
A BILL FOR AN ACT

RELATING TO CRIMINAL OFFENSES BY MINORS.

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

1 SECTION 1. Chapter 709, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§709- Tobacco use by a minor; penalties. (1) A person
5 commits the offense of tobacco use by a minor if the person is a
6 minor under eighteen years of age and uses any tobacco product,
7 including but not limited to tobacco cigarettes, chewing
8 tobacco, and snuff.

9 (2) A person who violates this section shall be sentenced
10 to any one or more of the following:

11 (a) A maximum fine of \$500;

12 (b) A maximum of fifty hours of community service during
13 hours when the person is not employed and is not
14 attending school; and

15 (c) A maximum of ten hours of substance abuse counseling."

16 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:



1 "§710- Making or using a deceptive identification
2 document; penalties. (1) A person commits the offense of
3 making or using of a deceptive identification document if the
4 person intentionally or knowingly makes or uses a deceptive
5 identification document to allow a minor to:

6 (a) Enter or attempt to enter an alcohol-serving or other
7 establishment restricted to patrons older than the
8 minor's age; or

9 (b) Purchase or attempt to purchase alcohol, any tobacco
10 product, or any other product that can be purchased
11 only by persons older than the minor's age.

12 (2) As used in this section, "deceptive identification
13 document" means any identification document, including but not
14 limited to a driver's license, identification card, birth
15 certificate, passport, or social security card, that is made,
16 altered, or obtained to deceive a reasonable person into
17 believing that it is an identification document issued by a
18 governmental agency.

19 (3) A person eighteen years or older who violates this
20 section shall be sentenced to any one or more of the following:

21 (a) A maximum fine of \$2,000;
22 (b) A maximum of one year in prison;



1 (c) A maximum of one hundred fifty hours of community
2 service; and

3 (d) Suspension of the person's license and privilege to
4 operate a vehicle for a period not more than one year.

5 (4) Any person under the age of eighteen who violates this
6 section shall be sentenced to any one or more of the following:

7 (a) A maximum fine of \$2,000;

8 (b) A maximum of one hundred hours of community service
9 during hours when the person is not employed and is
10 not attending school;

11 (c) A maximum of ten hours of substance abuse counseling;
12 and

13 (d) Suspension of the person's license and privilege to
14 operate a vehicle for a period not more than one
15 year."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

19 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: S.S.T.K.
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SB 2027

Report Title:

Tobacco Use by Minors; Deceptive Identification

Description:

Makes it an offense for any minor under the age of 18 to use any tobacco product. Makes it an offense to create or use a deceptive identification document for use by a minor to purchase tobacco or enter an age-restricted establishment.

