



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.



[www.AlohaILHawaii.org](http://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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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](mailto: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.*

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522.5900  
F: 808.522.5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)