HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.R. NO. 117

HOUSE RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS.

WHEREAS, the cost to enforce criminal drug possession statutes through the criminal justice system is substantial; and

WHEREAS, according to a report entitled *The Budgetary Implications of Marijuana Decriminalization and Legalization for Hawai'i*, dated March 2007, by Lawrence W. Boyd, Ph.D, an economist from the University of Hawaii West Oahu, state and county law enforcement agencies spend $4,100,000 per year to enforce marijuana possession laws, and an additional $2,100,000 is spent by the courts each year to process marijuana possession cases; and

WHEREAS, incarcerating one person costs taxpayers about $139 per day, or $50,735 each year, whereas drug treatment programs such as drug court cost taxpayers as little as $8.77 per day, or $3,201 a year; and

WHEREAS, drug treatment programs such as drug court produce a recidivism rate of less than ten per cent for those who complete the program, which results in many benefits to the State including improved public safety; and

WHEREAS, other jurisdictions have established successful programs by which drug possession offenders are placed into drug treatment in lieu of charging the offender, or allowing the offender to plead to a lesser offense and placing the offender in treatment in lieu of imprisonment; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2011, that the Attorney General is requested to assess the impact of diverting drug possession offenders from the criminal justice system to drug treatment programs on the following:

(1) The criminal justice system;

(2) Drug treatment program resources; and

(3) Public safety; and

BE IT FURTHER RESOLVED that the Attorney General is requested to conduct the assessment in consultation with and using the problem-solving abilities of a broad range of public and private stakeholders including:

(1) Police;

(2) Prosecutors and public defenders;

(3) Judges and other court officials;

(4) Corrections administrators;

(5) Public health experts;

(6) Drug treatment providers; and

(7) Legal service providers; and

BE IT FURTHER RESOLVED that the Attorney General is requested to submit a report to the Legislature of findings and recommendations, including proposed legislation, not later than twenty days prior to the convening of the Regular Session of 2012; and

BE IT FURTHER RESOLVED that the Attorney General is requested to address the following issues in the Attorney General's report:

(1) The number of offenders that could be diverted from the criminal justice system if the diversion occurred before charging and the number that could be deferred post-charging;

(2) The effect of diversion on law enforcement, prosecution, judicial, and correctional resources;

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(3) The type, cost, and availability of treatment services that would be needed under a diversion program; and

(4) The impact on public safety of diverting drug possession offenders and whether the impact could be reduced by, for example, excluding offenders with a history of violent offenses; and

BE IT FURTHER RESOLVED that a certified copies of this Resolution be transmitted to the Director of Public Safety, the Director of Health, the Attorney General, the Chief Justice of the Hawaii Supreme Court, the chief of police of each county, the prosecuting attorney of each county, the public defender, and the Director of Legal Aid Services of Hawaii, who in turn, are requested to transmit copies to appropriate public and private stakeholders.

OFFERED BY:

MAR 15 2011