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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 incidents of  
2 violence or threats of violence on the basis of race, ethnicity,  
3 or ancestry have increased at an alarmingly rate during the  
4 coronavirus disease 2019 (COVID-19) pandemic. Specifically,  
5 statistics from the Federal Bureau of Investigation's uniform  
6 crime reporting program indicate that the number of reported  
7 hate crimes motivated by race, ethnicity, or ancestry increased  
8 by more than thirty per cent between 2019 and 2020.

9           The legislature further finds that, in particular, Asian  
10 Americans have often been the target of these hate crimes. This  
11 has been driven in part by the use of anti-Asian terminology and  
12 rhetoric that perpetuate anti-Asian stigma, such as the terms  
13 "Chinese virus," "Wuhan virus," and "Kung-flu." As the use of  
14 anti-Asian rhetoric increased, the number of Asian Americans  
15 being harassed, assaulted, and scapegoated have increased as  
16 well. Between March 19, 2020, and September 30, 2021, a total  
17 of 10,370 hate incidents against Asian American and Pacific



1 Islander persons were reported to the Stop AAPI Hate coalition.  
2 According to the coalition, a majority of these incidents take  
3 place in public spaces and are targeted toward women. The  
4 legislature finds that actions must be taken to address these  
5 types of incidents.

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

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



1           The purpose of this Act is to address violence and threats  
2 of violence by:

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

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

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

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

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



"PART .

THREAT ASSESSMENT

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

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

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

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

- (1) Cause death or bodily injury; or
- (2) Harm information, operations, or property.

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



1 "Threat assessment" means a standardized process to  
2 identify or evaluate occurrences, persons, entities, or actions  
3 that may pose a threat.

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

9 **§128A-B Threat assessment team program; established.**

10 There is established within the fusion center the threat  
11 assessment team program, in which the fusion center shall train,  
12 establish, and operate threat assessment teams.

13 **§128A-C Threat assessment teams; generally.** (a) The

14 fusion center may assist agencies in developing threat  
15 assessment teams by:

- 16 (1) Providing training in the development and
- 17 implementation of threat assessment-based protocols;
- 18 (2) In consultation with the agencies, providing model
- 19 guidance for the establishment of threat assessment
- 20 teams, including procedures for the assessment of



1 individuals whose behavior poses a threat to the  
2 agency or the public;

3 (3) In consultation with the agencies, vetting threat  
4 assessment team members for suitability to possess  
5 confidential information and information from other  
6 agencies;

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

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

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



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



1                   assessment purposes, and will be included in the  
 2                   institution's annual notification of federal  
 3                   Family Educational Rights and Privacy Act rights;  
 4                   and

5           (3)   The fusion center may provide criminal history  
 6                   information to a vetted liaison for a threat  
 7                   assessment team authorized by a government agency;  
 8                   provided that when the criminal history information  
 9                   constitutes restricted criminal justice information,  
 10                  the fusion center shall only disseminate the  
 11                  information to threat assessment team members from a  
 12                  criminal justice agency.

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

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

20           **§128A-D Education threat assessment teams; generally.** (a)  
 21                  The fusion center may assist the department of education, state





1 public charter school commission, and university of Hawaii in  
2 developing education threat assessment teams by:

3 (1) Providing training in the development and  
4 implementation of education threat assessment-based  
5 protocols;

6 (2) In consultation with the department of education,  
7 state public charter school commission, and university  
8 of Hawaii, providing model guidance for the  
9 establishment of education threat assessment teams,  
10 including procedures for the assessment of individuals  
11 whose behavior poses a threat to the safety of school  
12 staff, students, or self;

13 (3) Developing a statewide education threat assessment  
14 team consisting of representatives of the department  
15 of education, state public charter school commission,  
16 and university of Hawaii to:

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

19 (B) Identify and assess threats to educational  
20 institutions and individuals who work or learn  
21 therein; and



- 1 (C) Provide an opportunity for individual  
2 institutions to request assistance in threat  
3 assessment;
- 4 (4) In consultation with the department of education,  
5 state public charter school commission, and university  
6 of Hawaii, vetting threat assessment team members for  
7 suitability to possess confidential information or  
8 information from other agencies;
- 9 (5) Identifying and vetting a liaison within the  
10 department of education, state public charter school  
11 commission, and university of Hawaii to serve as a  
12 point of contact with the fusion center and between  
13 institutions. When a vetted liaison for one  
14 institution requests information or assistance from  
15 another institution, the fusion center may inform the  
16 agency receiving the request that the fusion center  
17 has vetted the liaison; and
- 18 (6) Analyzing information obtained from threat assessment  
19 teams and other data on public safety for the purpose  
20 of identifying trends in threats against educational  
21 institutions and school safety.



