

ACT 144

S.B. NO. 914

A Bill for an Act Relating to Mental Health Issues of Committed Persons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that mental health services at the Oahu community correctional center are alarmingly inadequate and have been the subject of ongoing federal investigation. These inadequacies have created conditions that threaten the constitutional rights of the committed persons detained therein.

The legislature further finds that up to forty per cent of the committed persons in the State's correctional facilities are mentally ill. Recent communications with experts retained by the federal Department of Justice have noted many insufficiencies, including:

- (1) Inadequate staffing, including a lack of a director of mental health services and trained mental health professionals;
- (2) A lack of individualized treatment planning and documentation;
- (3) A confusing and inconsistent organizational structure;
- (4) Outdated and unused policies and procedures; and
- (5) Inadequate access to psychiatric hospitalization.

The purpose of this Act is to provide funds to the department of public safety to remedy the inadequacies of mental health care services provided to persons committed to Hawaii state correctional facilities, and to monitor the progress of this remediation.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000, or so much thereof as may be necessary for fiscal year 2007-2008 for improvements to the mental health care system of committed persons in state-operated correctional facilities that will address the concerns expressed by the experts retained by the federal Department of Justice.

The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 3. The department of public safety shall report to the legislature by November 1, 2007, with a detailed mental health plan that addresses the following:

- (1) An assessment of the department's existing resources and staffing, and of additional resources and staffing needed to bring mental health services up to standard and to keep up with future demands;
- (2) The use of alternative services, such as the use of telemedicine, to provide mental health services to incarcerated offenders;
- (3) The completion of a departmental training and policy manual;

- (4) The appropriate type of updated record-keeping system;
- (5) An update on the feasibility study initiated by the departments of health and public safety regarding the expansion of the Hawaii state hospital to include an offender wing so as to be able to adequately treat mental health patients who are incarcerated; and
- (6) Any other suggestions or ideas to improve mental health services to incarcerated individuals and to comply with local, state, and federal laws and mandates.

This written report shall be submitted in a form understandable by lay readers and made available to the public.

SECTION 4. The department of public safety shall report to the legislature not later than twenty days prior to the commencement of the 2008 regular session, and every session thereafter, with its achievements, continuing improvements, and ongoing problems in providing the appropriate mental health care to committed persons under its jurisdiction.

SECTION 5. This Act shall take effect on July 1, 2007.

(Approved June 6, 2007.)