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# A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

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

1           SECTION 1. Section 712-1249.6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§712-1249.6 Promoting a controlled substance in, on, or**  
4 **near schools, school vehicles, or public parks.** (1) A person  
5 commits the offense of promoting a controlled substance in, on,  
6 or near schools, school vehicles, or public parks if the person  
7 knowingly:

8           (a) Distributes or possesses with intent to distribute a  
9 controlled substance in any amount in or on the real  
10 property comprising a school or public park;

11           (b) Distributes or possesses with intent to distribute a  
12 controlled substance in any amount within [~~seven~~  
13 ~~hundred and fifty~~] one thousand five hundred feet of  
14 the real property comprising a school or public park;

15           (c) Distributes or possesses with intent to distribute a  
16 controlled substance in any amount while on any school  
17 vehicle, or within ten feet of a parked school vehicle



1           during the time that the vehicle is in service for or  
2           waiting to transport school children; or

3           (d)   Manufactures methamphetamine or any of its salts,  
4           isomers, and salts of isomers, within [~~seven hundred~~  
5           ~~and fifty~~] one thousand five hundred feet of the real  
6           property comprising a school or public park.

7           (2)   [~~A person who violates subsection (1)(a), (b), or (c)~~  
8           ~~is guilty of a class C felony.~~] A person who violates  
9           [~~subsection (1)(d)~~] subsection (1) is guilty of a class A  
10          felony.

11          [~~(3) Any person with prior conviction or convictions under~~  
12          ~~subsection (1)(a), (b), or (c) is punishable by a term of~~  
13          ~~imprisonment of not less than two years and not more than ten~~  
14          ~~years.~~

15          [~~(4) Any individual convicted under subsection (3) of this~~  
16          ~~section shall not be eligible for parole until the individual~~  
17          ~~has served the minimum sentence required by such subsection.~~

18          [~~(5)~~] (3) For the purposes of this section, "school  
19          vehicle" means every school vehicle as defined in section 286-  
20          181 and any regulations adopted pursuant to that section.



1           [~~(6)~~] (4) For purposes of this section, "school" means any  
 2 public or private preschool, kindergarten, elementary,  
 3 intermediate, middle secondary, or high school."

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

7           SECTION 3. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

9           SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 25 2012



# H.B. NO. 2771

**Report Title:**

Protected School Zones; Drug Offenses; Penalties

**Description:**

Increases the protected areas around schools and public parks to 1,500 feet. Makes all acts of promoting a controlled substance in, on, or near schools, school vehicles, or public parks a class A felony. Makes conforming amendments.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

