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# A BILL FOR AN ACT

RELATING TO REHABILITATION.

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

1 PART I

2 SECTION 1. The purpose of this part is to:

3 (1) Provide for the examination of defendants through  
4 telehealth and provide a mechanism for nonviolent  
5 petty misdemeanor defendants whose fitness to proceed  
6 in criminal proceedings remains an outstanding issue  
7 to be automatically screened for involuntary  
8 hospitalization or assisted community treatment; and

9 (2) Appropriate funds to provide additional job positions  
10 and resources for the implementation of this part.

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

14 "§704- Examination of defendants via telehealth. (1)

15 The director of health shall prescribe by rule the requirements,  
16 terms, conditions, and circumstances under which examinations of



1 defendants conducted pursuant to this chapter may be  
2 administered via telehealth.

3 (2) With regard to examinations of defendants conducted  
4 via telehealth and pursuant to this chapter:

5 (a) The director of health, in the case of any facility  
6 under the jurisdiction of the director of health;

7 (b) The director of public safety, in the case of any  
8 facility under the jurisdiction of the director of  
9 public safety; and

10 (c) The chief justice, in the case of any facility under  
11 the jurisdiction of the chief justice,

12 shall establish procedures regarding the provision and use of  
13 telehealth resources at appropriate facilities. The procedures  
14 shall comply with the rules prescribed by the director of health  
15 pursuant to subsection (1) and ensure the widest availability of  
16 telehealth resources feasible at appropriate facilities.

17 (3) For the purposes of this section, "telehealth" means  
18 health care services provided through telecommunications  
19 technology by a health care professional who is at a location  
20 other than where the defendant is located."



1 SECTION 3. Section 704-404, Hawaii Revised Statutes, is  
2 amended by amending subsection (2) to read as follows:

3 "(2) Upon suspension of further proceedings in the  
4 prosecution:

5 (a) In cases where the defendant is charged with a petty  
6 misdemeanor not involving violence or attempted  
7 violence, if a court-based certified examiner is  
8 available, the court shall appoint the court-based  
9 certified examiner to examine and provide an expedited  
10 report solely upon the issue of the defendant's  
11 capacity to understand the proceedings against the  
12 defendant and defendant's ability to assist in the  
13 defendant's own defense. The court-based certified  
14 examiner shall file the examiner's report with the  
15 court within two days of the appointment of the  
16 examiner, or as soon thereafter is practicable. A  
17 hearing shall be held to determine if the defendant is  
18 fit to proceed within two days of the filing of the  
19 report, or as soon thereafter as is practicable[+].  
20 This paragraph shall not apply to any case under the



1           jurisdiction of the family court unless the presiding  
2           judge orders otherwise;

3           (b) In all other nonfelony cases, and where a court-based  
4           certified examiner is not available in cases under  
5           paragraph (a), the court shall appoint one qualified  
6           examiner to examine and report upon the defendant's  
7           fitness to proceed. The court may appoint as the  
8           examiner either a psychiatrist or a licensed  
9           psychologist designated by the director of health from  
10          within the department of health; and

11          (c) In felony cases, the court shall appoint three  
12          qualified examiners to examine and report upon the  
13          defendant's fitness to proceed. The court shall  
14          appoint as examiners psychiatrists, licensed  
15          psychologists, or qualified physicians; provided that  
16          one of the three examiners shall be a psychiatrist or  
17          licensed psychologist designated by the director of  
18          health from within the department of health.

19 All examiners shall be appointed from a list of certified  
20 examiners as determined by the department of health. The court,  
21 in appropriate circumstances, may appoint an additional examiner



1 or examiners. The examination may be conducted while the  
2 defendant is in custody or on release or, in the court's  
3 discretion, when necessary the court may order the defendant to  
4 be committed to a hospital or other suitable facility for the  
5 purpose of the examination for a period not exceeding thirty  
6 days, or a longer period as the court determines to be necessary  
7 for the purpose. The court may direct that one or more  
8 qualified physicians or psychologists retained by the defendant  
9 be permitted to witness the examination. As used in this  
10 section, the term "licensed psychologist" includes psychologists  
11 exempted from licensure by section 465-3(a)(3) and "qualified  
12 physician" means a physician qualified by the court for the  
13 specific evaluation ordered."

