

PROPOSED

THE SENATE
TWENTY-THIRD LEGISLATURE, 2005
STATE OF HAWAII

S.B. NO. 1311
S.D. 1

A BILL FOR AN ACT

RELATING TO DISPOSITION OF CONVICTED DEFENDANTS.

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

1 SECTION 1. The legislature finds that, due to the dramatic
2 increase in substance abuse cases and the resulting increase in
3 the number of detained and incarcerated individuals with drug
4 problems, alternatives to incarceration and to dealing with the
5 drug-abusing offender must be implemented. The Hawaii drug
6 court program, one of the judiciary's intermediate sanction
7 alternative programs, has been extremely successful in reducing
8 the recidivism rate for drug offenders. The legislature further
9 finds that rehabilitation programs that prepare incarcerated
10 persons for life in the "real world" are critical to the future
11 well-being of the community.

12 The purpose of this Act is to establish the drug court
13 pilot project that enables the courts to assume jurisdiction
14 over an incarcerated person qualifying for a drug court program.

15 SECTION 2. Section 706-605.1, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**[+]§706-605.1[+]** **Intermediate sanctions; eligibility;**
18 **criteria and conditions.** (1) The judiciary shall implement

2006-1217 SB1311 SD1 SMA-1.doc



PROPOSED

1 alternative programs that place, control, supervise, and treat
2 selected defendants in lieu of a sentence of incarceration.

3 (2) Defendants may be considered for sentencing to
4 alternative programs if they:

5 (a) Have not been convicted of a non-probationable class A
6 felony; and

7 (b) Have not, within the previous five years, been
8 convicted of a crime involving serious bodily injury
9 or substantial bodily injury as defined by chapter
10 707.

11 (3) A defendant may be sentenced by a district, family, or
12 circuit court judge to alternative programs.

13 (4) As used in this section, "alternative programs" means
14 programs which, from time to time, are created and funded by
15 legislative appropriation or federal grant naming the judiciary
16 or one of its operating agencies as the expending agency and
17 which are intended to provide an alternative to incarceration.

18 Alternative programs may include:

19 (a) House arrest, or curfew using electronic monitoring
20 and surveillance, or both;

21 (b) Drug court programs for defendants with assessed
22 alcohol or drug abuse problems, or both;

PROPOSED

S.B. NO. 1311
S.D. 1

- 1 (c) Therapeutic residential and nonresidential programs;
- 2 (d) A program of regimental discipline pursuant to section
- 3 706-605.5; and
- 4 (e) Similar programs created and designated as alternative
- 5 programs by the legislature or the administrative
- 6 director of the courts for qualified defendants who do
- 7 not pose significant risks to the community.

8 (5) The judiciary may assume supervision and control over

9 a person committed to the custody of the department of public

10 safety if the person qualifies for a drug court program under

11 subsection (4) (b)."

12 SECTION 3. Section 706-672, Hawaii Revised Statutes, is

13 amended to read as follows:

14 **"§706-672 Place of imprisonment.** When a person is

15 sentenced to imprisonment, the court shall commit the person to

16 the custody of the department of public safety for the term of

17 the person's sentence and until released in accordance with law.

18 The director of public safety shall determine the proper program

19 of redirection and any place of confinement of the committed

20 person[-]; provided that the courts may assume supervision and

21 control over a committed person qualifying for a drug court

22 program pursuant to section 706-605.1(4) (b)."

PROPOSED

S.B. NO. 1311
S.D. 1

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval;
4 provided that on June 30, 2009, sections 2 and 3 of this Act
5 shall be repealed and sections 706-605.1 and 706-672, Hawaii
6 Revised Statutes, are reenacted in the form in which they read
7 on the day before the approval of this Act.

PROPOSED

Report Title:

Drug Court; Court Jurisdiction Over Inmates; Pilot

Description:

Authorizes a three-year pilot project that allows the judiciary to assume supervision and control over inmates in correctional facilities who qualify for a drug court program. (SD1)