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

4 **§128A-E Education threat assessment teams; department of**  
5 **education and charter schools.** (a) The department of education  
6 and state public charter school commission may adopt policies  
7 for the establishment of education threat assessment teams,  
8 consistent with the model guidance developed in consultation  
9 with the fusion center pursuant to section 128A-D.

10 (b) Education threat assessment teams may be established  
11 to serve one or more schools as determined by the department of  
12 education or state public charter school commission, as  
13 applicable.

14 (c) Each education threat assessment team shall include  
15 persons with training and experience in human resources,  
16 teaching, school administration, mental health, disability  
17 services, safety and security, emergency preparedness, student  
18 support services, Title IX of the federal Education Amendments  
19 of 1972, student misconduct and discipline, and searches and  
20 seizures.



1 (d) The fusion center shall vet education threat  
2 assessment team members for suitability to receive protected  
3 health information, educational records, and criminal history  
4 information.

5 (e) Each education threat assessment team shall:

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

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

11 (f) Upon a preliminary determination that an occurrence,  
12 person, entity, or action poses a threat to a department school,  
13 a threat assessment team shall immediately report its  
14 determination to the safety, security and emergency preparedness  
15 branch of the department of education. Nothing in this  
16 subsection shall preclude school personnel from acting  
17 immediately to address an imminent threat.

18 (g) Upon a preliminary determination by the threat  
19 assessment team that an individual poses a threat of violence to  
20 self or others or exhibits significantly disruptive behavior or  
21 need for assistance, a threat assessment team may obtain



1 protected health information, educational records, or criminal  
2 history information pursuant to section 128A-C. Only threat  
3 assessment team members from a criminal justice agency may  
4 receive restricted criminal justice information. No member of a  
5 threat assessment team shall redisclose any protected health  
6 information, educational records, or criminal history  
7 information obtained pursuant to this section or otherwise use  
8 any record of an individual beyond the purpose for which the  
9 disclosure was made to the threat assessment team.

10 **§128A-F Education threat assessment teams; university of**

11 **Hawaii.** (a) The university of Hawaii may adopt policies for  
12 the establishment of education threat assessment teams,  
13 consistent with the model guidance developed in consultation  
14 with the fusion center pursuant to section 128A-D.

15 (b) The university of Hawaii may establish education  
16 threat assessment teams on individual campuses within the  
17 university of Hawaii system.

18 (c) Each education threat assessment team shall include  
19 persons with training and experience in in human resources,  
20 teaching, school administration, mental health, campus security,  
21 emergency preparedness, disability services, student support



1 services, and Title IX of the federal Education Amendments of  
2 1972. The fusion center shall vet education threat assessment  
3 team members for suitability to receive protected health  
4 information, educational records, or criminal history  
5 information.

6 (d) Each education threat assessment team shall:

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

9 (2) Implement policies adopted by the university of Hawaii  
10 pursuant to subsection (a).

11 (e) 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 information pursuant to section 128A-C. Only threat  
17 assessment team members from a criminal justice agency may  
18 receive restricted criminal justice information. No member of a  
19 threat assessment team shall redisclose any protected health  
20 information, educational records, or criminal history  
21 information obtained pursuant to this section or otherwise use



1 any record of an individual beyond the purpose for which the  
2 disclosure was made to the threat assessment team.

3 **§128A-G Confidentiality.** Records held by a government  
4 agency's threat assessment team or the fusion center pursuant to  
5 this part relating to the assessment of or intervention with a  
6 specific individual shall be exempt from disclosure under  
7 chapter 92F."

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

10 **"§622-57 Availability of medical records.** (a) If a  
11 patient of a health care provider as defined in section 671-1,  
12 requests copies of the patient's medical records, the copies  
13 shall be made available to the patient unless, in the opinion of  
14 the health care provider, it would be detrimental to the health  
15 of the patient to obtain the records. If the health care  
16 provider is of the opinion that release of the records to the  
17 patient would be detrimental to the health of the patient, the  
18 health care provider shall advise the patient that copies of the  
19 records will be made available to the patient's attorney upon  
20 presentation of a proper authorization signed by the patient.



