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# A BILL FOR AN ACT

RELATING TO DRUGS.

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

1           SECTION 1. The legislature finds that the use of drug  
2 sniffing dogs to detect illicit drugs is growing. The Academy  
3 of the Pacific and Saint Louis high school use drug sniffing  
4 dogs on campus in an effort to curtail drug use and distribution  
5 on their respective campuses. Several hotels, including the  
6 Kaanapali Beach Hotel on Maui, also began to use these dogs to  
7 curtail drug use amongst the workers. Lahaina Intermediate  
8 School recently stated that they want to implement a program to  
9 use drug sniffing dogs on campus.

10           The legislature also finds that curtailing illicit drug use  
11 and distribution in public schools and in prisons is of great  
12 public importance. In public testimony gathered over the past  
13 several years, many organizations and citizens testified about  
14 the horrors of dealing with those in the grip of "ice" and the  
15 concurrent social costs of the addiction - property crime to  
16 support the habit, addiction overcoming family ties, abuse, loss  
17 of productive labor, the expense of treatment, and much more.



1 Drug sniffing dogs provide a constitutional means for  
2 employers and public officials to detect drugs in the workplace  
3 and schools, two places where drug use can do the most damage.  
4 The legislature further finds that the Hawaii Supreme Court has  
5 consistently ruled in support of the constitutionality of the  
6 use of drug sniffing dogs. From the case of State v. Snitkin,  
7 67 Haw. 168, 681 P.2<sup>nd</sup> 980 (1984), where a narcotics dog's sniff  
8 of airspace around a closed container in the cargo room of a  
9 private mail carrier without cause to believe drugs were being  
10 transported, to State v. Jerome, 69 Haw. 132, 736 P.2<sup>nd</sup> 438  
11 (1987), where a drug trafficker was detained at the airport on a  
12 tip that the parcel he was carrying contained marijuana and was  
13 forced to wait over 30 minutes for a drug sniffing dog to alert  
14 the parcel, to State v. Tau`a, 98 Haw. 426, 49 P.3d 1227 (2002),  
15 where a drug sniffing dog jumped into a vehicle subject to a  
16 legal traffic stop and alerted to drugs in the passenger  
17 compartment, the Hawaii Supreme Court has found that the  
18 interest of the State in stemming the flow of drugs is important  
19 and the use of the dog does not implicate privacy rights. The  
20 purpose of this Act is to establish a program for the use of  
21 drug sniffing dogs in public schools and state prisons to  
22 curtail the use and distribution of illicit drugs.



1 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§302A- Drug curtailment program; public schools. (a)

5 The department shall establish a program for the use of  
6 dogs to patrol schools to detect controlled substances as  
7 defined in chapter 329. The program shall allow for dogs to be  
8 requested by the principal of a school to conduct random drug  
9 sweeps of the school.

10 (b) The department shall adopt rules pursuant to chapter  
11 91 to effect the purposes of this chapter."

12 SECTION 3. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ , or so much  
14 thereof as may be necessary for fiscal year 2007-2008, and the  
15 same sum, or so much thereof as may be necessary for fiscal year  
16 2008-2009, for the purpose of this Act.

17 The sums appropriated shall be expended by the education  
18 for the purposes of this Act.

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2007.

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H.B. NO. 1123



INTRODUCED BY:

  


JAN 22 2007



**Report Title:**

Drugs

**Description:**

Establishes programs that allow for drug sniffing dogs to patrol in public schools at the request of principals.

