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# 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.



1 The purpose of this Act is to:

2 (1) Assist organizations in developing threat assessment  
3 teams by providing them the opportunity for threat  
4 assessment training and help with threat team  
5 building;

6 (2) Enable threat assessment team members to obtain and  
7 share information from different sources needed to  
8 assess threats of violence; and

9 (3) Protect privacy by ensuring that only vetted threat  
10 assessment team members may receive certain sensitive  
11 information and that the information may not be used  
12 for any purpose beyond what is necessary for a team to  
13 assess a threat.

14 SECTION 2. Chapter 128A, Hawaii Revised Statutes, is  
15 amended by designating sections 128A-1 to 128A-5 as part I,  
16 entitled "General Provisions".

17 SECTION 3. Chapter 128A, Hawaii Revised Statutes, is  
18 amended by adding a new part to be appropriately designated and  
19 to read as follows:

20 "PART .

21 **THREAT ASSESSMENT**



1           **§128A-A Definitions.** As used in this part:

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

10          "Fusion center" means the Hawaii state fusion center of the  
11 office of homeland security.

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

14           (1) Cause death or bodily injury; or

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

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

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



1 "Threat assessment team" means a multidisciplinary group of  
2 individuals, authorized by an agency, who work collaboratively  
3 to engage in threat assessment. Members of the team may, but  
4 need not, possess professional certifications or licenses needed  
5 to conduct assessments in other subject matters.

6 **§128A-B Threat assessment team program; established.**

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

10 **§128A-C Threat assessment teams; generally.** (a) The

11 fusion center may assist agencies in developing threat  
12 assessment teams by:

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



1 confidential information and information from other  
2 agencies;

3 (4) Identifying and vetting a liaison within an agency to  
4 act as a point of contact with the fusion center and  
5 between agencies. When a vetted liaison for one  
6 agency requests information or assistance from another  
7 agency, the fusion center may inform the agency  
8 receiving the request that the fusion center has  
9 vetted the liaison; and

10 (5) Analyzing information obtained from threat assessment  
11 teams and other data on public safety for the purpose  
12 of discerning trends in threats.

13 (b) Upon a preliminary determination by a threat  
14 assessment team that an individual poses a threat of violence to  
15 self or others or exhibits significantly disruptive behavior or  
16 need for assistance, the following may provide information to  
17 the team's vetted liaison:

18 (1) Healthcare providers may disclose protected health  
19 information to vetted liaisons when healthcare  
20 providers believe such information is necessary to



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



1                   Family Educational Rights and Privacy Act rights;  
2                   and  
3       (3)   The fusion center may provide criminal history  
4                   information to a vetted liaison for a threat  
5                   assessment team authorized by a government agency;  
6                   provided that:  
7               (A)   The fusion center shall review the request for  
8                   criminal history information and, in consultation  
9                   with law enforcement, provide only the  
10                  information relevant to an imminent threat;  
11               (B)   In the case of criminal history information, the  
12                  vetted liaison's professional duties shall  
13                  involve the safety and security of that  
14                  government agency;  
15               (C)   The vetted liaison shall only disclose criminal  
16                  history information to members of the threat  
17                  assessment team who are also employees of the  
18                  government agency that has authorized the team;  
19                  and



1 (D) The fusion center shall not provide to a threat  
2 assessment team criminal history information that  
3 has been expunged.

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

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

11 **§128A-D Education threat assessment teams; generally.** (a)  
12 The fusion center may assist the department of education, state  
13 public charter school commission, and University of Hawaii in  
14 developing education threat assessment teams by:

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

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



1 including procedures for the assessment of individuals  
2 whose behavior poses a threat to the safety of school  
3 staff, students, or self;

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

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

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

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

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



1 (5) Identifying and vetting a liaison within the  
2 department of education, state public charter school  
3 commission, and University of Hawaii to serve as a  
4 point of contact with the fusion center and between  
5 institutions. When a vetted liaison for one  
6 institution requests information or assistance from  
7 another institution, the fusion center may inform the  
8 agency receiving the request that the fusion center  
9 has vetted the liaison; and

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

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

17 **§128A-E Education threat assessment teams; department of**  
18 **education and charter schools.** (a) The department of education  
19 and state public charter school commission may adopt policies  
20 for the establishment of education threat assessment teams,



1 consistent with the model guidance developed in consultation  
2 with the fusion center pursuant to section 128A-D.

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

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

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

18 (e) Each education threat assessment team shall:

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



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

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

11          (g) Upon a preliminary determination by the 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, a threat assessment team may obtain  
15 protected health information, educational records, or criminal  
16 history record information pursuant to section 128A-C. No  
17 member of a threat assessment team shall redisclose any  
18 protected health information, educational records, or criminal  
19 history information obtained pursuant to this section or  
20 otherwise use any record of an individual beyond the purpose for  
21 which the disclosure was made to the threat assessment team.



1           **§128A-F Education threat assessment teams; University of**  
2 **Hawaii.** (a) The University of Hawaii may adopt policies for  
3 the establishment of education threat assessment teams,  
4 consistent with the model guidance developed in consultation  
5 with the fusion center pursuant to section 128A-D.

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

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

17           (d) Each education threat assessment team shall:

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

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



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

12 **§128A-G Confidentiality.** Records held by a government  
13 agency's threat assessment team or the Hawaii state fusion  
14 center of the office of homeland security pursuant to this part  
15 relating to the assessment of or intervention with a specific  
16 individual shall be exempt from disclosure under chapter 92F."

