

JAN 22 2009

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 have reached epidemic proportions and are
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 felony.

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 any real
3 property defined as 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 any real property defined as a
8 county, state, or federal historic property; or

9 (c) Manufactures methamphetamine or any of its salts,
10 isomers, or salts of isomers, within seven hundred
11 fifty feet of any real property defined as 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 convicted under subsection (1) (a) or (b)
17 and who has a prior conviction or convictions under subsection
18 (1) (a) or (b) is punishable by a term of imprisonment of not
19 less than two years and not more than ten years.

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



S.B. NO. 33

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

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2009.

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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.

