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# A BILL FOR AN ACT

RELATING TO THE MENTAL HEALTH OF DEFENDANTS.

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

1           SECTION 1. Chapter 334, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§334- Referral to diversion program or treatment court  
5 related to mental health. (a) Where a judge has reason to  
6 believe that the defendant has an untreated serious and  
7 persistent mental health illness that does not meet the criteria  
8 of section 704-404, the judge may confer with the counsel for  
9 the State and defendant regarding referral to an appropriate  
10 diversion program or treatment court.

11           (b) After conferring with the counsel, the judge may refer  
12 the defendant to a diversion program or treatment court as the  
13 judge deems appropriate.

14           (c) This section shall not apply to defendants covered by  
15 section 704-404."

16           SECTION 2. New statutory material is underscored.

17           SECTION 3. This Act shall take effect on July 1, 2020.



**Report Title:**

Mental Health; Criminal Defendants; Diversion Program; Treatment Court

**Description:**

Permits judicial discretion for referral to a diversion program or treatment court should the defendant have serious and persistent mental health illness. (SD1)

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

