

JAN 19 2007

A BILL FOR AN ACT

RELATING TO ELECTED OFFICIALS.

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

1 SECTION 1. The legislature finds that Hawaii currently
2 faces a drug crisis, with drug use reaching epidemic
3 proportions. During the 1990s, an elected official was found to
4 be using drugs at or near the time of the expiration of his
5 elected service. In addition, because of the high rate of drug
6 usage in the State, it is possible that at least some current
7 elected officials are using illegal drugs during their term of
8 office. Hawaii's immediate drug crisis knows no economic or
9 social boundaries—the most powerful and wealthy are affected
10 just as are the lame and the poor. This Act is necessary
11 because of the past history of drug use by elected officials and
12 the rising numbers of drug users in the general population who
13 may be elected to public office.

14 The legislature further finds that because of Hawaii's
15 current "ice" epidemic, as well as the increased rate of other
16 drug use, it is critical to ensure that no one elected to
17 represent the people of Hawaii uses illegal drugs. Drug use by



1 elected officials makes Hawaii a more dangerous place to live
2 and visit and undermines the foundation of government. Though
3 elected officials are not the leaders of the Hawaii drug crisis,
4 any involvement in drugs by an appointee of the public who is
5 charged with creating antidrug enforcement policies, or even the
6 appearance of impropriety thereof, is wholly unacceptable.
7 Hawaii's unique need to deal with this past issue of drugs and
8 elected officials, and the unique need Hawaii will continue to
9 face with the rise of drug use by those who may become elected
10 officials, requires that drug testing be implemented.

11 Beyond need, the legislature declares that a zero tolerance
12 on drug use by elected officials serves the public because the
13 officials are accountable to the public and use of illegal drugs
14 draws into question an elected official's judgment and
15 integrity; jeopardizes the discharge of public functions,
16 including antidrug law enforcement efforts; and undermines
17 public confidence and trust in elected officials.

18 Because elected officials have power over the community
19 through the introduction and enactment of legislation, including
20 the ability to subject citizens to mandatory drug testing, this
21 Act is necessary to ensure that elected officials are held to
22 the same standard as other citizens, if not a higher one.



1 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§78- Elected officials; drug testing; disqualification
5 and forfeiture of office. (a) All elected officials shall
6 submit to testing for illegal drugs after certification of their
7 election and prior to taking the oath of office. Thereafter,
8 elected officials elected to a term of office of two years shall
9 submit to testing for illegal drugs every six months. Elected
10 officials elected to a term of office of four years shall submit
11 to testing for illegal drugs every twelve months. Testing shall
12 be conducted in compliance with chapter 329B. Testing shall be
13 funded from the budget of the branch of government to which the
14 official has been elected. Test results shall be provided to
15 the personnel officer of the branch of government to which the
16 official has been elected or in which the official holds office
17 and the personnel officer shall take action, as appropriate, to
18 effectuate the purposes of this section.

19 (b) Any elected official who tests positive for illegal
20 drugs shall immediately be disqualified from taking office or
21 forfeit any office held.

22 (c) For purposes of this section:



1 "Elected official" means the governor, lieutenant governor,
2 members of the senate and the house of representatives, county
3 mayors, elected county prosecutors, members of the county
4 councils, members of the board of education and of the board of
5 trustees of the office of Hawaiian affairs, and any person
6 certified pursuant to section 11-155 to have won election to one
7 of these offices but who has not yet taken the oath of office.

8 "Illegal drug" means any controlled substance, as defined
9 in chapter 329, for which the person does not possess a valid
10 prescription."

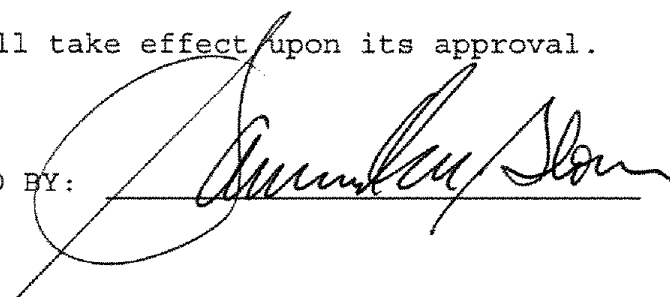
11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to read "Samuel H. Stanley", is written over a horizontal line. The signature is written in a cursive style with a large loop at the beginning.

Report Title:

Elected Officials; Drug Testing; Disqualification

Description:

Requires testing for illegal drugs of all elected officials of the State, county, board of education, and office of Hawaiian affairs. Disqualifies any person who tests positive for illegal drugs from taking office. Requires forfeiture of office upon testing positive for illegal drugs.