14 SECTION 4. Section 704-421, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 " [+]§704-421[+] Proceedings for defendants charged with  
17 petty misdemeanors not involving violence or attempted violence;  
18 criminal justice diversion program. (1) In cases where the  
19 defendant is charged with a petty misdemeanor not involving  
20 violence or attempted violence, if, at the hearing held pursuant  
21 to section 704-404(2)(a) or at a further hearing held after the



1 appointment of an examiner pursuant to section 704-404(2)(b),  
2 the court determines that the defendant is fit to proceed, then  
3 the proceedings against the defendant shall resume. In all  
4 other cases under this section where fitness remains an  
5 outstanding issue, the court shall continue the suspension of  
6 the proceedings and either commit the defendant to the custody  
7 of the director of health to be placed in a hospital or other  
8 suitable facility, including an outpatient facility, for further  
9 examination and assessment[-] or, in cases where the defendant  
10 was not subject to an order of commitment to the director of  
11 health for the purpose of the fitness examination under section  
12 704-404(2), the court may order that the defendant remain  
13 released on conditions the court determines necessary for  
14 placement in a group home, residence, or other facility  
15 prescribed by the director of health for further assessment by a  
16 clinical team pursuant to subsection (3).

17 (2) [~~Within seven days from the commitment of the~~  
18 ~~defendant to the custody of the director of health, or as soon~~  
19 ~~thereafter as is practicable, the director of health] In cases  
20 under this section where the defendant's fitness to proceed  
21 remains an outstanding issue at the hearing held pursuant to~~



1 section 704-404(2)(a) or a further hearing held after the  
2 appointment of an examiner pursuant to section 704-404(2)(b), as  
3 applicable, the director of health, within fourteen days of that  
4 hearing or as soon thereafter as is practicable, shall report to  
5 the court on the following:

6 (a) The defendant's current capacity to understand the  
7 proceedings against the defendant and defendant's  
8 current ability to assist in the defendant's own  
9 defense[-];

10 (b) Whether, after assessment of the defendant pursuant to  
11 subsection (3)(a) or (b), the defendant's clinical  
12 team believes that the defendant meets the criteria  
13 for involuntary hospitalization under section 334-60.2  
14 or assisted community treatment under section 334-121;  
15 and

16 (c) The date that the director of health filed a petition  
17 for involuntary hospitalization or assisted community  
18 treatment on behalf of the defendant pursuant to  
19 subsection (3)(a) or (b), as applicable.

20 If, following the report, the court finds defendant fit to  
21 proceed, the proceedings against defendant shall resume. In all



1 other cases, the court shall dismiss the charge with or without  
2 prejudice in the interest of justice. [~~The director of health~~  
3 ~~may at any time proceed under the provisions of section 334-60.2~~  
4 ~~or 334-121.~~]

5 (3) During the defendant's commitment to the custody of  
6 the director of health or release on conditions pursuant to  
7 subsection (1):

8 (a) If the defendant's clinical team determines that the  
9 defendant meets the criteria for involuntary  
10 hospitalization set forth in section 334-60.2, the  
11 director of health, within seven days of the clinical  
12 team's determination, shall file a petition for  
13 involuntary hospitalization pursuant to section  
14 334-60.3 with the family court. If the petition is  
15 granted, the defendant shall remain hospitalized for a  
16 time period as provided by section 334-60.6;

17 (b) If the defendant's clinical team determines that the  
18 defendant does not meet the criteria for involuntary  
19 hospitalization, or the court denies the petition for  
20 involuntary hospitalization, the defendant's clinical  
21 team shall determine whether an assisted community





1 treatment plan is appropriate pursuant to part VIII of  
2 chapter 334. If the clinical team determines that an  
3 assisted community treatment plan is appropriate, the  
4 psychiatrist or advanced practice registered nurse  
5 from the clinical team shall prepare the certificate  
6 for assisted community treatment specified by section  
7 334-123, which certificate shall include a written  
8 treatment plan for the provision of mental health  
9 services to the defendant. The clinical team shall  
10 identify a community mental health outpatient program  
11 that agrees to provide mental health services to the  
12 defendant as the designated mental health program  
13 under the assisted community treatment order. The  
14 clinical team shall provide the defendant with a copy  
15 of the certificate. If the defendant declines to  
16 accept the mental health services described in the  
17 certificate prepared pursuant to this paragraph, then  
18 the director of health, within ten days of the  
19 defendant's refusal of services described in the  
20 certificate, shall file the assisted community  
21 treatment petition described in section 334-123 with



1           the family court. When a petition for assisted  
2           community treatment has been filed for a defendant,  
3           the defendant committed to the custody of the director  
4           of health shall remain in custody until the family  
5           court issues a decision on the petition.

