

MAR 12 2026

SENATE RESOLUTION

REQUESTING THE GOVERNOR'S SENIOR ADVISOR FOR MENTAL HEALTH AND THE JUSTICE SYSTEM TO FORMULATE A PLAN TO INCREASE ACCESS TO THE HAWAII STATE HOSPITAL FOR CERTAIN MENTALLY ILL-CRIMINAL DEFENDANTS.

1 WHEREAS, on February 5, 2024, the Senate Committee on
2 Health and Human Services and the House Committee on Health and
3 Homelessness held a joint hearing to discuss, among other
4 things, the use of behavioral health centers and hospitals to
5 house mentally ill criminal defendants; and

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7 WHEREAS, at the joint hearing, the Governor's Senior
8 Advisor for Mental Health and the Justice System presented the
9 Sequential Intercept Model, which illustrated points in the
10 system at which individuals with mental health issues move from
11 the care system into the criminal justice system, including a
12 person's initial contact with police, incarceration, and
13 release; and

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15 WHEREAS, in recent years, the Legislature has made various
16 efforts to fund intercept programs, including the Honolulu
17 Police Department's Health Threat Assessment Team and the
18 Judiciary's Community Outreach Court, but due to limited
19 coordination between State agencies, these programs have
20 resulted in no meaningful reduction in the State's jail
21 population; and

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23 WHEREAS, according to updates provided by the Department of
24 Health's Adult Mental Health Division, despite having the legal
25 framework and funding in place for new, court-ordered treatment
26 pathways, few individuals have successfully moved through the
27 programs, and only one person was successfully diverted from the
28 criminal justice system; and

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30 WHEREAS, at an October 20, 2025, hearing of the Senate
31 Committee on Health and Human Services, the Administrator of the
32 Hawaii State Hospital testified that the number of patients at
33 the Hawaii State Hospital exceeded the hospital's planned
34 capacity; and



1 WHEREAS, at that hearing, the Administrator of the Hawaii
2 State Hospital also testified that seventy-eight percent of the
3 hospital's population was either being evaluated for fitness to
4 proceed to trial, or had been determined unfit to proceed to
5 trial; and

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7 WHEREAS, in 2026, Senate Bill No. 3142 was introduced as
8 part of the Governor's package to provide for civil protective
9 custody in lieu of arrest for the crime of dangerous
10 intoxication, and for mandatory treatment for the crime of
11 dangerous habitual intoxication; and

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13 WHEREAS, at a hearing on the measure, concerns were
14 expressed regarding the lack of suitable placements for persons
15 who are civilly committed or in civil protective custody, given
16 the full capacity at the Hawaii State Hospital; and

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18 WHEREAS, the Governor's Senior Advisor for Mental Health
19 and the Justice System is uniquely positioned to organize the
20 appropriate state agencies to formulate a plan to create
21 placements for:

- 22
23 (1) Mentally ill individuals in the State's criminal
24 justice system, regardless of whether the person is
25 being evaluated to determine the person's fitness to
26 proceed to trial; and
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28 (2) Persons recently released from the Hawaii State
29 Hospital who are at risk of recidivism; now, therefor,

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31 BE IT RESOLVED by the Senate of the Thirty-third
32 Legislature of the State of Hawaii, Regular Session of 2026,
33 that the Governor's Senior Advisor on Mental Health and the
34 Justice System is requested to formulate a plan to create places
35 of shelter for persons under civil commitment and for persons
36 who have been recently released from the Hawaii State Hospital
37 and are at risk of recidivism; and

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39 BE IT FURTHER RESOLVED, that the Governor's Senior Advisor
40 on Mental Health and the Justice System is requested to submit a
41 report of any findings and recommendations, including any

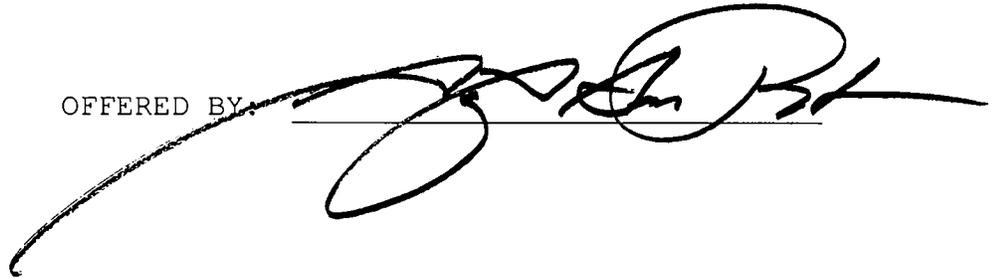


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1 proposed legislation, to the Legislature no later than twenty
2 days prior to the convening of the Regular Session of 2027; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Resolution be transmitted to the Governor's Senior Advisor on
6 Mental Health and the Justice System, Director of the Hawaii
7 State Hospital, and Director of Health.
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OFFERED BY: _____

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is highly cursive and appears to be the name of the person offering the resolution.