

JAN 17 2007

A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1 SECTION 1. The Legislature finds that the use of and
2 addiction to methamphetamine, known as "ice", and other
3 controlled substances has reached epidemic proportions and is
4 considered a serious public health crisis. Enhanced criminal
5 penalties are necessary to protect Hawaii's citizens and
6 visitors from the dangerous effects of this epidemic.

7 The purpose of this Act is to make promoting a controlled
8 substance in, on, or near a county, state, or federal historic
9 property a penal offense.

10 SECTION 2. Chapter 712, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§712- Promoting a controlled substance in, on, or near
14 county, state, or federal historic property. (1) A person
15 commits the offense of promoting a controlled substance in, on,
16 or near county, state, or federal historic property if the
17 person knowingly:



1 (a) Distributes or possesses with intent to distribute a
2 controlled substance in any amount in or on the real
3 property comprising a county, state, or federal
4 historic property;

5 (b) Distributes or possesses with intent to distribute a
6 controlled substance in any amount within seven
7 hundred fifty feet of the real property comprising a
8 county, state, or federal historic property; or

9 (c) Manufactures methamphetamine or any of its salts,
10 isomers, and salts of isomers, within seven hundred
11 fifty feet of the real property comprising a county,
12 state, or federal historic property.

13 (2) A person who violates subsection (1)(a) or (b) is
14 guilty of a class C felony. A person who violates subsection
15 (1)(c) is guilty of a class A felony.

16 (3) Any person with prior conviction or convictions under
17 subsection (1)(a) or (b) is punishable by a term of imprisonment
18 of not less than two years and not more than ten years.

19 (4) Any individual convicted under subsection (3) of this
20 section shall not be eligible for parole until the individual
21 has served the minimum sentence required by the subsection."



S.B. NO. 74

1 SECTION 3. Section 712-1240, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Historic property" means any building, structure, object,
5 district, area, or site, including any heiau and any underwater
6 site, which is over fifty years old and listed on the Hawaii
7 register of historic places or the national register of historic
8 places."

9 SECTION 4. New statutory material is underscored.

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

11

INTRODUCED BY:

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Report Title:

Controlled Substance; Offense; Historic Property

Description:

Makes it a penal offense to promote a controlled substance in, on, or near a county, state, or federal historic property.

