

STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on HCR 32/HR 32
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.

REPRESENTATIVE DAVID A. TARNAS, CHAIR
REPRESENTATIVE MAHINA POEPOE, VICE CHAIR
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date and Time: April 7, 2026, 2:00 p.m. Location: Room 325 & Video

1 The Department of Health (Department) provides comments on this resolution and
2 appreciates the Legislature's efforts to ensure the Hawaii State Hospital (HSH) is accessible to
3 those individuals who need its services.

4 The Department notes that Hawai'i State Hospital admissions have largely come
5 through the criminal justice pathway while the civil pathway remains an area where additional
6 development is needed. While the title of the resolution is specific to access to HSH for certain
7 mentally ill criminal defendants, the Department believes that the identification, development,
8 and implementation of additional placement and services for those individuals committed to
9 the custody of the Director of Health and in the civil pathway would increase access for non-
10 forensic individuals as well. By focusing on the needs of these populations, there is potential
11 for positive impact on the HSH census and would be extremely meaningful for the operations of
12 HSH.

13 We are committed to working with the Senior Advisor for Mental Health and the Justice
14 System, departments, and stakeholders on coordination and planning efforts as we move
15 forward.

16 Thank you for the opportunity to testify, providing comments on this resolution.



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

TESTIMONY IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 32

TESTIMONY IN SUPPORT OF HOUSE RESOLUTION 32

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

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i

(House Committee on Judiciary & Hawaiian Affairs)

Ke Kapitala ‘o Hawai‘i

(Hawai‘i State Capitol)

‘Apelila 7, 2026

2:00 PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) submits this testimony in **SUPPORT OF HCR32 and HR32** requesting the Governor's Senior Advisor for Mental Health and the Justice System to formulate a plan to create places of shelter for persons under civil commitment and for persons who have been recently released from the Hawaii State Hospital and are at risk of recidivism.

OHA supports these resolutions because they recognize a persistent gap in Hawai‘i’s response to people with serious mental health needs who are cycling through the criminal legal system. When appropriate placements and step-down options are unavailable, people remain in jail, remain at the Hawai‘i State Hospital longer than necessary, or are released without the support needed to stabilize in the community. None of those outcomes reflects good governance, sound public health practice, or meaningful public safety.

These resolutions also reflect an important systems point. Hawai‘i has already invested in diversion and behavioral health intercept efforts, yet the Legislature has heard testimony showing limited movement through those pathways and continued capacity strain at the Hawai‘i State Hospital. A coordinated statewide plan is therefore warranted. The Governor’s Senior Advisor on Mental Health and the Justice System is well positioned to convene the relevant agencies and identify what placements, partnerships, and resources are needed to make existing legal frameworks function as intended.

From OHA’s perspective, this issue also carries equity implications. Native Hawaiians are disproportionately impacted by criminal legal system involvement and often face compounding barriers tied to behavioral health needs, unstable housing, and limited continuity of care. Expanding appropriate shelter and transition options for people under

civil commitment and for people leaving the Hawai'i State Hospital can help reduce avoidable recidivism, support treatment and stabilization, and lessen reliance on carceral settings as a default response to mental illness.

For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS HCR32 and HR32**. Mahalo nui for the opportunity to provide testimony on this measure.

HCR-32

Submitted on: 4/2/2026 6:45:16 PM

Testimony for JHA on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

We think this a good idea. There is no doubt that the Hawaii State Hospital, out of necessity, has strayed from its original purpose which was to actually be a hospital. It was never intended to be a forensic facility. The sad reality today is that the only way to be admitted is to be ordered by a Court. At the same time, our prison system has become the “dumping ground” for a failed mental health system. While we are often critical of the Department of Corrections and Rehabilitation, the truth is that prisons were never intended to be a de facto mental hospital. Yet that is what they have become.

We believe that the Governor’s Senior Advisor for Mental Health is in the best position to lead this effort as it requires inter agency collaboration and coordination. We are well aware of the fact these line agencies do not communicate with each other as well as they should. We also have faith that the Senior Advisor has the experience and knowledge and administrative support to bring the appropriate parties together and help develop the necessary changes.



www.AlohaILHawaii.org

Apr 7, 2026

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

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Sheila Castaneda
Jennifer Hartssock

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: HCR32 – 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.

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) submits testimony **in support of HCR32**, requesting the Governor’s Senior Advisor for Mental Health and the Justice System to formulate a plan to increase access to appropriate placements for certain mentally ill criminal defendants and people recently released from the Hawaii State Hospital. AILH is a cross-disability, consumer-controlled nonprofit that supports people statewide to live in the community with self-determination and avoid unnecessary institutionalization.

