
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 also 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. Threat assessment teams



1 shall work with state and county emergency management partners,
2 where appropriate, to support effective and efficient
3 coordination and consequence management of potential incidents.

4 The purpose of this Act is to address violence and threats
5 of violence by:

- 6 (1) Assisting organizations in developing threat
7 assessment teams by providing them the opportunity for
8 threat assessment training and help with threat team
9 building;
- 10 (2) Enabling threat assessment team members to obtain and
11 share information from different sources needed to
12 assess threats of violence; and
- 13 (3) Protecting privacy by ensuring that only vetted threat
14 assessment team members may receive certain sensitive
15 information and that the information may not be used
16 for any purpose beyond what is necessary for a team to
17 assess a threat.

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



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

4 "PART .

5 **THREAT ASSESSMENT**

6 **§128A-A Definitions.** As used in this part:

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

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

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

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



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

4 "Threat assessment" means a standardized process to
5 identify or evaluate occurrences, persons, entities, or actions
6 that may pose a threat.

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

12 **§128A-B Threat assessment team program; established.**

13 There is established within the fusion center the threat
14 assessment team program, in which the fusion center shall train,
15 establish, and operate threat assessment teams.

16 **§128A-C Threat assessment teams; generally.** (a) The

17 fusion center may assist agencies in developing threat
18 assessment teams by:

- 19 (1) Providing training in the development and
20 implementation of threat assessment-based protocols;



- 1 (2) In consultation with the agencies, providing model
2 guidance for the establishment of threat assessment
3 teams, including procedures for the assessment of
4 individuals whose behavior poses a threat to the
5 agency or the public;
- 6 (3) In consultation with the agencies, vetting threat
7 assessment team members for suitability to possess
8 confidential information and information from other
9 agencies;
- 10 (4) Identifying and vetting a liaison within an agency to
11 act as a point of contact with the fusion center and
12 between agencies. When a vetted liaison for one
13 agency requests information or assistance from another
14 agency, the fusion center may inform the agency
15 receiving the request that the fusion center has
16 vetted the liaison; and
- 17 (5) Analyzing information obtained from threat assessment
18 teams and other data on public safety for the purpose
19 of discerning trends in threats.
- 20 (b) Upon a preliminary determination by a 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, the following may provide information to
3 the threat assessment team's vetted liaison:

4 (1) Health care providers may disclose protected health
5 information to vetted liaisons when health care
6 providers believe the information is necessary to
7 prevent or lessen a serious and imminent threat to a
8 person or the public;

9 (2) Educational institutions may provide educational
10 records to:

11 (A) Vetted liaisons who are employees of that
12 institution and are the vetted liaison for one of
13 the institution's threat assessment teams;

14 (B) Vetted liaisons of other educational institutions
15 if the educational institutions share dual-
16 enrollment of the individual or if the individual
17 transferred or matriculated from one educational
18 institution to the other; or

19 (C) Vetted liaisons from other agencies who have
20 entered into a written agreement with the
21 educational institution that the other agency is



1 ensuring school safety or in some other way
2 performing an institutional service or function,
3 will protect data and restrict its use for threat
4 assessment purposes, and will be included in the
5 institution's annual notification of federal
6 Family Educational Rights and Privacy Act rights;
7 and

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

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



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

3 **§128A-D Education threat assessment teams; generally.** (a)

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

7 (1) Providing training in the development and
8 implementation of education threat assessment-based
9 protocols;

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

17 (3) Developing a statewide education threat assessment
18 team consisting of representatives of the department
19 of education, state public charter school commission,
20 and University of Hawaii to:



- 1 (A) Combine the effort and knowledge needed to
2 develop education threat assessment teams;
- 3 (B) Identify and assess threats to educational
4 institutions and individuals who work or learn
5 therein; and
- 6 (C) Provide an opportunity for individual
7 institutions to request assistance in threat
8 assessment;
- 9 (4) In consultation with the department of education,
10 state public charter school commission, and University
11 of Hawaii, vetting threat assessment team members for
12 suitability to possess confidential information or
13 information from other agencies;
- 14 (5) Identifying and vetting a liaison within the
15 department of education, state public charter school
16 commission, and University of Hawaii to serve as a
17 point of contact with the fusion center and between
18 institutions. When a vetted liaison for one
19 institution requests information or assistance from
20 another institution, the fusion center may inform the



1 agency receiving the request that the fusion center
2 has vetted the liaison; and

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

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

10 **§128A-E Education threat assessment teams; department of**
11 **education and charter schools.** (a) The department of education
12 and state public charter school commission may adopt policies
13 for the establishment of education threat assessment teams,
14 consistent with the model guidance developed in consultation
15 with the fusion center pursuant to section 128A-D.

