threat to a department school,
3 a threat assessment team shall immediately report its
4 determination to the safety, security, and emergency
5 preparedness branch of the department of education. Nothing in
6 this subsection shall preclude school personnel from acting
7 immediately to address an imminent threat.

8 (g) Upon a preliminary determination by the threat
9 assessment team that an individual poses a threat of violence to
10 self or others or exhibits significantly disruptive behavior or
11 need for assistance, a threat assessment team may obtain
12 protected health information, educational records, or criminal
13 history record information pursuant to section 128A-C. No
14 member of a threat assessment team shall redisclose any
15 redisclose any protected health information, educational
16 records, or criminal history information obtained pursuant to
17 this section or otherwise use any record of an individual beyond
18 the purpose for which such disclosure was made to the threat
19 assessment team.

20 **§128A-F Education threat assessment teams; University of**
21 **Hawaii.** (a) The University of Hawaii may adopt policies for



1 the establishment of education threat assessment teams,
2 consistent with the model guidance developed in consultation
3 with the fusion center pursuant to section 128A-D.

4 (b) The University of Hawaii may establish education
5 threat assessment teams on individual campuses within the
6 University of Hawaii system.

7 (c) Each education threat assessment team shall include
8 persons with training and experience in in human resources,
9 teaching, school administration, mental health, campus security,
10 disability services, student support services, and Title IX of
11 the federal Education Amendments of 1972. The fusion center
12 shall vet education threat assessment team members for
13 suitability to receive protected health information, educational
14 records, or criminal history information.

15 (d) Each education threat assessment team shall:

16 (1) Identify members of the school community to whom
17 threatening behavior should be reported; and

18 (2) Implement policies adopted by the University of Hawaii
19 pursuant to subsection (a).

20 (e) Upon a preliminary determination by the threat
21 assessment team that an individual poses a threat of violence to



1 self or others or exhibits significantly disruptive behavior or
2 need for assistance, a threat assessment team may obtain
3 protected health information, educational records, or criminal
4 history record information pursuant to section 128A-C. No
5 member of a threat assessment team shall redisclose any
6 redisclose any protected health information, educational
7 records, or criminal history information obtained pursuant to
8 this section or otherwise use any record of an individual beyond
9 the purpose for which such disclosure was made to the threat
10 assessment team."

11 SECTION 4. Section 92F-22, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§92F-22 Exemptions and limitations on individual access.**

14 An agency is not required by this part to grant an individual
15 access to personal records, or information in such records:

16 (1) Maintained by an agency that performs as its or as a
17 principal function any activity pertaining to the
18 prevention, control, or reduction of crime, and which
19 consist of:

20 (A) Information or reports prepared or compiled for
21 the purpose of criminal intelligence or of a



- 1 criminal investigation, including reports of
2 informers, witnesses, and investigators; or
3 (B) Reports prepared or compiled at any stage of the
4 process of enforcement of the criminal laws from
5 arrest or indictment through confinement,
6 correctional supervision, and release from
7 supervision.
- 8 (2) The disclosure of which would reveal the identity of a
9 source who furnished information to the agency under
10 an express or implied promise of confidentiality.
- 11 (3) Consisting of testing or examination material or
12 scoring keys used solely to determine individual
13 qualifications for appointment or promotion in public
14 employment, or used as or to administer a licensing
15 examination or an academic examination, the disclosure
16 of which would compromise the objectivity, fairness,
17 or effectiveness of the testing or examination
18 process.
- 19 (4) Including investigative reports and materials, related
20 to an upcoming, ongoing, or pending civil or criminal



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- 1 action or administrative proceeding against the
2 individual.
- 3 (5) Required to be withheld from the individual to whom it
4 pertains by statute or judicial decision or authorized
5 to be so withheld by constitutional or statutory
6 privilege.
- 7 (6) Held by a government agency's threat assessment team
8 established pursuant to part of chapter 128A or the
9 Hawaii state fusion center of the office of homeland
10 security pursuant to part of chapter 128A relating
11 to the assessment of or intervention with a specific
12 individual."

13 SECTION 5. Section 622-57, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§622-57 Availability of medical records.** (a) If a
16 patient of a health care provider as defined in section 671-1,
17 requests copies of the patient's medical records, the copies
18 shall be made available to the patient unless, in the opinion of
19 the health care provider, it would be detrimental to the health
20 of the patient to obtain the records. If the health care
21 provider is of the opinion that release of the records to the



1 patient would be detrimental to the health of the patient, the
2 health care provider shall advise the patient that copies of the
3 records will be made available to the patient's attorney upon
4 presentation of a proper authorization signed by the patient.

5 (b) If an attorney for a patient asks a health care
6 provider for copies of the patient's medical records and
7 presents a proper authorization from the patient for the release
8 of the information, complete and accurate copies of the records
9 shall be given to the attorney within a reasonable time not to
10 exceed ten working days.

11 (c) In the case of a deceased person, a personal
12 representative of the deceased person's estate may obtain copies
13 of or may authorize the health care provider to release copies
14 of the deceased person's medical records upon presentation of
15 proper documentation showing the personal representative's
16 authority.

