

**ACT 191**

S.B. NO. 1565

A Bill for an Act Relating to Sentencing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that intra-family sexual assault against children is a crime which has a traumatic and devastating effect on the family. In

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certain cases, treatment and counseling for the offender may be an appropriate alternative sentence or condition of sentencing to help rehabilitate the offender and maintain the family unit.

The purpose of this Act is to create a unit within the adult probation division of the circuit court for the supervision, monitoring, assessment, and treatment of intra-family sex offenders so that these services will be available as an alternative sentence or as a condition of sentencing where appropriate.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$200,000 or 0.0085 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$200,000, or so much thereof as may be necessary for fiscal year 1990-1991, to create a unit within the adult probation division of the circuit court for the supervision, monitoring, assessment, and treatment of intra-family sexual assault offenders as an alternative sentence or a condition of sentence. Funds may be used to hire necessary staff.

SECTION 4. The sums appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 1989.

(Approved June 7, 1989.)