
A BILL FOR AN ACT

RELATING TO DRUGS.

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

1 SECTION 1. Section 329-65, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:
3 "(d) Any manufacturer, wholesaler, retailer, or other
4 person who possesses any of the substances listed in section
5 329-61 with the intent to unlawfully manufacture any controlled
6 substance shall be fined not more than \$100,000, or imprisoned
7 not more than ten years, or both[-]; provided that any person
8 convicted of possessing any substance regulated under section
9 329-61 with the intent to unlawfully manufacture a controlled
10 substance knowing that a child under the age of sixteen is
11 present in the structure where the offense occurs shall be
12 sentenced pursuant to section 712-1240.5(1) and provided further
13 that any person convicted of possessing any substance regulated
14 under section 329-61 with the intent to unlawfully manufacture a
15 controlled substance knowing that a child under the age of
16 eighteen is present in the structure where the offense occurs
17 and causes the child to suffer serious or substantial bodily



1 injury as defined in section 707-700 shall be sentenced pursuant
2 to section 712-1240.5(2)."

3 SECTION 2. Section 712-1240.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~+~~§712-1240.5~~+~~ **Manufacturing a controlled substance or**
6 **possessing a precursor chemical with a child present.** (1)

7 Except as provided in subsection (2), any person convicted of
8 manufacturing a controlled substance in violation of this
9 chapter~~7~~ or convicted of possessing any substance regulated
10 under section 329-61 with the intent to unlawfully manufacture a
11 controlled substance, and who commits the offense knowing that a
12 child under the age of sixteen is present in the structure where
13 the offense occurs, shall be sentenced to a term of two years
14 imprisonment to run consecutively ~~to~~:

15 (a) To the maximum indeterminate term of imprisonment for
16 the conviction of any offense involving the
17 manufacturing of a controlled substance~~7~~; or

18 (b) To the maximum indeterminate term of imprisonment
19 imposed pursuant to section 329-65(d) for the
20 possession of a regulated substance with the intent to
21 unlawfully manufacture a controlled substance.



1 (2) Any person convicted of manufacturing a controlled
2 substance in violation of this chapter[7] or convicted of
3 possessing any substance regulated under section 329-61 with the
4 intent to unlawfully manufacture a controlled substance, and who
5 commits the offense knowing that a child under the age of
6 eighteen is present in the structure where the offense occurs
7 and causes the child to suffer serious or substantial bodily
8 injury as defined in section 707-700, shall be sentenced to a
9 term of five years imprisonment to run consecutively [~~to~~]:

10 (a) To the maximum indeterminate term of imprisonment for
11 the conviction of any offense involving the
12 manufacturing of a controlled substance[7];

13 (b) To the maximum indeterminate term of imprisonment
14 imposed pursuant to section 329-65(d) for the
15 possession of a regulated substance with the intent to
16 unlawfully manufacture a controlled substance.

17 (3) As used in this section, "structure" means any house,
18 apartment building, shop, warehouse, building, vessel, cargo
19 container, motor vehicle, tent, recreational vehicle, trailer,
20 or other enclosed space capable of holding a child and equipment
21 for the manufacture of a controlled substance."



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

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY: Calvin K. Long

BY REQUEST

JAN 22 2007



Report Title:

Controlled Substance; Child

Description:

Increases the penalties for intent to manufacture a controlled substance with knowledge that a child is present in the structure where the offense occurs.

