

MAR 16 2011

SENATE RESOLUTION

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

1 WHEREAS, the cost to enforce criminal drug possession
2 statutes through the criminal justice system is substantial; and
3

4 WHEREAS, according to a report entitled *The Budgetary*
5 *Implications of Marijuana Decriminalization and Legalization for*
6 *Hawai'i*, dated March 2007, by Lawrence W. Boyd, Ph.D, an
7 economist from the University of Hawaii West Oahu, state and
8 county law enforcement agencies spend \$4,100,000 per year to
9 enforce marijuana possession laws, and an additional \$2,100,000
10 is spent by the courts each year to process marijuana possession
11 cases; and
12

13 WHEREAS, incarcerating one person costs taxpayers about
14 \$139 per day, or \$50,735 each year, whereas drug treatment
15 programs such as drug court cost taxpayers as little as \$8.77
16 per day, or \$3,201 a year; and
17

18 WHEREAS, drug treatment programs such as drug court produce
19 a recidivism rate of less than ten per cent for those who
20 complete the program, which results in many benefits to the
21 State including improved public safety; and
22

23 WHEREAS, other jurisdictions have established successful
24 programs by which drug possession offenders are placed into drug
25 treatment in lieu of charging the offender, or allowing the
26 offender to plead to a lesser offense and placing the offender
27 in treatment in lieu of imprisonment; now, therefore,
28

29 BE IT RESOLVED by the Senate of the Twenty-sixth
30 Legislature of the State of Hawaii, Regular Session of 2011,
31 that the Attorney General is requested to assess the impact of
32 diverting drug possession offenders from the criminal justice
33 system to drug treatment programs on the following:
34



- 1 (1) The criminal justice system;
- 2
- 3 (2) Drug treatment program resources; and
- 4
- 5 (3) Public safety; and
- 6

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

- 11
- 12 (1) Police;
- 13
- 14 (2) Prosecutors and public defenders;
- 15
- 16 (3) Judges and other court officials;
- 17
- 18 (4) Corrections administrators;
- 19
- 20 (5) Public health experts;
- 21
- 22 (6) Drug treatment providers; and
- 23
- 24 (7) Legal service providers; and
- 25

26 BE IT FURTHER RESOLVED that the Attorney General is
27 requested to submit a report to the Legislature of findings and
28 recommendations, including proposed legislation, not later than
29 twenty days prior to the convening of the Regular Session of
30 2012; and

31
32 BE IT FURTHER RESOLVED that the Attorney General is
33 requested to address the following issues in the Attorney
34 General's report:

- 35
- 36 (1) The number of offenders that could be diverted from
- 37 the criminal justice system if the diversion occurred
- 38 before charging and the number that could be deferred
- 39 post-charging;
- 40
- 41 (2) The effect of diversion on law enforcement,
- 42 prosecution, judicial, and correctional resources;
- 43



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

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

17
18
19

OFFERED BY:

Upton Hee

