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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 alarming 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 and is therefore a matter of statewide  
10 concern. A multidisciplinary threat assessment team consisting  
11 of individuals with diverse training and experience can help  
12 prevent violence. Psychologists, health care providers, social  
13 workers, substance abuse counselors, disability service  
14 providers, and other individuals all have different expertise  
15 and perspectives that can help find 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. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so  
13 much thereof as may be necessary for fiscal year 2022-2023 for  
14 the threat assessment team program established by section 3 of  
15 this Act.

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

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



1           SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 8. This Act shall take effect on July 1, 2050.

4



# H.B. NO. 1415 H.D. 2

**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. (HD2)

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