
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:

8 (1) Any person convicted of possessing any substance
9 regulated under section 329-61 with the intent to
10 unlawfully manufacture a controlled substance knowing
11 that a child under the age of sixteen is present in
12 the structure where the offense occurs shall be
13 sentenced pursuant to section 712-1240.5(1); and

14 (2) Any person convicted of possessing any substance
15 regulated under section 329-61 with the intent to
16 unlawfully manufacture a controlled substance knowing
17 that a child under the age of eighteen is present in
18 the structure where the offense occurs and causes the



1 child to suffer serious or substantial bodily injury
2 as defined in section 707-700 shall be sentenced
3 pursuant to section 712-1240.5(2)."

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

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

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

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

19 (b) To the maximum indeterminate term of imprisonment
20 imposed pursuant to section 329-65(d)(1) for the
21 possession of a regulated substance with the intent to
22 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)(2) 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 on January 1, 2050.



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. Effective date of January 1, 2050. (HB1449 HD1)

