
A BILL FOR AN ACT

RELATING TO SUBSTANCE ABUSE TESTING.

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

1 SECTION 1. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§353- Fees for periodic substance abuse testing of
5 parolees. (a) Except as provided in subsection (b), the Hawaii
6 paroling authority may impose reasonable fees upon a parolee to
7 offset the actual and administrative costs of any periodic
8 substance abuse testing performed on that person as a condition
9 of parole. The fees may be deducted from any income the parolee
10 has received as a result of labor performed in a correctional
11 facility or as part of any work release program.

12 (b) Upon a finding of indigence, the Hawaii paroling
13 authority shall require the parolee to pay as much of the fees
14 imposed under this section as is consistent with the parolee's
15 ability to pay.

16 (c) As used in this section, "substance abuse testing"
17 means a test to determine the presence or amount of alcohol or
18 controlled substance metabolites, or to determine the recent or



1 historical use of alcohol or a controlled substance by the
2 subject of the test, and includes any periodic urinalysis or
3 similar test performed for these purposes as a condition of
4 parole pursuant to sections 706-624(2)(1) and 706-670(2)."

5 SECTION 2. Chapter 706, Hawaii Revised Statutes, is
6 amended by adding a new section to part III to be appropriately
7 designated and to read as follows:

8 "§706- Fees for periodic substance abuse testing of
9 probationers. (a) Except as provided in subsection (b), a
10 court may impose reasonable fees upon a probationer to offset
11 the actual and administrative costs of any periodic substance
12 abuse testing performed on that person as a condition of
13 probation. The fees may be deducted from any income the
14 probationer has received as a result of labor performed in a
15 correctional facility or as part of any work release program.

16 (b) Upon a finding of indigence, the court shall require
17 the probationer to pay as much of the fees imposed under this
18 section as is consistent with the probationer's ability to pay.

19 (c) As used in this section, "substance abuse testing"
20 means a test to determine the presence or amount of alcohol or
21 controlled substance metabolites, or to determine the recent or
22 historical use of alcohol or a controlled substance by the



1 subject of the test, and includes any periodic urinalysis or
2 similar test performed for these purposes as a condition of
3 probation pursuant to section 706-624(2)(1)."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:

Calvin L. Day
BY REQUEST

JAN 13 2012



H.B. NO. 1824

Report Title:

Substance Abuse Testing Costs; Probationers; Parolees

Description:

Authorizes imposition of fees on probationers and parolees to offset the costs of periodic substance abuse testing.

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