

JAN 17 2024

A BILL FOR AN ACT

RELATING TO EXCITED DELIRIUM.

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

1 SECTION 1. Chapter 338, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§338- Cause of death; excited delirium prohibited. (a)
5 Excited delirium shall not be recognized as a valid medical
6 diagnosis or cause of death in the State.

7 (b) A local health officer or local agent of the
8 department of health shall not document, testify to, or
9 otherwise use excited delirium as a recognized medical diagnosis
10 or cause of death in any official capacity or communication.

11 (c) A local health officer or local agent of the
12 department of health shall not state on the certificate of
13 death, or in any report, that the cause of death was excited
14 delirium. The local health officer or local agent of the
15 department of health may list and describe the contributing
16 causes of death, but shall not describe the underlying cause as
17 excited delirium.



1 (d) As used in this section, "excited delirium" means a
2 term used to describe a person's state of agitation,
3 excitability, paranoia, extreme aggression, physical violence,
4 and apparent immunity to pain that is not listed in the most
5 current version of the Diagnostic and Statistical Manual of
6 Mental Disorders, or for which the court finds there is
7 insufficient scientific evidence or diagnostic criteria to be
8 recognized as a medical condition. Excited delirium includes
9 but is not limited to excited delirium syndrome, hyperactive
10 delirium, agitated delirium, and exhaustive mania."

11 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§353C- Incident reports; excited delirium prohibited.

15 (a) A law enforcement officer shall not use the term excited
16 delirium to describe an individual in an incident report
17 completed by a law enforcement officer. A law enforcement
18 officer may describe the characteristics of an individual's
19 conduct, but shall not generally describe the individual's
20 demeanor, conduct, or physical and mental condition at issue as
21 excited delirium.



1 (b) As used in this section:

2 "Excited delirium" shall have the same meaning as in
3 section 338- .

4 "Law enforcement officer" shall have the same meaning as in
5 section 134-81."

6 SECTION 3. Chapter 626-1, Hawaii Revised Statutes, is
7 amended by adding a new rule to article XI to be appropriately
8 designated and to read as follows:

9 "Rule Excited delirium; prohibition. (a) Evidence
10 that a person suffered or experienced excited delirium shall not
11 be admitted in any civil action.

12 (b) A party or witness may describe the factual
13 circumstances surrounding the case, including a person's
14 demeanor, conduct, and physical and mental condition at issue,
15 but shall not describe or diagnose the demeanor, conduct, or
16 condition as excited delirium, or attribute the demeanor,
17 conduct, or physical and mental condition to excited delirium.

18 (c) As used in this rule, "excited delirium" means a term
19 used to describe a person's state of agitation, excitability,
20 paranoia, extreme aggression, physical violence, and apparent
21 immunity to pain that is not listed in the most current version



1 of the Diagnostic and Statistical Manual of Mental Disorders, or
2 for which the court finds there is insufficient scientific
3 evidence or diagnostic criteria to be recognized as a medical
4 condition. Excited delirium includes but is not limited to
5 excited delirium syndrome, hyperactive delirium, agitated
6 delirium, and exhaustive mania."

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:  b/r



S.B. NO. 2033

Report Title:

Excited Delirium; Cause of Death; Incident Report; Law Enforcement Officers; Evidence

Description:

Prohibits excited delirium from being recognized as a valid medical diagnosis or cause of death in the State. Prohibits a local health officer or local agent of the Department of Health from stating on a certificate of death or in any report that the cause of death was excited delirium. Prohibits law enforcement officers from using the term excited delirium to describe an individual in an incident report. Establishes a new rule of evidence that deems evidence that a person experienced or suffered an excited delirium inadmissible in a civil action.

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

