
A BILL FOR AN ACT

RELATING TO DRUGS.

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

1 SECTION 1. The legislature finds that the use of drug
2 sniffing dogs to detect illicit drugs is growing. The Academy
3 of the Pacific and Saint Louis high school use drug sniffing
4 dogs on campus in an effort to curtail drug use and distribution
5 on their respective campuses. Several hotels, including the
6 Kaanapali Beach Hotel on Maui, also began to use these dogs to
7 curtail drug use amongst the workers. Lahaina Intermediate
8 School recently stated that they want to implement a program to
9 use drug sniffing dogs on campus.

10 The legislature also finds that curtailing illicit drug use
11 and distribution in public schools and in prisons is of great
12 public importance. In public testimony gathered over the past
13 several years, many organizations and citizens testified about
14 the horrors of dealing with those in the grip of "ice" and the
15 concurrent social costs of the addiction - property crime to
16 support the habit, addiction overcoming family ties, abuse, loss
17 of productive labor, the expense of treatment, and much more.



1 Drug sniffing dogs provide a constitutional means for
2 employers and public officials to detect drugs in the workplace
3 and schools, two places where drug use can do the most damage.
4 The legislature further finds that the Hawaii Supreme Court has
5 consistently ruled in support of the constitutionality of the
6 use of drug sniffing dogs. From the case of State v. Snitkin,
7 67 Haw. 168, 681 P.2nd 980 (1984), where a narcotics dog's sniff
8 of airspace around a closed container in the cargo room of a
9 private mail carrier without cause to believe drugs were being
10 transported, to State v. Jerome, 69 Haw. 132, 736 P.2nd 438
11 (1987), where a drug trafficker was detained at the airport on a
12 tip that the parcel he was carrying contained marijuana and was
13 forced to wait over 30 minutes for a drug sniffing dog to alert
14 the parcel, to State v. Tau`a, 98 Haw. 426, 49 P.3d 1227 (2002),
15 where a drug sniffing dog jumped into a vehicle subject to a
16 legal traffic stop and alerted to drugs in the passenger
17 compartment, the Hawaii Supreme Court has found that the
18 interest of the State in stemming the flow of drugs is important
19 and the use of the dog does not implicate privacy rights. The
20 purpose of this Act is to establish a program for the use of
21 drug sniffing dogs in public schools and state prisons to
22 curtail the use and distribution of illicit drugs.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Drug curtailment program; public schools. (a)

5 The department shall establish a program for the use of
6 dogs to patrol schools to detect controlled substances as
7 defined in chapter 329.

8 (b) The department shall adopt rules pursuant to chapter
9 91 to effect the purposes of this chapter."

10 SECTION 3. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$, or so much
12 thereof as may be necessary for fiscal year 2006-2007, for the
13 purpose of implementing a drug curtailment program using drug
14 sniffing dogs in public schools.

15 SECTION 4. The sum appropriated shall be expended by the
16 department of education for the purposes of this Act.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2006.

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INTRODUCED BY: *Suzanne Marumoto*

H.B. NO. 2012

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JAN 20 2006



HB 2012

Report Title:

Drugs

Description:

Establishes programs that allow for drug sniffing dogs to patrol in public schools.

