

JAN 19 2018

S.B. NO. 2148

---

# 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 involving the possession or use of drug~~  
6 ~~paraphernalia or]~~ any felony offense under part IV of chapter  
7 712 involving the possession or use of any dangerous drug,  
8 detrimental drug, harmful drug, intoxicating compound,  
9 marijuana, or marijuana concentrate, as defined in section  
10 712-1240, but not including any offense under part IV of chapter  
11 712 involving the distribution or manufacture of any such drugs  
12 or substances and not including any methamphetamine offenses  
13 under sections 712-1240.7, 712-1240.8 as that section was in  
14 effect prior to July 1, 2016, 712-1241, and 712-1242, is  
15 eligible to be sentenced to probation under subsection (2) if  
16 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. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



# S.B. NO. 2148

1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY:   
By Request



# S.B. NO. 2148

**Report Title:**

Judiciary Package; Probation; Drug Paraphernalia; Housekeeping Amendment

**Description:**

Makes housekeeping amendment to probation statute consistent with decriminalization of the offense of prohibited acts related to drug paraphernalia, section 329-43.5, HRS.

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