17 SECTION 4. Section 622-57, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 **"§622-57 Availability of medical records.** (a) If a  
20 patient of a health care provider as defined in section 671-1,  
21 requests copies of the patient's medical records, the copies



1 shall be made available to the patient unless, in the opinion of  
2 the health care provider, it would be detrimental to the health  
3 of the patient to obtain the records. If the health care  
4 provider is of the opinion that release of the records to the  
5 patient would be detrimental to the health of the patient, the  
6 health care provider shall advise the patient that copies of the  
7 records will be made available to the patient's attorney upon  
8 presentation of a proper authorization signed by the patient.

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

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



1           If no personal representative has been appointed, the  
2 deceased person's next of kin in order of superseding priority,  
3 without court order, may obtain copies of or may authorize the  
4 health care provider to release copies of the deceased person's  
5 medical records, except as otherwise provided in this subsection  
6 and subsections (d) and (e). A deceased person's next of kin  
7 possesses superseding priority when all kin ranked higher in the  
8 order listed in the definition of "deceased person's next of  
9 kin" are deceased or incapacitated. When there are multiple  
10 persons at the same level of superseding priority, all such  
11 persons shall be entitled to request and obtain the records.  
12 The person claiming to be next of kin of a deceased person and  
13 requesting the deceased person's medical records shall submit to  
14 the medical provider from whom the records are requested, an  
15 affidavit attesting to status as next of kin with superseding  
16 priority. The medical provider may rely upon the affidavit, and  
17 in so doing, shall be immune to any claims relating to release  
18 of the medical records.

19           (d) Notwithstanding applicable state confidentiality laws  
20 governing the following types of specially protected health  
21 information, a health care provider may honor, in whole or in



1 part, a request by the deceased person's next of kin for release  
2 of medical records if the medical records of the deceased person  
3 contain references pertaining to any of the following types of  
4 specially protected health information:

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

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

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

8 (e) A health care provider shall refuse a request by the  
9 deceased person's next of kin for release of medical records if  
10 the deceased person had previously indicated to the medical  
11 provider in writing that the person did not wish to have medical  
12 records released to next of kin.

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

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

19 (h) A healthcare provider may provide records, in whole or  
20 in part, in response to a request for records by a vetted



1 liaison of a threat assessment team established pursuant to part  
2 of chapter 128A.

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

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

6 (1) The spouse or reciprocal beneficiary;

7 (2) An adult child;

8 (3) Either parent;

9 (4) An adult sibling;

10 (5) A grandparent; and

11 (6) A guardian at the time of death.

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

14 SECTION 5. Section 846-10, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§846-10 Dissemination.** Criminal history record  
17 information may be disseminated to:

18 (1) The governor in individual cases or situations wherein  
19 the governor elects to become actively involved in the  
20 investigation of criminal activity or the  
21 administration of criminal justice in accordance with



1 the governor's constitutional duty to [~~insure~~] ensure  
2 that the laws be faithfully executed;

3 (2) The attorney general in connection with the attorney  
4 general's statutory authority and duties in the  
5 administration and enforcement of the criminal laws  
6 and for the purpose of administering and insuring  
7 compliance with the provisions of this chapter;

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

11 [~~(3)~~] (4) To such other individuals and agencies who are  
12 provided for in this chapter or by rule or  
13 regulation."

14 SECTION 6. Section 846D-4, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[~~§~~]**§846D-4**[~~§~~] **Limitations on dissemination.**

17 Dissemination of information from the juvenile justice  
18 information system shall be limited whether directly or through  
19 any intermediary only to:

20 (1) Agencies [~~which~~] that have primary investigative,  
21 detention, custodial, adjudicative, and program



1 responsibility for minors, including but not limited  
2 to the county police departments, the county  
3 prosecutors, the family courts, and the Hawaii youth  
4 correctional facilities;

5 (2) Individuals and agencies pursuant to a specific  
6 agreement with an agency with primary investigative,  
7 detention, custodial, and program responsibility to  
8 provide services to fulfill that responsibility;  
9 provided that the agreement shall specifically  
10 authorize access to data, limit the use of data to  
11 purposes for which given, and [~~insure~~] ensure the  
12 security and confidentiality of the data consistent  
13 with the purpose of this chapter;

14 (3) Individuals and agencies for the express purpose of  
15 research, evaluative, or statistical activities  
16 pursuant to an agreement with a juvenile justice  
17 agency; provided that the agreement shall specifically  
18 authorize access to data, limit the use of data to  
19 research, evaluative, or statistical purposes, and  
20 insure the confidentiality and security of the data  
21 consistent with the purpose of this chapter;



- 1 (4) The minor, the minor's parents or guardians, and the
- 2 minor's attorney and guardian ad litem for the purpose
- 3 of examining records pertaining to the minor; [~~or~~]
- 4 (5) Persons who have been injured or damaged, their
- 5 subrogees, and legal representatives; provided that
- 6 the information is limited only to that information
- 7 that may be disclosed as provided under section 571-
- 8 84(f) and (g) [~~or~~]; or
- 9 (6) The Hawaii state fusion center of the office of
- 10 homeland security pursuant to part of chapter
- 11 128A."

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

15 SECTION 8. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17 SECTION 9. This Act shall take effect on July 1, 2050.



**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. Effective 7/1/2050. (HD1)

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

