
A BILL FOR AN ACT

RELATING TO ASSISTED COMMUNITY TREATMENT.

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

1 SECTION 1. Section 704-421, Hawaii Revised Statutes, is
2 amended by amending subsection (3) to read as follows:

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

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

15 (b) If the defendant's clinical team determines that the
16 defendant does not meet the criteria for involuntary
17 hospitalization, or the court denies the petition for



1 involuntary hospitalization, the defendant's clinical
2 team shall determine whether an assisted community
3 treatment plan is appropriate pursuant to part VIII of
4 chapter 334. If the clinical team determines that an
5 assisted community treatment plan is appropriate, the
6 clinical team shall identify a community mental health
7 outpatient program that agrees to provide the mental
8 health services to the defendant in the event the
9 assisted community treatment petition is granted. The
10 psychiatrist or advanced practice registered nurse
11 from the clinical team or the community mental health
12 outpatient program shall prepare the certificate for
13 assisted community treatment specified by section
14 334-123, including a written treatment plan for the
15 provision of mental health services to the defendant.
16 ~~[The clinical team shall identify a community mental~~
17 ~~health outpatient program that agrees to provide~~
18 ~~mental health services to the defendant as the~~
19 ~~designated mental health program under the assisted~~
20 ~~community treatment order.]~~ The clinical team or the
21 community mental health outpatient program shall



1 provide the defendant with a copy of the certificate.
2 Within ten days of provision of the certificate to the
3 defendant by the clinical team[7] or the community
4 mental health outpatient program, the director of
5 health or the community mental health outpatient
6 program shall file with the family court the assisted
7 community treatment petition described in section
8 334-123. When a petition for assisted community
9 treatment has been filed for a defendant, the
10 defendant committed to the custody of the director of
11 health shall remain in custody until the family court
12 issues a decision on the petition; provided that the
13 judge may order that the subject be released during
14 the pendency of that action."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Assisted Community Treatment; Petitions; Involuntary
Hospitalization; Community Mental Health Outpatient Programs

Description:

Clarifies that community mental health outpatient programs that have agreed to provide mental health services to a defendant as part of an assisted community treatment order may prepare a certificate for assisted community treatment and provide the certificate to a defendant and may file an assisted community treatment petition with the Family Court. Effective 1/1/2050.
(SD1)

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

