

ACT 4

H.B. NO. 358

A Bill for an Act Relating to Drug Treatment.

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

SECTION 1. Section 706-600.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§706-600.5] Definitions of terms in this chapter.~~ In this chapter, unless a different meaning plainly is required:

~~[(1)]~~ “Day” means a twenty-four-hour period of time.

~~[(2)]~~ “Month” means a thirty-day period of time.

“Secure drug treatment facility” means a facility employing security protocols modeled after a minimum-security detention center, including continuous direct supervision.

~~[(3)]~~ “Year” means a three hundred sixty-five-day period of time.”

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

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

- (a) House arrest, or curfew using electronic monitoring and surveillance, or both;
- (b) Drug court programs for defendants with assessed alcohol or drug abuse problems, or both;
- (c) Therapeutic residential and nonresidential programs[;], including secure drug treatment facilities;
- (d) A program of regimental discipline pursuant to section 706-605.5; and

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

SECTION 3. Section 706-622.5, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) A person eligible under subsection (1) may be sentenced to probation to undergo and complete a substance abuse treatment program if the court determines that the person can benefit from substance abuse treatment and, notwithstanding that the person would be subject to sentencing as a repeat offender under section 706-606.5, the person should not be incarcerated [~~in order~~] to protect the public. If the person fails to complete the substance abuse treatment program and the court determines that the person cannot benefit from any other suitable substance abuse treatment program, the person shall be subject to sentencing under the applicable section under this part. As a condition of probation under this subsection, the court may direct the person to undergo and complete substance abuse treatment under the supervision of the drug court if the person has a history of relapse in treatment programs. The court may require other terms and conditions of probation, including requiring that the person contribute to the cost of the substance abuse treatment program [~~and~~], comply with deadlines for entering into the substance abuse treatment program[-], and reside in a secure drug treatment facility.”

SECTION 4. Section 706-622.9, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) A person eligible under subsection (1) may be sentenced to probation to undergo and complete a substance abuse treatment program if the court determines that the person can benefit from substance abuse treatment and, notwithstanding that the person would be subject to sentencing as a repeat offender under section 706-606.5, the person should not be incarcerated to protect the public. If the person fails to complete the substance abuse treatment program and the court determines that the person cannot benefit from any other suitable substance abuse treatment program, the person shall be sentenced as provided in this part. As a condition of probation under this subsection, the court may direct the person to undergo and complete substance abuse treatment under the supervision of the drug court if the person has a history or relapse in treatment programs. The court may require other terms and conditions of probation, including requiring that the person contribute to the cost of the substance abuse treatment program [~~and~~], comply with deadlines for entering into the substance abuse treatment program[-], and reside in a secure drug treatment facility.”

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

SECTION 6. This Act shall take effect upon its approval.

(Vetoed by Governor and veto overridden by Legislature on July 15, 2009.)