

JAN 27 2010

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# 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 at the hospital, coupled  
6 with the budget cuts and security reductions, have compromised  
7 and jeopardized the safety of the workers and patients at the  
8 facility, as well as the community and surrounding neighborhood.

9           The patients at the Hawaii state hospital are considered to  
10 be in need of confinement, including forensic patients committed  
11 to institutionalization by the courts. The recent escape on  
12 December 3, 2010 of a forensic patient who was committed to the  
13 hospital in 2002 after allegedly committing kidnapping and  
14 sexual assault on a child further illustrates the current  
15 security deficit at the hospital.

16           The purpose of this Act is to:

17           (1) Clarify the duties of the department of public safety  
18           to include security at the Hawaii state hospital; and



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

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

9           "(b) The department of public safety shall be responsible  
10          for the formulation and implementation of state policies and  
11          objectives for correctional, security, law enforcement, and  
12          public safety programs and functions, for the administration and  
13          maintenance of all public or private correctional facilities and  
14          services, for the service of process, and for the security of  
15          state buildings[-] and the State's secure psychiatric  
16          rehabilitation facility located in Kaneohe."

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

19          "**§334-4 Personnel for mental health program.** (a) The  
20          director shall appoint professional and nonprofessional staff as  
21          the director deems necessary to carry out the state mental  
22          health program and for which appropriations are available.



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

11 (b) Beginning September 1, 2010, security for the secure  
12 psychiatric rehabilitation facility located in Kaneohe shall be  
13 provided by the department of public safety under section  
14 26-14.6; provided that the department of health may advise the  
15 department of public safety on the appropriate level of  
16 security."

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

21 (1) Its plan, strategies, and timetable for ensuring the  
22 provision of appropriate levels of security at the



1 secure psychiatric rehabilitation facility located in  
 2 Kaneohe over the long term; and  
 3 (2) Short- and long-term strategies and plans to address  
 4 the State's increasing and aging forensic population,  
 5 including but not limited to, facility needs, capacity  
 6 issues, and other off-site options.

7 SECTION 5. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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**Report Title:**

Department of Public Safety; Security of State Hospital

**Description:**

Requires the department of public safety to provide security at the State's secure psychiatric rehabilitation facility at Kaneohe. Requires report from DOH, with collaboration from PSD, to the legislature on its plan for the provision of short and long-term security for the Kaneohe facility and increasing and aging forensic population needs.

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