People with mental health disabilities and other intersecting disabilities are significantly overrepresented in Hawaii’s criminal legal system and in institutional settings, including the Hawaii State Hospital. The resolution correctly recognizes that limited coordination between agencies has constrained diversion efforts and contributed to the State Hospital operating beyond its intended capacity, with a large share of patients tied up in fitness-to-proceed and related court processes. From an Independent Living perspective, this is both a systems-inefficiency problem and a civil rights problem, because people who could be supported safely in community settings remain stuck in more restrictive environments.



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AILH strongly supports cross-agency planning that expands community-based placements, improves continuity of care, and reduces recidivism for people under civil commitment and those leaving the Hawaii State Hospital. We urge that this planning center the voices of people with lived experience, prioritize least restrictive, culturally responsive, and disability-competent services statewide, and include clear timelines and accountability for implementation.

Thank you for the opportunity to testify in support of HCR32 and for your attention to the rights and community inclusion of people with mental health and other disabilities involved in the justice system.

Mahalo,

Roxanne Bolden

Executive Director



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Tuesday, April 7, 2026 at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i Offering COMMENTS on HCR32 / HR32**

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The ACLU of Hawai'i **offers comments on HCR32 and HR32** requesting the Governor's Senior Advisor for Mental Health and the Justice System to formulate a plan to increase access to the Hawai'i State Hospital for certain mentally ill criminal defendants.

We appreciate the intention of this resolution to seek solutions and avenues to divert mentally ill individuals away from our criminal justice system and toward medical evaluation and treatment at the Hawai'i State Hospital.

The ACLU of Hawai'i opposed SB3142 SD2, referred to in this resolution, on constitutional grounds. However, we also believe the apparent increasing attempts to criminalize activity and status of houseless individuals speaks to deep structural issues in our state.

HCR32 / HR32 acknowledges that currently the Hawai'i State Hospital is at "full capacity," while at the same time requesting a plan to increase the number of individuals sent there.

Instead, the Governor's Office and the Legislature needs to look toward building capacity further up the pipeline to increase access to mental health services across the state. Not just for those who may have committed a crime.

We would urge the committee to amend the resolution to address the statewide lack of access to mental health services and care, rather than the current more narrow focus on diversions to the full-capacity Hawai'i State Hospital.

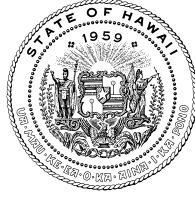
Mahalo,

Josh Frost
Josh Frost

Policy Advocate
ACLU of Hawai'i
jfrost@acluhawaii.org

With more than 4,000 Hawai'i-based members, the mission of the American Civil Liberties Union of Hawai'i is to protect the fundamental freedoms enshrined in the United States and Hawai'i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving our communities in Hawai'i for over 60 years.

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EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Testimony of
Michael K. Champion, MD
Senior Advisor for Mental Health and the Justice System

Before the
House Committee on Judiciary and Hawaiian Affairs
Tuesday, April 7, 2026, at 2:00 PM
State Capitol, Conference Room 325 and Videoconference

In consideration of
HCR32/HR32
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

COMMENTS

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

We are actively working with the Legislature, departments, and stakeholders on several related mental health measures and implementation efforts that bear directly on the objective of this resolution, including implementation of **Act 219, SLH 2025**.

As this work moves forward, it is important to continue strengthening a more organized continuum of care for individuals with mental illness who intersect with the criminal legal system, as well as for individuals on the civil pathway who need appropriate access to treatment and placement. Historically, Hawai'i State Hospital admissions have largely come through the criminal justice pathway, including fitness-to-proceed matters, while the civil pathway remains an area where additional development is needed.

This resolution is also timely considering broader legislative discussions this session, including **SB3142SD2**. These issues are connected, and the administration remains committed to working with the Legislature as we move forward.

Testimony of Michael K. Champion, MD

HCR32/HR32

April 7, 2026

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This work will require continued coordination and planning across the appropriate state agencies and system partners. Our approach is to conduct that work in a practical and collaborative way, including through the Sequential Intercept Model framework, to strengthen pathways to care across the continuum.

Meaningful progress toward these objectives will require continued work across the sequential intercepts to support access to health and mental health care, deflection from arrest where appropriate, diversion from jail where possible, and clinically appropriate pathways to care across the continuum. That work will help improve outcomes, reduce pressure on Hawai'i State Hospital, and create appropriate access for persons who need care through the civil pathway.

We remain committed to working with the Legislature, departments, and stakeholders as this work continues, and we will keep the respective chairs updated as appropriate.

Thank you for the opportunity to testify, providing comments on this resolution.