



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 709, S.D. 1, RELATING TO MENTAL HEALTH.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Tuesday, March 3, 2026

TIME: 10:17 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Ian T. Tsuda,
Deputy Attorney General, at (808) 587-3050)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill and has proposals to help it better achieve its purpose.

The purpose of this bill is to improve tools and programs to assist individuals with severe mental illness, including assisted community treatment (ACT) and court ordered medication. The bill seeks to improve the State's response to mental health crises by enhancing data transparency concerning matters such as crisis intervention, ACT, and orders for treatment over a patient's objection; strengthening coordination of crisis intervention and ACT assessments; and ensuring appropriate follow-up after judicial proceedings that deny involuntary hospitalization.

Act 219, Session Laws of Hawaii 2025 (Act 219) constitutes a comprehensive improvement and modernization of Hawaii's mental-health laws aimed at clarifying existing procedures and strengthening the statutory framework to better serve individuals suffering from mental illness or substance abuse. The bill builds upon Act 219 by reinforcing implementation and promoting greater coordination in the State's crisis-response system.

The Department respectfully submits for this Committee's consideration a proposed Senate Draft 2 that incorporates the provisions of Senate Bill No. 3078,

Relating to Mental Health Intervention, into this bill. These additional amendments are intended to further the purpose of this bill by:

- (1) Requiring the Director of Law Enforcement to adopt rules establishing training and certification standards and procedures for crisis intervention officers, thereby promoting consistency in crisis-response practices;
- (2) Clarifying the definition of "assisted community treatment" under section 334-122, Hawaii Revised Statutes (HRS), to ensure that it clearly reflects the categories of treatment and services authorized under an ACT order; and
- (3) Authorizing the Department to assist in the preparation, filing, and presentation of requests for authorization to provide treatment over objection under section 334-161, HRS, to promote consistency and efficiency in these proceedings.

In addition, the proposed Senate Draft 2 removes the data tracking and reporting requirements currently set forth in section 2 of this bill (page 2, line 13, through page 5, line 7) because Act 219 enacted similar reporting requirements for the Department of Health, now codified in section 334-17, HRS, and deletes appropriations and positions that were designed to fund and support those mandated data tracking and reporting requirements. Additionally, proposed Senate Draft 2 updates language in the bill to conform with Act 219.

Addressing serious mental-health crises in our state is a shared priority for law enforcement, public-health officials, and the Department. Collectively, the amendments reflected in the proposed Senate Draft 2 refine and clarify the framework established by Act 219, strengthen coordination among agencies, and improve implementation of existing intervention tools.

The Department reiterates its strong support and respectfully asks the Committee to pass this bill with the amendments reflected in our attached proposed Senate Draft 2 version. Thank you for the opportunity to provide testimony.

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. The legislature finds that the State has
2 several tools and programs to assist individuals who have
3 untreated severe mental illnesses, including court-ordered plans
4 of treatment, known in Hawaii as "assisted community treatment"
5 orders; involuntary commitments to the state hospital or a
6 similar facility; court-ordered medication; and department of
7 health crises programs. The legislature further finds that
8 there are areas for improvement in these programs, especially as
9 available resources and needs change over time.

10 Accordingly, the purpose of this Act is to update and
11 clarify laws governing mental crisis intervention by:

12 (1) Requiring the department of health, or a contracted
13 service provider, to review reports of a person having
14 severe mental illness who needs assistance; assess
15 whether the person fulfills the criteria for assisted
16 community treatment; and, if the person meets the
17 criteria, coordinate the process for an assisted
18 community treatment order;

- 1 (2) Requiring the director of law enforcement to adopt
2 rules establishing training and certification
3 standards and procedures for crisis intervention
4 officers;
- 5 (3) Establishing that a court's denial of a petition for
6 involuntary commitment shall serve as notification to
7 the department of health that the person who was the
8 subject of the petition should be evaluated for
9 assisted community treatment;
- 10 (4) Clarifying the scope of treatment allowable under
11 orders for assisted community treatment; and
- 12 (5) Requiring the department of the attorney general to
13 assist with the preparation, filing, and presentation
14 of any request for a court or administrative order
15 authorizing treatment over the objection of certain
16 patients.

17 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
18 amended by adding a new section to part VIII to be appropriately
19 designated and to read as follows:

20 "§334-A Department response to crisis reports. (a) When
21 the department receives credible information that a person with
22 a severe mental illness requires assistance, the department

1 shall dispatch staff to assist the person. The department may
2 coordinate the response with other departments or private
3 service providers as necessary. This requirement shall apply to
4 communications received by any means by which the public may
5 contact the department, including through a department hotline,
6 crisis line, or other means, and shall apply to communications
7 received through department-contracted service providers.

8 (b) While assisting a person pursuant to subsection (a),
9 the department staff or responder from another department or
10 private service provider coordinating with the department shall
11 assess whether the person meets the criteria for assisted
12 community treatment pursuant to section 334-121. If, upon
13 assessment, the department reasonably believes that the person
14 meets the criteria for assisted community treatment, the
15 department shall coordinate:

16 (1) Completion of an examination pursuant to section
17 334-121.5;

18 (2) Preparation of a certificate as specified by
19 subsection 334-123(c); and

20 (3) Filing, with assistance from the department of the
21 attorney general, a petition for an assisted community
22 treatment order pursuant to section 334-123;

1 provided that the certificate and petition shall not be required
2 if an assisted community treatment order is not indicated by the
3 examination; provided further that the examination, certificate
4 preparation, and filing of the petition may be completed by the
5 department or by another department or private service provider
6 coordinating with the department pursuant to subsection (a), in
7 which case the department shall not be required to be the
8 petitioner.

