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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 drug possession offenders  
3 into drug treatment would have on the criminal justice system,  
4 drug treatment program resources, and public safety. For  
5 purposes of this review:

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

10          (2) "Drug possession offenders" means those accused of  
11 felony marijuana possession offenses of any grade and  
12 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 effect 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 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 problems-  
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  
22 Act no later than one year following the approval of this Act.



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



**Report Title:**

Controlled Substances; Diversion; Treatment

**Description:**

Directs the Attorney General to coordinate a review of the impact of diverting marijuana and felony drug offenders out of the criminal justice system into treatment. (HB142 HD1)

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