

MAR 10 2010

SENATE RESOLUTION

REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE
PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO
TREATMENT INSTEAD OF IMPRISONMENT.

1 WHEREAS, the Drug Court program has a limited number of
2 open slots available; and

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4 WHEREAS, substance-involved individuals have come to
5 comprise a large portion of Hawaii's incarcerated population;
6 and

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8 WHEREAS, the Criminal Justice Institute's preliminary
9 classification report, commissioned by the Department of Public
10 Safety, reveals that 71.2 per cent of incarcerated women and
11 sixty-five per cent of incarcerated men are nonviolent
12 offenders; and

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14 WHEREAS, these nonviolent offenders are projected to be
15 classified as "minimum" or "community custody", the least
16 restrictive custody levels; and

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18 WHEREAS, incarceration is the most expensive sanction,
19 ranging in cost from \$118 to \$139 per day to incarcerate an
20 individual in a Hawaii jail or prison; and

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22 WHEREAS, studies show that treatment is more effective than
23 incarceration; and

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25 WHEREAS, for every \$1 spent on drug treatment, \$18 is saved
26 in the community (Aos, Steve, Polly Phipps, Robert Barnoski, and
27 Roxanne Lieb. 2001. *The Comparative Costs and Benefits of*
28 *Programs to Reduce Crime, Version 4.0.* Olympia: Washington
29 State Institute for Public Policy.); and

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31 WHEREAS, the prosecutor's office has testified that seventy
32 per cent of the crimes committed in Honolulu were motivated by
33 drugs; and



1 WHEREAS, studies show that incentives are more effective
2 than sanctions when addressing the issues associated with drug
3 offenders; now, therefore,
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5 BE IT RESOLVED by the Senate of the Twenty-fifth
6 Legislature of the State of Hawaii, Regular Session of 2010,
7 that the Judiciary is requested to report to the Legislature on
8 the probable impact of sentencing nonviolent drug offenders to
9 an alternative program of treatment instead of imprisonment; and
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11 BE IT FURTHER RESOLVED that the Judiciary is requested to
12 focus the study on offenders being sentenced for an offense
13 involving the possession of a dangerous, harmful, or detrimental
14 drug or marijuana under part IV of chapter 712, Hawaii Revised
15 Statutes, or an offense involving the use of, or possession with
16 intent to use, drug paraphernalia to inject, ingest, inhale, or
17 otherwise introduce a controlled substance into the human body,
18 in violation of chapter 329, Hawaii Revised Statutes; and
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20 BE IT FURTHER RESOLVED that the Judiciary is requested to
21 additionally focus the study on cases where nonviolent drug
22 offenders have been assessed by a certified substance abuse
23 counselor to be in need of substance abuse treatment due to
24 dependency or abuse under the applicable Diagnostic and
25 Statistical Manual of Mental Disorders and Addiction Severity
26 Index, and where the court has determined that the offense for
27 which the offender is being sentenced is related to the
28 offender's substance abuse dependency or addiction; and
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30 BE IT FURTHER RESOLVED that the Judiciary is requested to
31 report its findings and recommendations, including any proposed
32 legislation, to the Legislature no later than twenty days prior
33 to the convening of the Regular Session of 2011; and
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35 BE IT FURTHER RESOLVED that certified copies of this
36 Resolution be transmitted to the Governor, the Chief Justice of
37 the Supreme Court, the Attorney General, the Chief of Police of
38 each county, the Prosecuting Attorney of each county, the state
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S.R. NO. 75

1 Public Defender, and the federal Public Defender for the
2 District of Hawaii.

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OFFERED BY: Will Eyo

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