6           (4) This section shall not apply to any case under the  
7           jurisdiction of the family court unless the presiding judge  
8           orders otherwise."

9           SECTION 5. Section 710-1021, Hawaii Revised Statutes, is  
10          amended by amending subsection (2) to read as follows:

11           "(2) Escape in the second degree is a class C felony[-]  
12          unless the offense was committed by a person while in the  
13          custody of the director of health pursuant to section  
14          704-421(1), in which case it is a petty misdemeanor."

15           SECTION 6. 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 2023-2024 and  
18          the same sum or so much thereof as may be necessary for fiscal  
19          year 2024-2025 for the establishment of one full-time equivalent  
20          (1.0 FTE) law clerk position for the mental health calendar



1 judge presiding over matters under chapter 704, Hawaii Revised  
2 Statutes.

3 The sums appropriated shall be expended by the judiciary  
4 for the purposes of this part.

5 SECTION 7. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2023-2024 and  
8 the same sum or so much thereof as may be necessary for fiscal  
9 year 2024-2025 for the establishment of full-time  
10 equivalent ( FTE) positions (\$) and for  
11 additional resources necessary to implement this part.

12 The sums appropriated shall be expended by the department  
13 of health for the purposes of this part.

14 SECTION 8. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so  
16 much thereof as may be necessary for fiscal year 2023-2024 and  
17 the same sum or so much thereof as may be necessary for fiscal  
18 year 2024-2025 for the establishment of full-time  
19 equivalent ( FTE) positions (\$) and for  
20 additional resources necessary to accommodate telehealth  
21 examinations of defendants pursuant to section 2 of this Act.



1 The sums appropriated shall be expended by the department  
2 of health for the purposes of this part.

3 SECTION 9. 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 2023-2024 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2024-2025 for the establishment of full-time  
8 equivalent ( FTE) positions (\$) and for  
9 additional resources necessary to accommodate telehealth  
10 examinations of defendants pursuant to section 2 of this Act.

11 The sums appropriated shall be expended by the department  
12 of public safety for the purposes of this part.

13 SECTION 10. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2023-2024 and  
16 the same sum or so much thereof as may be necessary for fiscal  
17 year 2024-2025 for the establishment of full-time  
18 equivalent ( FTE) positions (\$) and for  
19 additional resources necessary to accommodate telehealth  
20 examinations of defendants pursuant to section 2 of this Act.





1 drug in the third degree, as approved by the prosecution, and  
2 other charges the parties agree to on a case-by-case basis. The  
3 agreements establish procedures for screening and assessing  
4 defendants for serious mental illness, determining whether  
5 defendants qualify for involuntary hospitalization, entry of  
6 defendants into diversion programs for treatment, dismissal of  
7 the charge if the defendant complies with the diversion plan,  
8 and regular meetings among stakeholders.

9 The purpose of this part is to require the judiciary, in  
10 consultation with other stakeholders, to submit reports to the  
11 legislature to permit it to monitor and evaluate the  
12 effectiveness of the above-described agreements.

13 Section 12. At least forty days prior to the convening of  
14 the regular sessions of 2024, 2025, and 2026, the judiciary, in  
15 consultation with the prosecuting attorney of the city and  
16 county of Honolulu, state public defender, and department of  
17 health, shall submit to the legislature a report on the progress  
18 and effectiveness of the agreements establishing procedures for  
19 post-booking jail diversion programs in the first circuit  
20 described in section 11 of this Act. Each report shall include:

21 (1) The status of the programs;



- 1 (2) The number of persons referred to the programs during  
2 the reporting period;
- 3 (3) The number of persons accepted into the programs  
4 during the reporting period;
- 5 (4) A breakdown of program participants by types of  
6 qualifying criminal charges;
- 7 (5) The number of participants whose criminal charges were  
8 dismissed upon completion of the programs;
- 9 (6) A quantification and discussion of other relevant  
10 program measures, outcomes, and procedures; and
- 11 (7) Any other findings and recommendations, including ways  
12 to improve the programs and proposed legislation.

