

JAN 26 2009

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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1           SECTION 1. (a) The attorney general shall coordinate a  
2 review of the impact that diversion of minor drug possession  
3 offenders into drug treatment would have on the criminal justice  
4 system, drug treatment program resources, and public safety.

5 For purposes of this review:

6           (1) "Diversion" means placement of the offender into drug  
7 treatment either in lieu of charging the offender or  
8 allowing the offender to plead to a misdemeanor and be  
9 placed in treatment in lieu of imprisonment; and

10           (2) "Minor drug possession offenders" means those accused  
11 of felony marijuana possession offenses of any grade  
12 and class B or C felony possession offenses involving  
13 other drugs.

14           (b) The review required by subsection (a) shall address  
15 the following issues:

16           (1) The number of offenders that could be diverted if  
17 diversion occurred before charging and the number that  
18 could be deferred post-charging;



- 1           (2)    The affect of diversion on law enforcement,  
2                    prosecution, judicial, and correctional resources;
- 3           (3)    The type, cost, and availability of treatment services  
4                    that would be needed under a diversion program; and
- 5           (4)    The impact on public safety of diverting minor drug  
6                    possession offenders and whether the impact could be  
7                    reduced by, for example, excluding offenders with a  
8                    history of violent offenses.

9           (c)    The attorney general shall conduct the review required  
10           by subsection (a) in consultation with and using the problem-  
11           solving abilities of a broad range of public and private  
12           stakeholders including:

- 13           (1)    Police;
- 14           (2)    Prosecutors;
- 15           (3)    Judges and other court officials;
- 16           (4)    Corrections administrators;
- 17           (5)    Public health experts;
- 18           (6)    Drug treatment providers; and
- 19           (7)    Legal service providers.

20           SECTION 2.   The attorney general shall submit a report of  
21           the findings and recommendations of the review required by this



1 Act no later than twenty days prior to the convening of the  
2 regular session of 2010.

3 SECTION 3. This Act shall take effect upon its approval.  
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**Report Title:**

Controlled Substances; Diversion; Treatment

**Description:**

Directs the attorney general to coordinate a review of the impact of diverting marijuana and low-level felony drug offenders out of the criminal justice system into treatment.

