

A BILL FOR AN ACT

VETO OVERRIDE

RELATING TO DRUG TREATMENT.

Act No. 4
Approved: [Signature]
Dated: July 15, 2009

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

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

3 "[~~f~~] §706-600.5 [~~g~~] Definitions of terms in this chapter.

4 In this chapter, unless a different meaning plainly is required:

5 [~~1~~] "Day" means a twenty-four-hour period of time.

6 [~~2~~] "Month" means a thirty-day period of time.

7 "Secure drug treatment facility" means a facility employing
8 security protocols modeled after a minimum-security detention
9 center, including continuous direct supervision.

10 [~~3~~] "Year" means a three hundred sixty-five-day period of
11 time."

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

14 "(4) As used in this section, "alternative programs" means
15 programs [~~which,~~] that, from time to time, are created and
16 funded by legislative appropriation or federal grant naming the
17 judiciary or one of its operating agencies as the expending



1 agency and [~~which~~] that are intended to provide an alternative
2 to incarceration. Alternative programs may include:

- 3 (a) House arrest, or curfew using electronic monitoring
4 and surveillance, or both;
- 5 (b) Drug court programs for defendants with assessed
6 alcohol or drug abuse problems, or both;
- 7 (c) Therapeutic residential and nonresidential
8 programs [~~+~~], including secure drug treatment
9 facilities;
- 10 (d) A program of regimental discipline pursuant to section
11 706-605.5; and
- 12 (e) Similar programs created and designated as alternative
13 programs by the legislature or the administrative
14 director of the courts for qualified defendants who do
15 not pose significant risks to the community."

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

18 "(2) A person eligible under subsection (1) may be
19 sentenced to probation to undergo and complete a substance abuse
20 treatment program if the court determines that the person can
21 benefit from substance abuse treatment and, notwithstanding that
22 the person would be subject to sentencing as a repeat offender



1 under section 706-606.5, the person should not be incarcerated
2 [~~in order~~] to protect the public. If the person fails to
3 complete the substance abuse treatment program and the court
4 determines that the person cannot benefit from any other
5 suitable substance abuse treatment program, the person shall be
6 subject to sentencing under the applicable section under this
7 part. As a condition of probation under this subsection, the
8 court may direct the person to undergo and complete substance
9 abuse treatment under the supervision of the drug court if the
10 person has a history of relapse in treatment programs. The
11 court may require other terms and conditions of probation,
12 including requiring that the person contribute to the cost of
13 the substance abuse treatment program [~~and~~], comply with
14 deadlines for entering into the substance abuse treatment
15 program[-], and reside in a secure drug treatment facility."

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

18 "(2) A person eligible under subsection (1) may be
19 sentenced to probation to undergo and complete a substance abuse
20 treatment program if the court determines that the person can
21 benefit from substance abuse treatment and, notwithstanding that
22 the person would be subject to sentencing as a repeat offender



1 under section 706-606.5, the person should not be incarcerated
2 to protect the public. If the person fails to complete the
3 substance abuse treatment program and the court determines that
4 the person cannot benefit from any other suitable substance
5 abuse treatment program, the person shall be sentenced as
6 provided in this part. As a condition of probation under this
7 subsection, the court may direct the person to undergo and
8 complete substance abuse treatment under the supervision of the
9 drug court if the person has a history or relapse in treatment
10 programs. The court may require other terms and conditions of
11 probation, including requiring that the person contribute to the
12 cost of the substance abuse treatment program [~~and~~], comply with
13 deadlines for entering into the substance abuse treatment
14 program[-], and reside in a secure drug treatment facility."

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

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