13 The report shall also include the comments and recommendations  
14 of the prosecuting attorney of the city and county of Honolulu,  
15 state public defender, and department of health.

16 SECTION 13. Beginning September 1, 2023, the judiciary, in  
17 consultation with the prosecuting attorney of the city and  
18 county of Honolulu, state public defender, and department of  
19 health, shall submit to the legislature a monthly report on the  
20 progress to date of the post-booking jail diversion programs in  
21 the first circuit described in section 11 of this Act.



## 1 PART III

2 SECTION 14. The purpose of this part is to lengthen the  
3 allowable period of court-ordered assisted community treatment  
4 for persons who are mentally ill or suffering from substance  
5 abuse, and extensions of the court order.

6 In addition, this part eliminates the need for courts, in  
7 deciding petitions to extend periods of assisted community  
8 treatment, to consider or make any finding as to any unchanged  
9 factor that has been previously established in the existing  
10 order for treatment.

11 SECTION 15. Section 334-127, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) If after hearing all relevant evidence, including the  
14 results of any diagnostic examination ordered by the family  
15 court, the family court finds that the criteria for assisted  
16 community treatment under section 334-121(1) have been met  
17 beyond a reasonable doubt and that the criteria under section  
18 334-121(2) to 334-121(4) have been met by clear and convincing  
19 evidence, the family court shall order the subject to obtain  
20 assisted community treatment for a period of no more than [~~one~~  
21 year.] two years. The written treatment plan submitted pursuant





1 to section 334-126(g) shall be attached to the order and made a  
2 part of the order.

3 If the family court finds by clear and convincing evidence  
4 that the beneficial mental and physical effects of recommended  
5 medication outweigh the detrimental mental and physical effects,  
6 if any, the order may authorize types or classes of medication  
7 to be included in treatment at the discretion of the treating  
8 psychiatrist or advanced practice registered nurse with  
9 prescriptive authority and who holds an accredited national  
10 certification in an advanced practice registered nurse  
11 psychiatric specialization.

12 The court order shall also state who should receive notice  
13 of intent to discharge early in the event that the treating  
14 psychiatrist or advanced practice registered nurse with  
15 prescriptive authority and who holds an accredited national  
16 certification in an advanced practice registered nurse  
17 psychiatric specialization determines, [~~prior to~~] before the end  
18 of the court ordered period of treatment, that the subject  
19 should be discharged early from assisted community treatment.

20 Notice of the order shall be provided to those persons  
21 entitled to notice pursuant to section 334-125."



1 SECTION 16. Section 334-130, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) A subject of assisted community treatment is  
4 automatically and fully discharged at the end of the family  
5 court ordered period of treatment, a period of [~~not~~] no more  
6 than [~~one year,~~] two years, unless a new family court order has  
7 been obtained as provided hereinbelow."

8 SECTION 17. Section 334-133, Hawaii Revised Statutes, is  
9 amended by amending subsections (a) and (b) to read as follows:

10 "(a) Before the expiration of the period of assisted  
11 community treatment ordered by the family court, any interested  
12 party may file a petition with the family court for an order of  
13 continued assisted community treatment. The petition shall be  
14 filed, and unless the court determines the existence of a  
15 guardian, a guardian ad litem appointed, and notice provided in  
16 the same manner as under sections 334-123 and 334-125[~~-~~];  
17 provided that the petition shall be accompanied by a declaration  
18 of the treating psychiatrist or advanced practice registered  
19 nurse specifying which of the criteria set forth in section  
20 334-121 are unchanged from the date of the existing order for  
21 assisted community treatment.