17 If no personal representative has been appointed, the
18 deceased person's next of kin in order of superseding priority,
19 without court order, may obtain copies of or may authorize the
20 health care provider to release copies of the deceased person's
21 medical records, except as otherwise provided in this subsection



1 and subsections (d) and (e). A deceased person's next of kin
2 possesses superseding priority when all kin ranked higher in the
3 order listed in the definition of "deceased person's next of
4 kin" are deceased or incapacitated. When there are multiple
5 persons at the same level of superseding priority, all such
6 persons shall be entitled to request and obtain the records.
7 The person claiming to be next of kin of a deceased person and
8 requesting the deceased person's medical records shall submit to
9 the medical provider from whom the records are requested, an
10 affidavit attesting to status as next of kin with superseding
11 priority. The medical provider may rely upon the affidavit, and
12 in so doing, shall be immune to any claims relating to release
13 of the medical records.

14 (d) Notwithstanding applicable state confidentiality laws
15 governing the following types of specially protected health
16 information, a health care provider may honor, in whole or in
17 part, a request by the deceased person's next of kin for release
18 of medical records if the medical records of the deceased person
19 contain references pertaining to any of the following types of
20 specially protected health information:

21 (1) HIV infection, AIDS, or AIDS-related complex;



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1 (2) Diagnosis or treatment of a mental illness; or

2 (3) Participation in a substance abuse treatment program.

3 (e) A health care provider shall refuse a request by the
4 deceased person's next of kin for release of medical records if
5 the deceased person had previously indicated to the medical
6 provider in writing that the person did not wish to have medical
7 records released to next of kin.

8 (f) Notwithstanding subsections (c) through (e), any
9 medical records of a deceased person may be produced pursuant to
10 a court order specifically compelling release.

11 (g) Reasonable costs incurred by a health care provider in
12 making copies of medical records shall be borne by the
13 requesting person.

14 (h) A healthcare provider may provide records, in whole or
15 in part, in response to a request for records by a vetted
16 liaison of a threat assessment team established pursuant to part
17 of chapter 128A.

18 [~~h~~] (i) For the purposes of this section:

19 "Deceased person's next of kin" means a person with the
20 following relationship to the deceased person:

21 (1) The spouse or reciprocal beneficiary;



- 1 (2) An adult child;
- 2 (3) Either parent;
- 3 (4) An adult sibling;
- 4 (5) A grandparent; and
- 5 (6) A guardian at the time of death.

6 "Personal representative" shall have the meaning provided
7 in section 560:1-201."

8 SECTION 6. Section 846-10, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§846-10 Dissemination.** Criminal history record
11 information may be disseminated to:

- 12 (1) The governor in individual cases or situations wherein
13 the governor elects to become actively involved in the
14 investigation of criminal activity or the
15 administration of criminal justice in accordance with
16 the governor's constitutional duty to [~~insure~~] ensure
17 that the laws be faithfully executed;
- 18 (2) The attorney general in connection with the attorney
19 general's statutory authority and duties in the
20 administration and enforcement of the criminal laws



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1 and for the purpose of administering and insuring
2 compliance with the provisions of this chapter;

3 (3) The Hawaii state fusion center of the office of
4 homeland security pursuant to part of chapter 128A;
5 and

6 [~~(3)~~] (4) To such other individuals and agencies who are
7 provided for in this chapter or by rule or
8 regulation."

9 SECTION 7. Section 846D-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~§~~]**§846D-4**[~~§~~] **Limitations on dissemination.**

12 Dissemination of information from the juvenile justice
13 information system shall be limited whether directly or through
14 any intermediary only to:

15 (1) Agencies which have primary investigative, detention,
16 custodial, adjudicative, and program responsibility
17 for minors, including but not limited to the county
18 police departments, the county prosecutors, the family
19 courts, and the Hawaii youth correctional facilities;

20 (2) Individuals and agencies pursuant to a specific
21 agreement with an agency with primary investigative,



1 detention, custodial, and program responsibility to
2 provide services to fulfill that responsibility;
3 provided that the agreement shall specifically
4 authorize access to data, limit the use of data to
5 purposes for which given, and insure the security and
6 confidentiality of the data consistent with the
7 purpose of this chapter;

8 (3) Individuals and agencies for the express purpose of
9 research, evaluative, or statistical activities
10 pursuant to an agreement with a juvenile justice
11 agency; provided that the agreement shall specifically
12 authorize access to data, limit the use of data to
13 research, evaluative, or statistical purposes, and
14 insure the confidentiality and security of the data
15 consistent with the purpose of this chapter;

16 (4) The minor, the minor's parents or guardians, and the
17 minor's attorney and guardian ad litem for the purpose
18 of examining records pertaining to the minor; [~~or~~]

19 (5) Persons who have been injured or damaged, their
20 subrogees, and legal representatives; provided that
21 the information is limited only to that information



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1 that may be disclosed as provided under section 571-
2 84(f) and (g) [~~+~~]; or
3 (6) The Hawaii state fusion center of the office of
4 homeland security pursuant to part of chapter
5 128A."

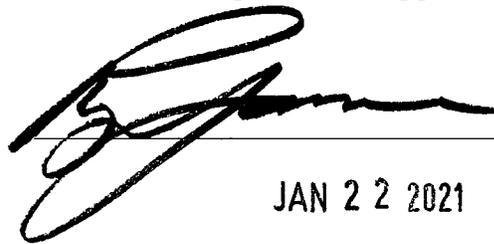
6 SECTION 8. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 9. New statutory material is underscored.

10 SECTION 10. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN 22 2021



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Report Title:

Threat Assessment Teams; Hawaii State Fusion Center; DOE;
Charter School Commission; UH

Description:

Establishes a program within the Hawaii state fusion center to train, establish, and operate threat assessment teams, including for educational institutions.

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