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## A BILL FOR AN ACT

RELATING TO DRUG TREATMENT.

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

1           SECTION 1. Section 706-605.1, Hawaii Revised Statutes, is  
2 amended by amending subsection (4) to read as follows:

3           "(4) As used in this section, "alternative programs" means  
4 programs [~~which,~~] that, from time to time, are created and  
5 funded by legislative appropriation or federal grant naming the  
6 judiciary or one of its operating agencies as the expending  
7 agency and [~~which~~] that are intended to provide an alternative  
8 to incarceration. Alternative programs may include:

9           (a) House arrest, or curfew using electronic monitoring  
10           and surveillance, or both;

11           (b) Drug court programs for defendants with assessed  
12           alcohol or drug abuse problems, or both;

13           (c) Therapeutic residential and nonresidential  
14           programs[~~+~~], including secure drug treatment  
15           facilities;

16           (d) A program of regimental discipline pursuant to section  
17           706-605.5; and



1 (e) Similar programs created and designated as alternative  
2 programs by the legislature or the administrative  
3 director of the courts for qualified defendants who do  
4 not pose significant risks to the community."

5 SECTION 2. Section 706-622.5, Hawaii Revised Statutes, is  
6 amended by amending subsection (2) to read as follows:

7 "(2) A person eligible under subsection (1) may be  
8 sentenced to probation to undergo and complete a substance abuse  
9 treatment program if the court determines that the person can  
10 benefit from substance abuse treatment and, notwithstanding that  
11 the person would be subject to sentencing as a repeat offender  
12 under section 706-606.5, the person should not be incarcerated  
13 in order to protect the public. If the person fails to complete  
14 the substance abuse treatment program and the court determines  
15 that the person cannot benefit from any other suitable substance  
16 abuse treatment program, the person shall be subject to  
17 sentencing under the applicable section under this part. As a  
18 condition of probation under this subsection, the court may  
19 direct the person to undergo and complete substance abuse  
20 treatment under the supervision of the drug court if the person  
21 has a history of relapse in treatment programs. The court may  
22 require other terms and conditions of probation, including



1 requiring that the person contribute to the cost of the  
2 substance abuse treatment program [~~and~~], comply with deadlines  
3 for entering into the substance abuse treatment program[-], and  
4 reside in a secure drug treatment facility."

5 SECTION 3. Section 706-622.9, Hawaii Revised Statutes, is  
6 amended by amending subsection (2) to read as follows:

7 "(2) A person eligible under subsection (1) may be  
8 sentenced to probation to undergo and complete a substance abuse  
9 treatment program if the court determines that the person can  
10 benefit from substance abuse treatment and, notwithstanding that  
11 the person would be subject to sentencing as a repeat offender  
12 under section 706-606.5, the person should not be incarcerated  
13 to protect the public. If the person fails to complete the  
14 substance abuse treatment program and the court determines that  
15 the person cannot benefit from any other suitable substance  
16 abuse treatment program, the person shall be sentenced as  
17 provided in this part. As a condition of probation under this  
18 subsection, the court may direct the person to undergo and  
19 complete substance abuse treatment under the supervision of the  
20 drug court if the person has a history or relapse in treatment  
21 programs. The court may require other terms and conditions of  
22 probation, including requiring that the person contribute to the



1 cost of the substance abuse treatment program [and], comply with  
 2 deadlines for entering into the substance abuse treatment  
 3 program[-], and reside in a secure drug treatment facility."

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

6 SECTION 5. This Act shall take effect upon its approval.  
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INTRODUCED BY:

*John M. Magro*  
*Josh M. ...*

*Feder T. P. Antonilla*

*Joseph ...*

*Albo ...*

~~*Alungin*~~

*Celine M. L. Ching*

*Della C. Belatti*

*Colleen ...*

*Ray ...*

*Karen ...*

*Maribel ...*  
*Marilyn B. Lee*

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**Report Title:**

Drug Court; Secure Treatment Facilities

**Description:**

Authorizes placement of certain offenders in secure drug treatment programs.