1 (b) The family court shall appoint a guardian ad litem,  
2 unless there is an existing guardian, hold a hearing on the  
3 petition, and make its decision in the same manner as provided  
4 under sections 334-123 to 334-127[-]; provided that at the  
5 hearing and in rendering its decision, the court need not  
6 consider or make any finding as to any unchanged factor that has  
7 been previously established in the existing order for assisted  
8 community treatment. The family court may order the continued  
9 assisted community treatment for no more than [~~one year~~] two  
10 years after the date of the hearing pursuant to this section if  
11 the court finds that the criteria for assisted community  
12 treatment continue to exist and are likely to continue beyond  
13 one hundred eighty days."

14 PART IV

15 SECTION 18. The purpose of this part is to authorize  
16 courts to require a probation violator to undergo a mental  
17 health evaluation and treatment program as a condition of  
18 continued probation whenever there is reason to believe that the  
19 probation violation is associated with a mental disease,  
20 disorder, or defect of the defendant.



1 SECTION 19. Section 706-625, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§706-625 Revocation, modification of probation  
4 conditions. (1) The court, on application of a probation  
5 officer, the prosecuting attorney, the defendant, or on its own  
6 motion, after a hearing, may revoke probation except as provided  
7 in [~~subsection~~] subsections (6) and (7), reduce or enlarge the  
8 conditions of a sentence of probation, pursuant to the  
9 provisions applicable to the initial setting of the conditions  
10 and the provisions of section 706-627.

11 (2) The prosecuting attorney, the defendant's probation  
12 officer, and the defendant shall be notified by the movant in  
13 writing of the time, place, and date of any [~~such~~] hearing, and  
14 of the grounds upon which action under this section is proposed.  
15 The prosecuting attorney, the defendant's probation officer, and  
16 the defendant may appear in the hearing to oppose or support the  
17 application, and may submit evidence for the court's  
18 consideration. The defendant shall have the right to be  
19 represented by counsel. For purposes of this [~~section~~]  
20 subsection, the court shall not be bound by the Hawaii rules of  
21 evidence, except for the rules pertaining to privileges.



1           (3) The court shall revoke probation if the defendant has  
2 inexcusably failed to comply with a substantial requirement  
3 imposed as a condition of the order or has been convicted of a  
4 felony. The court may revoke the suspension of sentence or  
5 probation if the defendant has been convicted of another crime  
6 other than a felony.

7           (4) The court may modify the requirements imposed on the  
8 defendant or impose further requirements, if it finds that such  
9 action will assist the defendant in leading a law-abiding life.

10          (5) When the court revokes probation, it may impose on the  
11 defendant any sentence that might have been imposed originally  
12 for the crime of which the defendant was convicted.

13          ~~[(6) As used in this section, "conviction" means that a  
14 judgment has been pronounced upon the verdict.~~

15          ~~(7)]~~ (6) The court may require a defendant to undergo and  
16 complete a substance abuse treatment program when the defendant  
17 has committed a violation of the terms and conditions of  
18 probation involving possession or use, not including to  
19 distribute or manufacture as defined in section 712-1240, of any  
20 dangerous drug, detrimental drug, harmful drug, intoxicating  
21 compound, marijuana, or marijuana concentrate, as defined in



1 section 712-1240, unlawful methamphetamine trafficking as  
2 provided in section 712-1240.6, or involving possession or use  
3 of drug paraphernalia under section 329-43.5. If the defendant  
4 fails to complete the substance abuse treatment program or the  
5 court determines that the defendant cannot benefit from any  
6 other suitable substance abuse treatment program, the defendant  
7 shall be subject to revocation of probation and incarceration.  
8 The court may require the defendant to:

- 9 (a) Be assessed by a certified substance abuse counselor  
10 for substance abuse dependency or abuse under the  
11 applicable Diagnostic and Statistical Manual and  
12 Addiction Severity Index;
- 13 (b) Present a proposal to receive substance abuse  
14 treatment in accordance with the treatment plan  
15 prepared by a certified substance abuse counselor  
16 through a substance abuse treatment program that  
17 includes an identified source of payment for the  
18 treatment program;
- 19 (c) Contribute to the cost of the substance abuse  
20 treatment program; and



1 (d) Comply with any other terms and conditions of  
2 probation.

