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# A BILL FOR AN ACT

RELATING TO PROBATION.

**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 (1) to read as follows:  
3           "(1) Notwithstanding section 706-620(3), a person  
4 convicted for the first or second time for any offense under  
5 section 329-43.5, except offenses under subsections (a) and (b)  
6 of that section which constitute violations, involving the  
7 possession or use of drug paraphernalia or any felony offense  
8 under part IV of chapter 712 involving the possession or use of  
9 any dangerous drug, detrimental drug, harmful drug, intoxicating  
10 compound, marijuana, or marijuana concentrate, as defined in  
11 section 712-1240, but not including any offense under part IV of  
12 chapter 712 involving the distribution or manufacture of any  
13 such drugs or substances and not including any methamphetamine  
14 offenses under sections 712-1240.7, 712-1240.8 as that section  
15 was in effect prior to July 1, 2016, 712-1241, and 712-1242, is  
16 eligible to be sentenced to probation under subsection (2) if  
17 the person meets the following criteria:



- 1 (a) The court has determined that the person is nonviolent  
2 after reviewing the person's criminal history, the  
3 factual circumstances of the offense for which the  
4 person is being sentenced, and any other relevant  
5 information;
- 6 (b) The person has been assessed by a certified substance  
7 abuse counselor to be in need of substance abuse  
8 treatment due to dependency or abuse under the  
9 applicable Diagnostic and Statistical Manual and  
10 Addiction Severity Index; and
- 11 (c) Except for those persons directed to substance abuse  
12 treatment under the supervision of the drug court, the  
13 person presents a proposal to receive substance abuse  
14 treatment in accordance with the treatment plan  
15 prepared by a certified substance abuse counselor  
16 through a substance abuse treatment program that  
17 includes an identified source of payment for the  
18 treatment program."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2018.



**Report Title:**

Judiciary Package; Probation; Drug Paraphernalia; Housekeeping Amendment

**Description:**

Makes a housekeeping amendment to clarify that eligibility for probation does not apply to certain drug paraphernalia violations that have been decriminalized. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

