
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. (a) The attorney general shall coordinate a
2 review of the impact that diversion of minor drug possession
3 offenders into drug treatment would have on the criminal justice
4 system, drug treatment program resources, and public safety.

5 For purposes of this review:

6 (1) "Diversion" means placement of the offender into drug
7 treatment either in lieu of charging the offender or
8 allowing the offender to plead to a misdemeanor and be
9 placed in treatment in lieu of imprisonment; and

10 (2) "Minor drug possession offenders" means those accused
11 of felony marijuana possession offenses of any grade
12 and class B or C felony possession offenses involving
13 other drugs.

14 (b) The review required by subsection (a) shall address
15 the following issues:

16 (1) The number of offenders that could be diverted if
17 diversion occurred before charging and the number that
18 could be deferred post-charging;

- 1 (2) The affect of diversion on law enforcement,
- 2 prosecution, judicial, and correctional resources;
- 3 (3) The type, cost, and availability of treatment services
- 4 that would be needed under a diversion program; and
- 5 (4) The impact on public safety of diverting minor drug
- 6 possession offenders and whether the impact could be
- 7 reduced by, for example, excluding offenders with a
- 8 history of violent offenses.

9 (c) The attorney general shall conduct the review required
10 by subsection (a) in consultation with and using the problem-
11 solving abilities of a broad range of public and private
12 stakeholders including:

- 13 (1) Police;
- 14 (2) Prosecutors;
- 15 (3) Judges and other court officials;
- 16 (4) Corrections administrators;
- 17 (5) Public health experts;
- 18 (6) Drug treatment providers;
- 19 (7) Legal service providers;
- 20 (8) A representative of the Office of the Public Defender;
- 21 (9) A representative of the American Civil Liberties Union
- 22 of Hawaii;

1 (10) A representative of a community advocacy group with at
2 least fifteen years of experience, research, and
3 statistical data to provide to the Attorney General;
4 and

5 (11) A criminologist or researcher that can analyze the
6 most current statistical data.

7 SECTION 2. The attorney general shall submit a report of
8 the findings and recommendations of the review required by this
9 Act no later than twenty days prior to the convening of the
10 regular session of 2010.

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

Report Title:

Controlled Substances; Diversion; Treatment

Description:

Directs the attorney general to coordinate a review of the impact of diverting marijuana and low-level felony drug offenders out of the criminal justice system into treatment.
(SD1)