3 ~~[As used in this subsection, "substance abuse treatment~~  
4 ~~program" means drug or substance abuse treatment services~~  
5 ~~provided outside a correctional facility by a public, private,~~  
6 ~~or nonprofit entity that specializes in treating persons who are~~  
7 ~~diagnosed with substance abuse or dependency and preferably~~  
8 ~~employs licensed professionals or certified substance abuse~~  
9 ~~counselors.~~

10 ~~Nothing in this subsection shall be construed to give rise~~  
11 ~~to a cause of action against the State, a state employee, or a~~  
12 ~~treatment provider.]~~

13 (7) As a condition of continued probation, the court may  
14 require a defendant to undergo a mental health evaluation and  
15 treatment program when the defendant has committed a violation  
16 of the terms and conditions of probation and there is reason to  
17 believe that the violation is associated with a mental disease,  
18 disorder, or defect of the defendant. The court may require the  
19 defendant to:



- 1        (a) Be assessed for a mental disease, disorder, or defect  
2        by a psychiatrist or psychologist, who shall prepare  
3        an appropriate treatment plan;
- 4        (b) Present a proposal to receive treatment in accordance  
5        with the plan prepared pursuant to paragraph (a)  
6        through a mental health treatment program that  
7        includes an identified source of payment for the  
8        treatment program, as applicable;
- 9        (c) Contribute to the cost of the treatment program, as  
10       applicable; and
- 11       (d) Comply with any other terms and conditions of  
12       probation.

13       If the defendant fails to complete the treatment program or  
14       the court determines that the defendant cannot benefit from any  
15       other suitable treatment program, the defendant may be subject  
16       to revocation of probation and incarceration.

17       (8) For the purposes of this section:

18       "Conviction" means that a judgment has been pronounced upon  
19       the verdict.

20       "Mental health treatment program" means treatment services  
21       addressing a mental disease, disorder, or defect of the





1 defendant, including residential or rehabilitation treatment or  
2 any other course or procedure, including diversion into  
3 specialized courts.

4 "Substance abuse treatment program" means drug or substance  
5 abuse treatment services provided outside a correctional  
6 facility by a public, private, or nonprofit entity that  
7 specializes in treating persons who are diagnosed with substance  
8 abuse or dependency and preferably employs licensed  
9 professionals or certified substance abuse counselors.

10 (9) Nothing in subsection (6) or (7) shall be construed to  
11 give rise to a cause of action against the State, a state  
12 employee, or a treatment provider."

13 PART V

14 SECTION 20. The purpose of this part is to require the  
15 department of health to contract with behavioral health crisis  
16 centers to provide intervention and stabilization services in  
17 each county for persons experiencing a mental illness or  
18 substance use disorder crisis, including a dedicated first  
19 responder drop-off area for potential clients.



1 SECTION 21. Chapter 334, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4 "§334- Behavioral health crisis centers. (a) Pursuant  
5 to the authority and functions established under sections  
6 334-2.5(a)(3)(B) and 334-3(a)(5), the director shall establish  
7 or contract with behavioral health crisis centers in each county  
8 of the State to provide care, diagnosis, or treatment for  
9 persons experiencing a mental illness or substance use disorder  
10 crisis.

11 (b) Each behavioral health crisis center established or  
12 contracted with pursuant to this section shall:

13 (1) Be designed to:

14 (A) Address mental health and substance use crisis  
15 issues; and

16 (B) Screen, assess, admit for stabilization, and  
17 redirect a client to ongoing care in the most  
18 appropriate and least restrictive community  
19 setting available, consistent with the client's  
20 needs;



- 1        (2) Provide services twenty-four hours a day, seven days a  
2        week;
- 3        (3) Accept all walk-ins and referrals and provide services  
4        regardless of the client's ability to pay, subject to  
5        subsection (c);
- 6        (4) Offer a dedicated first responder drop-off area;
- 7        (5) Not require medical clearance before admission of the  
8        client but rather provide assessment and support for  
9        the client's medical stability while at the crisis  
10       center;
- 11       (6) Have the capacity to assess physical health needs and  
12       deliver care for most minor physical health  
13       challenges;
- 14       (7) Be staffed at all times with a multidisciplinary team  
15       capable of meeting the needs of clients experiencing  
16       all levels of mental health or substance use crisis,  
17       including:
- 18       (A) Psychiatrists or psychiatric nurse practitioners;  
19       (B) Nurses;  
20       (C) Licensed or credentialed clinicians capable of  
21       completing assessments of the client; and



1           (D) Peers with lived experience similar to the  
2                           experience of the client; and

3           (8) Screen clients for suicide or violence risk and  
4                           complete more comprehensive risk assessments and  
5                           planning when clinically indicated.