9 (c) Notwithstanding subsection (b), if the department is
10 unable to coordinate the process for an assisted community
11 treatment order, the department may notify another mental health
12 program for the coordination of care in the community for the
13 person.

14 (d) The department may contract with a service provider to
15 fulfill the requirements of this section."

16 SECTION 3. Chapter 353C, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§353C- Training and certification standards and
20 procedures regarding crisis intervention officers. Without
21 regard to chapter 91, the director shall adopt rules setting

1 forth statewide training and certification standards and
2 procedures for a crisis intervention officer."

3 SECTION 4. Section 334-60.5, Hawaii Revised Statutes, is
4 amended by amending subsection (i) to read as follows:

5 "(i) If after hearing all relevant evidence, including the
6 result of any diagnostic examination ordered by the court, the
7 court finds that a subject of a petition is not a person
8 requiring medical, psychiatric, psychological, or other
9 rehabilitative treatment or supervision, the court shall order
10 that the subject be discharged if the subject has been
11 hospitalized before the hearing. Within twenty-four hours of
12 the denial of a petition for involuntary commitment, the court
13 shall provide notice to the department of the petition's denial,
14 which shall serve as notification to the department that the
15 subject of the petition should be assessed for assisted
16 community treatment. If, upon assessment, the department
17 reasonably believes the subject meets the criteria for assisted
18 community treatment, the department shall coordinate the
19 completion of an evaluation, preparation of a certificate, and
20 filing of a petition pursuant to section 334-A(b)."

1 SECTION 5. Section 334-122, Hawaii Revised Statutes, is
2 amended by amending the definition of "assisted community
3 treatment" to read as follows:

4 "Assisted community treatment" [~~includes medication~~
5 ~~specifically authorized by court order; individual~~] means the
6 categories of treatment and services ordered by the court in a
7 treatment plan pursuant to section 334-127(b). "Assisted
8 community treatment" includes a case management plan and case
9 management services to provide care coordination under the
10 supervision of an assisted community treatment provider. The
11 categories of treatment and services may include:

- 12 (1) Medication;
- 13 (2) Periodic blood tests or urinalysis to monitor
14 compliance with prescribed medication;
- 15 (3) Individual or group therapy; [~~day~~]
- 16 (4) Day or partial day programming activities; [~~services~~]
- 17 (5) Services and training, including educational and
18 vocational activities; [~~supervision~~]
- 19 (6) Supervision of living arrangements;
- 20 (7) Residential services;
- 21 (8) Alcohol and substance abuse treatment and counseling;

1 (9) Periodic blood tests or urinalysis for the presence of
2 alcohol or illegal drugs for individuals with a
3 history of alcohol or substance abuse; and [any]

4 (10) Any other services prescribed to either alleviate the
5 subject of the order's disorder or disability,
6 maintain or maximize semi-independent functioning, or
7 prevent further deterioration that may reasonably be
8 predicted to result in the need for hospitalization or
9 more intensive or restrictive levels of care in the
10 community or incarceration for criminal behavior."

11 SECTION 6. Section 334-161, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) ~~[For the purposes of this section, "imminently~~
14 ~~dangerous to self or others" means that, without intervention,~~
15 ~~the person will likely become dangerous to self or dangerous to~~
16 ~~others within the next forty-five days.]~~ The department of the
17 attorney general shall assist with the preparation and filing of
18 any request for authorization to provide treatment over a
19 patient's objection, whether submitted through an administrative
20 process or to a court, and shall assist with the presentation of
21 the case at any related court proceedings; provided that, if the

1 requestor is a private provider or other private individual, the
2 requestor may decline the assistance."

3 SECTION 7. Section 353C-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "crisis intervention
5 officer" to read as follows:

6 "Crisis intervention officer" means a law enforcement
7 officer, as defined in section 139-1, who has been trained and
8 certified to recognize and communicate with an individual who is
9 in crisis or suffering from some form of impairment, whether
10 from dementia, Alzheimer's disease, or any physical,
11 developmental, cognitive, psychological, or substance use
12 disorder influencing their behavior. [~~Training and~~
13 ~~certification standards shall be determined with the department~~
14 ~~of health.~~]"

15 SECTION 8. In codifying the new sections added by
16 section 2 and referenced in section 4 of this Act, the revisor
17 of statutes shall substitute appropriate section numbers for the
18 letters used in designating the new sections in this Act.

19 SECTION 9. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

S.B. NO. 709
Proposed S.D. 2

1 SECTION 10. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 11. This Act shall take effect upon its approval.

Report Title:

DOH; Mental Health; Assisted Community Treatment; Crisis Intervention Officer; Emergency Examination and Hospitalization; Administration of Treatment Over the Patient's Objection

Description:

Requires the Department of Health (DOH) to respond to reports persons with severe mental illness who need assistance, assess whether they meet criteria for assisted community treatment, and coordinate the assisted community treatment order process when appropriate. Provides that denial of a petition for involuntary commitment serves as notice to DOH to evaluate the individual for assisted community treatment. Requires the Director of Law Enforcement to adopt rules establishing training and certification standards and procedures for crisis intervention officers. Clarifies the scope of treatment permitted under assisted community treatment orders. Requires the Department of the Attorney general to assist with the preparation, filing, and presentation of requests for court or administrative authorization to provide treatment over a patient's objection.

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

SB-709-SD-1

Submitted on: 3/1/2026 6:39:09 PM

Testimony for WAM on 3/3/2026 10:17:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr. Christopher Knightsbridge	Individual	Support	Written Testimony Only

Comments:

This is a no none sense bill. DOH should already be tracking this data. I don't even understand why this needs to be a law, Im confused. But yes, I am a mental health care clinician and I strongly support.