

ACT 205

S.B. NO. 432

A Bill for an Act Relating to Drug Demand Reduction Assessments.

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

SECTION 1. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§706- Drug demand reduction assessments; special fund. (1) In addition to any disposition authorized by chapter 706 or 853, any person convicted of a felony or misdemeanor offense under part IV of chapter 712, except section 712-1250.5, or any person charged with such an offense who has been granted a deferred acceptance of guilty or no contest plea may be ordered to pay a monetary assessment not exceeding the following:

- (a) \$3,000 when the offense is a class A felony;
- (b) \$2,000 when the offense is a class B felony;
- (c) \$1,000 when the offense is a class C felony; or
- (d) \$500 when the offense is a misdemeanor.

Notwithstanding sections 706-640 and 706-641 and any other law to the contrary, the assessments provided by this section shall be in addition to and not in lieu of, and shall not be used to offset or reduce, any fine authorized or required by law.

(2) There is established a special fund to be known as the “drug demand reduction assessments special fund” to be administered by the department of health. The disbursement of moneys from the drug demand reduction assessments special fund shall be used to supplement drug treatment and other drug demand reduction programs.

(3) All monetary assessments paid pursuant to this section shall be deposited into the drug demand reduction assessments special fund.

(4) Restitution to the victim of a crime enumerated in subsection (1) shall be made before payment of the monetary assessment.

(5) The court shall not order the defendant to pay the monetary assessment unless the defendant is or will be able to pay the monetary assessment.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval and shall be repealed on June 30, 1996.

(Approved June 19, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.