16 (b) Education threat assessment teams may be established
17 to serve one or more schools as determined by the department of
18 education or state public charter school commission, as
19 applicable.

20 (c) Each education threat assessment team shall include
21 persons with training and experience in human resources,



1 teaching, school administration, mental health, disability
2 services, safety and security, emergency preparedness, student
3 support services, Title IX of the federal Education Amendments
4 of 1972, student misconduct and discipline, and searches and
5 seizures.

6 (d) The department of education and state public charter
7 school commission, in consultation with the fusion center, shall
8 vet education threat assessment team members for suitability to
9 receive protected health information, educational records, and
10 criminal history information.

11 (e) Each education threat assessment team shall:

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

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

17 (f) Upon a preliminary determination that an occurrence,
18 person, entity, or action poses a threat to a department of
19 education school, a threat assessment team shall immediately
20 report its determination to the safety, security, and emergency
21 preparedness branch of the department of education. Nothing in



1 this subsection shall preclude school personnel from acting
2 immediately to address an imminent threat.

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

16 **§128A-F Education threat assessment teams; University of**
17 **Hawaii.** (a) The University of Hawaii may adopt policies for
18 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.



1 (b) The University of Hawaii may establish education
2 threat assessment teams on individual campuses within the
3 University of Hawaii system.

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

13 (d) Each education threat assessment team shall:

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

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

18 (e) 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-G Confidentiality.** Records held by a government
11 agency's threat assessment team or the fusion center pursuant to
12 this part relating to the assessment of or intervention with a
13 specific individual shall be exempt from disclosure under
14 chapter 92F."

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

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



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

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

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

19 If no personal representative has been appointed, the
20 deceased person's next of kin in order of superseding priority,
21 without court order, may obtain copies of or may authorize the



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

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



1 contain references pertaining to any of the following types of
2 specially protected health information:

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

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

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

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

17 (h) A health care provider may provide records, in whole
18 or in part, in response to a request for records by a vetted
19 liaison of a threat assessment team established pursuant to part
20 of chapter 128A.

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



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

- 3 (1) The spouse or reciprocal beneficiary;
- 4 (2) An adult child;
- 5 (3) Either parent;
- 6 (4) An adult sibling;
- 7 (5) A grandparent; and
- 8 (6) A guardian at the time of death.

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

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

13 **"[+]§846D-4[+] Limitations on dissemination.**

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

- 17 (1) Agencies [~~which~~] that have primary investigative,
18 detention, custodial, adjudicative, and program
19 responsibility for minors, including but not limited
20 to the county police departments, [~~the~~] county



- 1 prosecutors, [~~the~~] family courts, and [~~the~~] Hawaii
2 youth correctional facilities;
- 3 (2) Individuals and agencies pursuant to a specific
4 agreement with an agency with primary investigative,
5 detention, custodial, and program responsibility to
6 provide services to fulfill that responsibility;
7 provided that the agreement shall specifically
8 authorize access to data, limit the use of data to
9 purposes for which given, and [~~insure~~] ensure the
10 security and confidentiality of the data consistent
11 with the purpose of this chapter;
- 12 (3) Individuals and agencies for the express purpose of
13 research, evaluative, or statistical activities
14 pursuant to an agreement with a juvenile justice
15 agency; provided that the agreement shall specifically
16 authorize access to data, limit the use of data to
17 research, evaluative, or statistical purposes, and
18 insure the confidentiality and security of the data
19 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

9 (6) The Hawaii state fusion center of the office of
10 homeland security pursuant to part of chapter
11 128A."

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

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

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



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 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; 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. Effective 7/1/2050. (HD1)

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