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# A BILL FOR AN ACT

RELATING TO DRUG TREATMENT.

**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 "[+]§706-600.5[+] **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 complete  
3 the substance abuse treatment program and the court determines  
4 that the person cannot benefit from any other suitable substance  
5 abuse treatment program, the person shall be subject to  
6 sentencing under the applicable section under this part. As a  
7 condition of probation under this subsection, the court may  
8 direct the person to undergo and complete substance abuse  
9 treatment under the supervision of the drug court if the person  
10 has a history of relapse in treatment programs. The court may  
11 require other terms and conditions of probation, including  
12 requiring that the person contribute to the cost of the  
13 substance abuse treatment program [~~and~~], comply with deadlines  
14 for entering into the substance abuse treatment program[-], and  
15 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 on July 1, 2050.

**Report Title:**

Drug Court; Secure Treatment Facilities

**Description:**

Authorizes placement of certain offenders in secure drug treatment facilities. Effective 7/1/2050. (SD1)