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

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

13           If no personal representative has been appointed, the  
14 deceased person's next of kin in order of superseding priority,  
15 without court order, may obtain copies of or may authorize the  
16 health care provider to release copies of the deceased person's  
17 medical records, except as otherwise provided in this subsection  
18 and subsections (d) and (e). A deceased person's next of kin  
19 possesses superseding priority when all kin ranked higher in the  
20 order listed in the definition of "deceased person's next of  
21 kin" are deceased or incapacitated. When there are multiple





1 persons at the same level of superseding priority, [~~all such~~]  
2 each of those persons shall be entitled to request and obtain  
3 the records. The person claiming to be next of kin of a  
4 deceased person and requesting the deceased person's medical  
5 records shall submit to the medical provider from whom the  
6 records are requested, an affidavit attesting to status as next  
7 of kin with superseding priority. The medical provider may rely  
8 upon the affidavit, and in so doing, shall be immune to any  
9 claims relating to release of the medical records.

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

- 17 (1) HIV infection, AIDS, or AIDS-related complex;  
18 (2) Diagnosis or treatment of a mental illness; or  
19 (3) Participation in a substance abuse treatment program.

20 (e) A health care provider shall refuse a request by the  
21 deceased person's next of kin for release of medical records if



1 the deceased person had previously indicated to the medical  
2 provider in writing that the person did not wish to have medical  
3 records released to next of kin.

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

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

10 (h) A healthcare provider may provide records, in whole or  
11 in part, in response to a request for records by a vetted  
12 liaison of a threat assessment team established pursuant to part  
13 of chapter 128A.

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

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

- 17 (1) The spouse or reciprocal beneficiary;
- 18 (2) An adult child;
- 19 (3) Either parent;
- 20 (4) An adult sibling;
- 21 (5) A grandparent; and



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

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

4 SECTION 5. Section 846D-4, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 " ~~§~~846D-4 ~~§~~ Limitations on dissemination.

7 Dissemination of information from the juvenile justice  
8 information system shall be limited whether directly or through  
9 any intermediary only to:

10 (1) Agencies ~~which~~ that have primary investigative,  
11 detention, custodial, adjudicative, and program  
12 responsibility for minors, including but not limited  
13 to the county police departments, the county  
14 prosecutors, the family courts, and the Hawaii youth  
15 correctional facilities;

16 (2) Individuals and agencies pursuant to a specific  
17 agreement with an agency with primary investigative,  
18 detention, custodial, and program responsibility to  
19 provide services to fulfill that responsibility;  
20 provided that the agreement shall specifically  
21 authorize access to data, limit the use of data to



1           purposes for which given, and [~~insure~~] ensure the  
2           security and confidentiality of the data consistent  
3           with the purpose of this chapter;

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

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

15          (5) Persons who have been injured or damaged, their  
16          subrogees, and legal representatives; provided that  
17          the information is limited only to that information  
18          that may be disclosed as provided under section 571-  
19          84(f) and (g) [~~-~~]; or



1        (6) The Hawaii state fusion center of the office of  
 2        homeland security pursuant to part        of chapter  
 3        128A."

4        SECTION 6. There is appropriated out of the general  
 5 revenues of the State of Hawaii the sum of \$                or so much  
 6 thereof as may be necessary for fiscal year 2022-2023 for the  
 7 threat assessment team program established by section 3 of this  
 8 Act.

9        The sum appropriated shall be expended by the Hawaii state  
 10 fusion center for the purposes of this Act.

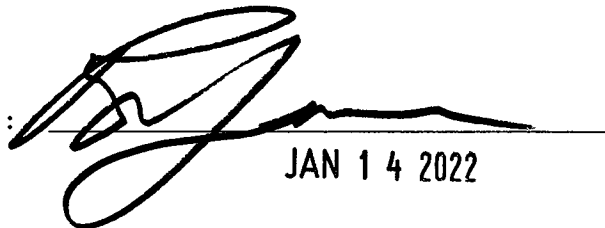
11        SECTION 7. This Act does not affect rights and duties that  
 12 matured, penalties that were incurred, and proceedings that were  
 13 begun before its effective date.

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

16        SECTION 9. This Act shall take effect upon its approval;  
 17 provided that section 6 shall take effect on July 1, 2022.

18

INTRODUCED BY:



JAN 14 2022



# H.B. NO. 1415

**Report Title:**

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

**Description:**

Establishes a program within the Hawaii State Fusion Center to train, establish, and operate threat assessment teams, including for educational institutions. Appropriates moneys.

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

