

JAN 22 2010

S.B. NO. 2342

A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is
2 amended by amending subsection (5) to read as follows:

3 "(5) The sentencing court may impose [~~the~~]:

4 (a) The above sentences consecutive to any sentence
5 imposed on the defendant for a prior conviction, but
6 such sentence shall be imposed concurrent to the
7 sentence imposed for the instant conviction[~~.—The~~
8 ~~court may impose a~~];

9 (b) A lesser mandatory minimum period of imprisonment
10 without possibility of parole than that mandated by
11 this section where the court finds that strong
12 mitigating circumstances warrant such action[~~-~~
13 ~~strong~~]; provided that strong mitigating circumstances
14 shall include, but shall not be limited to the
15 provisions of section 706-621[~~.—The~~]; provided
16 further that the court shall provide a written opinion
17 stating its reasons for imposing the lesser
18 sentence[~~-~~]; or



1 (c) A sentence to an alternative program as provided in
2 section 706-605.1; provided that, notwithstanding
3 section 706-605.1(2), the defendant shall be sentenced
4 under this paragraph only if:

5 (i) The prior conviction for which the defendant is
6 eligible to be sentenced under this section is
7 not for a crime involving serious bodily injury
8 or substantial bodily injury as defined by
9 chapter 707;

10 (ii) The offense for which the defendant is being
11 sentenced is for possession of a dangerous,
12 harmful, or detrimental drug or marijuana under
13 part IV, chapter 712, or for use, or possession
14 with intent to use, drug paraphernalia to inject,
15 ingest, inhale, or otherwise introduce into the
16 human body a controlled substance in violation of
17 chapter 329; and

18 (iii) The person has been assessed by a certified
19 substance abuse counselor to be in need of
20 substance abuse treatment due to dependency or
21 abuse under the applicable Diagnostic and
22 Statistical Manual and Addiction Severity Index



1 and the court has determined that the offense for
 2 which the person is being sentenced is related to
 3 the person's substance abuse dependency or
 4 addiction."

5 SECTION 2. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY:

A. Kili Gish

Will Egan
Robert M.
Mike Johnson
A.
Michelle R. Sidani
Jack...



Report Title:

Criminal Procedure; Sentencing

Description:

Permits certain non-violent repeat offenders convicted of drug possession to be sentenced to alternative programs instead of to prison.

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

