



GOV. MSG. NO. 679

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2919 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2919 SD1 HD1 CD1

A BILL FOR AN ACT
RELATING TO THE HAWAII STATE HOSPITAL.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2919

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2919, entitled "A Bill for an Act Relating to the Hawaii State Hospital."

The purpose of this bill is to require the Department of Public Safety ("PSD") to provide security for the Hawaii State Hospital.

While the security of this facility is paramount, this bill is objectionable because this added responsibility will require resources that PSD does not have and that the Legislature has not adequately provided. Securing the entire Hawaii State Hospital ("HSH") requires an extraordinary amount of additional personnel, training and expertise. The population at HSH and its special needs also require security personnel to have a different kind of training specifically geared toward addressing situations that can be anticipated with this resident population that suffer the full spectrum of mental health disorders. Failure to adequately address this assignment would expose the State to unnecessary liability.

For the foregoing reason, I am returning Senate Bill No. 2919 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO THE HAWAII STATE HOSPITAL.

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

1 SECTION 1. The legislature finds that the Hawaii state
2 hospital has suffered budget cuts and reductions in security
3 positions, leaving the hospital vulnerable to escapes and
4 security risks. Averaging six escapes a year and with numerous
5 assaults upon staff, the high occupancy rate at the hospital,
6 coupled with the budget cuts and security reductions, have
7 compromised and jeopardized the safety of both workers and
8 patients at the facility, as well as the community and
9 surrounding neighborhood.

10 The patients at the Hawaii state hospital are considered to
11 be in need of confinement, including forensic patients committed
12 to institutionalization by the courts. The recent escape on
13 December 3, 2009, of a forensic patient who was committed to the
14 hospital in 2002, after allegedly committing kidnapping and
15 sexual assault on a child further illustrates the current
16 security situation at the hospital.

17 The purpose of this Act is to:



- 1 (1) Clarify the duties of the department of public safety
- 2 to include security at the Hawaii state hospital; and
- 3 (2) Require the director of health, in collaboration with
- 4 the director of public safety, to report to the
- 5 legislature on appropriate security measures and
- 6 short- and long-range plans for security of the
- 7 increasing and aging forensic population at the Hawaii
- 8 state hospital.

9 SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is
 10 amended by amending subsection (b) to read as follows:

11 "(b) The department of public safety shall be responsible
 12 for the formulation and implementation of state policies and
 13 objectives for correctional, security, law enforcement, and
 14 public safety programs and functions, for the administration and
 15 maintenance of all public or private correctional facilities and
 16 services, for the service of process, and for the security of
 17 state buildings[-], including the Hawaii state hospital, which
 18 is a secure psychiatric rehabilitation facility."

19 SECTION 3. Section 334-4, Hawaii Revised Statutes, is
 20 amended to read as follows:

21 "**§334-4 Personnel for mental health program.** (a) The
 22 director shall appoint professional and nonprofessional staff as



1 the director deems necessary to carry out the state mental
2 health program and for which appropriations are available.
3 Positions for psychiatrists are exempted from chapter 76. The
4 director may employ psychiatrists as needed by the department on
5 a contractual basis, subject to the approval of the governor.
6 The director may appoint an administrator, three associate
7 administrators, a director of psychosocial rehabilitation, a
8 chief of the department of nursing, a risk manager, a patients'
9 rights advisor, and a facilities plant engineer for the state
10 hospital or a secure psychiatric rehabilitation facility
11 established pursuant to this chapter and these positions shall
12 be exempt from chapter 76.

13 (b) Beginning September 1, 2010, security for the Hawaii
14 state hospital, which is a secure psychiatric rehabilitation
15 facility, shall be provided by the department of public safety
16 under section 26-14.6; provided that the department of health
17 may advise the department of public safety on the appropriate
18 level of security."

19 SECTION 4. The director of health, in collaboration with
20 the director of public safety, shall submit a report to the
21 legislature no later than twenty days prior to the convening of
22 the regular session of 2011 on:



1 (1) The plan, strategies, and timetable for ensuring the
2 provision of appropriate levels of security at the
3 Hawaii state hospital over the long term; and

4 (2) Short- and long-term strategies and plans to address
5 the State's increasing and aging forensic population
6 of the Hawaii state hospital, including but not
7 limited to facility needs, capacity issues, and other
8 off-site options.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

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