
A BILL FOR AN ACT

RELATING TO DRUG OFFENDERS.

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

1 SECTION 1. Section 706-622.5, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:
3 "(2) A person eligible under subsection (1) [~~may~~] shall be
4 sentenced to probation to undergo and complete a substance abuse
5 treatment program [~~if the court determines that the person can~~
6 ~~benefit from substance abuse treatment and, notwithstanding that~~
7 ~~the person would be subject to sentencing as a repeat offender~~
8 ~~under section 706-606.5, the person should not be incarcerated~~
9 ~~to protect the public~~]. The eligible person who is not subject
10 to sentencing as a repeat offender under section 706-606.5 shall
11 not be incarcerated to protect the public. If the person fails
12 to complete the substance abuse treatment program and the court
13 determines that the person cannot benefit from any other
14 suitable substance abuse treatment program, the person shall be
15 subject to sentencing under the applicable section under this
16 part. As a condition of probation under this subsection, the
17 court may direct the person to undergo and complete substance



1 abuse treatment under the supervision of the drug court if the
 2 person has a history of relapse in treatment programs. The
 3 court may require other terms and conditions of probation,
 4 including requiring that the person contribute to the cost of
 5 the substance abuse treatment program, comply with deadlines for
 6 entering into the substance abuse treatment program, and reside
 7 in a secure drug treatment facility."

8 SECTION 2. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so much
 10 thereof as may be necessary for fiscal year 2016-2017 for the
 11 substance abuse treatment program for drug offenders.

12 The sum appropriated shall be expended by the judiciary for
 13 the purposes of this Act.

14 SECTION 3. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2016.

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H.B. NO. 2609

Report Title:
Drug Offenders

Description:
Mandates the enrollment of certain drug offenders into the
Judiciary's substance abuse treatment program.

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