6           (c) No person shall be denied services or receive delayed  
7                           services at a behavioral health crisis center operating under  
8                           this section because of inability to pay; provided that, subject  
9                           to section 334-6, crisis centers shall make every reasonable  
10                          effort to collect appropriate reimbursement for the cost of  
11                          providing services to persons able to pay for services,  
12                          including insurance or third-party payments.

13           (d) The director shall adopt rules pursuant to section  
14                           334-9 to implement this section, including rules specifying  
15                           standards for behavioral health crisis center eligibility  
16                           criteria, clinical procedures, staffing requirements, and  
17                           operational, administrative, and financing requirements."

18           SECTION 22. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$                    or so  
20 much thereof as may be necessary for fiscal year 2023-2024 and  
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2024-2025 for the director of health to establish or  
2 contract with behavioral health crisis centers pursuant to this  
3 part.

4 The sums appropriated shall be expended by the department  
5 of health for the purposes of this part.

6 PART VI

7 SECTION 23. The department of health shall purchase,  
8 staff, and operate a statewide Hawaii urgency response center to  
9 provide twenty-four hours per day, seven days per week access to  
10 mental health professionals, peer specialists, nurses, and  
11 physicians to assist individuals experiencing a behavioral  
12 health crisis.

13 SECTION 24. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2023-2024 and  
16 the same sum or so much thereof as may be necessary for fiscal  
17 year 2024-2025 for the purchase, staffing, and operation of a  
18 statewide Hawaii urgency response center.

19 The sums appropriated shall be expended by the department  
20 of health for the purposes of this part.



1 SECTION 25. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2023-2024 and  
4 the same sum or so much thereof as may be necessary for fiscal  
5 year 2024-2025 for:

6 (1) Five full-time equivalent (5.0 FTE) court-based  
7 clinicians;

8 (2) One full-time equivalent (1.0 FTE) coordinator  
9 position; and

10 (3) One full-time equivalent (1.0 FTE) paralegal  
11 specialist position,

12 to staff and operate a statewide Hawaii urgency response center.

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

15 PART VII

16 SECTION 26. The purpose of this part is to restore funding  
17 for probation officer services for the mental health court.

18 SECTION 27. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$ or so  
20 much thereof as may be necessary for fiscal year 2023-2024 and  
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2024-2025 to restore funding for probation officer services  
2 for the mental health court.

3 The sums appropriated shall be expended by the judiciary  
4 for the purposes of this part.

5 PART VIII

6 SECTION 28. This Act is amended as follows:

7 (1) By substituting the phrase "director of corrections  
8 and rehabilitation", or similar term, wherever the  
9 phrase "director of public safety", or similar term,  
10 appears; and

11 (2) By substituting the phrase "department of corrections  
12 and rehabilitation", or similar term, wherever the  
13 phrase "department of public safety", or similar term,  
14 appears.

15 SECTION 29. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 30. This Act shall take effect on July 1, 3023;  
18 provided that section 28 of this Act shall take effect on  
19 January 1, 3024.



**Report Title:**

Mental Health Treatment Diversion; Probation Violators;  
Behavioral Health Crisis Centers; Appropriations

**Description:**

Amends the Criminal Justice Diversion Program including allowing examination of defendants via telehealth. Requires the Judiciary, in consultation with other stakeholders, to submit monthly and annual reports to the Legislature on the effectiveness of agreements for post-booking jail diversion programs for district and circuit court in the first circuit. Amends the allowable period of court-ordered assisted community treatment and considerations for extensions. Allows courts to require certain probation violators to undergo mental health evaluation and treatment as a condition of continued probation. Requires the Department of Health to contract with behavioral health crisis centers and to establish a statewide Hawaii Urgency Response Center. Restores funding for probation officer services for the mental health court. Effective 7/1/3023.  
(SD1)

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

