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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF  
DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL  
JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS.

1           WHEREAS, the cost to enforce criminal drug possession  
2 statutes through the criminal justice system is substantial; and  
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4           WHEREAS, according to a report entitled *The Budgetary*  
5 *Implications of Marijuana Decriminalization and Legalization for*  
6 *Hawai'i*, dated March 2007, by Lawrence W. Boyd, Ph.D, an  
7 economist from the University of Hawaii West Oahu, state and  
8 county law enforcement agencies spend \$4,100,000 per year to  
9 enforce marijuana possession laws, and an additional \$2,100,000  
10 is spent by the courts each year to process marijuana possession  
11 cases; and  
12

13           WHEREAS, incarcerating one person costs taxpayers about  
14 \$139 per day, or \$50,735 each year, whereas drug treatment  
15 programs such as drug court cost taxpayers as little as \$8.77  
16 per day, or \$3,201 a year; and  
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18           WHEREAS, drug treatment programs such as drug court produce  
19 a recidivism rate of less than ten per cent for those who  
20 complete the program, which results in many benefits to the  
21 State including improved public safety; and  
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23           WHEREAS, other jurisdictions have established successful  
24 programs by which drug possession offenders are placed into drug  
25 treatment in lieu of charging the offender, or allowing the  
26 offender to plead to a lesser offense and placing the offender  
27 in treatment in lieu of imprisonment; now, therefore,  
28

29           BE IT RESOLVED by the House of Representatives of the  
30 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
31 of 2011, the Senate concurring, that the Attorney General is



1 requested to assess the impact of diverting drug possession  
2 offenders from the criminal justice system to drug treatment  
3 programs on the following:

- 4  
5 (1) The criminal justice system;  
6  
7 (2) Drug treatment program resources; and  
8  
9 (3) Public safety; and

10  
11 BE IT FURTHER RESOLVED that the Attorney General is  
12 requested to conduct the assessment in consultation with and  
13 using the problem-solving abilities of a broad range of public  
14 and private stakeholders including:

- 15  
16 (1) Police;  
17  
18 (2) Prosecutors and public defenders;  
19  
20 (3) Judges and other court officials;  
21  
22 (4) Corrections administrators;  
23  
24 (5) Public health experts;  
25  
26 (6) Drug treatment providers; and  
27  
28 (7) Legal service providers; and

29  
30 BE IT FURTHER RESOLVED that the Attorney General is  
31 requested to submit a report to the Legislature of findings and  
32 recommendations, including proposed legislation, not later than  
33 twenty days prior to the convening of the Regular Session of  
34 2012; and

35  
36 BE IT FURTHER RESOLVED that the Attorney General is  
37 requested to address the following issues in the Attorney  
38 General's report:

- 39  
40 (1) The number of offenders that could be diverted from  
41 the criminal justice system if the diversion occurred  
42 before charging and the number that could be deferred  
43 post-charging;  
44



- 1 (2) The effect of diversion on law enforcement,
- 2 prosecution, judicial, and correctional resources;
- 3
- 4 (3) The type, cost, and availability of treatment services
- 5 that would be needed under a diversion program; and
- 6
- 7 (4) The impact on public safety of diverting drug
- 8 possession offenders and whether the impact could be
- 9 reduced by, for example, excluding offenders with a
- 10 history of violent offenses; and
- 11

12 BE IT FURTHER RESOLVED that a certified copies of this  
 13 Concurrent Resolution be transmitted to the Director of Public  
 14 Safety, the Director of Health, the Attorney General, the Chief  
 15 Justice of the Hawaii Supreme Court, the chief of police of each  
 16 county, the prosecuting attorney of each county, the public  
 17 defender, and the Director of Legal Aid Services of Hawaii, who  
 18 in turn, are requested to transmit copies to appropriate public  
 19 and private stakeholders.

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21  
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OFFERED BY:

~~A.A.C. Fitch-Gay~~

Calvin H. Day

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