
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Provide for the examination of defendants through
3 telehealth;

4 (2) Expand the scope of the criminal justice diversion
5 program to certain petty misdemeanants; and

6 (3) Appropriate funds to provide additional job positions
7 and resources necessary for the implementation of this
8 Act.

9 SECTION 2. Chapter 704, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§704- Examination of defendants via telehealth. (1)
13 Examiners who have been appointed by the court under section
14 704-404, may be allowed to conduct their examination of
15 defendants via telehealth pursuant to this chapter.

16 (2) Examination of defendants pursuant to this chapter may
17 be conducted via telehealth at any facility under the



1 jurisdiction of the director of health, director of law
2 enforcement, or chief justice.

3 (3) Each facility shall establish procedures regarding the
4 provision and use of telehealth resources at appropriate
5 facilities. The procedures shall ensure the widest availability
6 of telehealth resources feasible at appropriate facilities.

7 (4) For purposes of this section, "telehealth" means the
8 provision of health care or examination remotely by means of
9 telecommunications technology by a health care professional or
10 examiner in accordance with the requirements of section 453-
11 1.3."

12 SECTION 3. Section 704-421, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"[+]§704-421[+] Proceedings for defendants charged with**
15 **petty misdemeanors not involving violence or attempted violence;**
16 **criminal justice diversion program. (1) In cases where the**

17 defendant is charged with a petty misdemeanor not involving
18 violence or attempted violence, if, at the hearing held pursuant
19 to section 704-404(2)(a) or at a further hearing held after the
20 appointment of an examiner pursuant to section 704-404(2)(b),
21 the court determines that the defendant is fit to proceed, then



1 the proceedings against the defendant shall resume. In all
2 other cases under this section where fitness remains an
3 outstanding issue, the court shall continue the suspension of
4 the proceedings and either commit the defendant to the custody
5 of the director of health to be placed in a hospital or other
6 suitable facility for further examination and assessment[-] or,
7 in cases where the defendant is not imminently dangerous to self
8 or others and need not be committed to the director of health
9 for the purpose of the fitness examination under section 704-
10 404(2), the court may order that the defendant be released on
11 terms and conditions.

12 (2) [~~Within seven days from the commitment of the~~
13 ~~defendant to the custody of the director of health, or as soon~~
14 ~~thereafter as is practicable, the director of health] In cases
15 under this section where the defendant's fitness to proceed
16 remains an outstanding issue at the hearing held pursuant to
17 section 704-404(2) (a) or a further hearing held after the
18 appointment of an examiner pursuant to section 704-404(2) (b), as
19 applicable, the director of health, within fourteen days of that
20 hearing or as soon as is practicable, shall report to the court
21 on the defendant's current capacity to understand the~~



1 proceedings against the defendant and defendant's current
 2 ability to assist in the defendant's own defense. If, following
 3 the report, the court finds defendant fit to proceed, the
 4 proceedings against defendant shall resume. In all other cases,
 5 the court shall dismiss the charge with or without prejudice in
 6 the interest of justice. [~~The director of health may at any~~
 7 ~~time proceed under the provisions of section 334-60.2 or 334-~~
 8 ~~121.]"~~

9 SECTION 4. There is appropriated out of the general
 10 revenues of the State of Hawaii the sum of \$500,000 or so much
 11 thereof as may be necessary for fiscal year 2024-2025 for the
 12 purposes of this Act.

13 The sum appropriated shall be expended by the department of
 14 health for the purposes of this Act.

15 SECTION 5. There is appropriated out of the general
 16 revenues of the State of Hawaii the sum of \$ or so
 17 much thereof as may be necessary for fiscal year 2024-2025 for
 18 the establishment of full-time equivalent (FTE)
 19 positions (\$) and for additional resources necessary
 20 to accommodate telehealth examinations of defendants pursuant to
 21 this Act.



1 The sum appropriated shall be expended by the department of
2 corrections and rehabilitation for the purposes of this Act.

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2024-2025 for
6 the establishment of full-time equivalent (FTE)
7 positions (\$) and for additional resources necessary
8 to accommodate telehealth examinations of defendants pursuant to
9 this Act.

10 The sum appropriated shall be expended by the judiciary for
11 the purposes of this Act.

12 SECTION 7. In accordance with section 9 of article VII of
13 the Hawaii State Constitution and sections 37-91 and 37-93,
14 Hawaii Revised Statutes, the legislature has determined that the
15 appropriations contained in H.B. No. , will cause the state
16 general fund expenditure ceiling for fiscal year 2024-2025 to be
17 exceeded by \$ or per cent. In addition, the
18 appropriation contained in this Act will cause the general fund
19 expenditure ceiling for fiscal year 2024-2025 to be further
20 exceeded by \$ or per cent. The combined total
21 amount of general fund appropriations contained in only these



1 two Acts will cause the state general fund expenditure ceiling
2 for fiscal year 2024-2025 to be exceeded by
3 \$ or per cent. The reasons for exceeding the
4 general fund expenditure ceiling are that:

- 5 (1) The appropriation made in this Act is necessary to
6 serve the public interest; and
7 (2) The appropriation made in this Act meets the needs
8 addressed by this Act.

9 SECTION 8. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 9. This Act shall take effect on July 1, 3000.



H.B. NO. 2451 H.D. 1

Report Title:

Mental Health; Fitness To Proceed; Examination Via Telehealth;
Judiciary; Department of Corrections and Rehabilitation;
Appropriation; Expenditure Ceiling

Description:

Authorizes examination of defendants via telehealth. Amends conditions for certain petty misdemeanants' release or examination of fitness to proceed. Appropriates funds. Effective 7/1/3000. (HD1)

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

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