

STAND. COM. REP. NO. 534

Honolulu, Hawaii

FEB 25 2015

RE: S.B. No. 209
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 209 entitled:

"A BILL FOR AN ACT RELATING TO DRUGS,"

begs leave to report as follows:

The purpose and intent of this measure is to expand the
offense of promoting a dangerous drug in the first degree to
include possession of one or more preparations, compounds,
mixtures, or substances of an aggregate weight of fifty or more
capsules, tablets, ampules, dosage units, or syrettes containing
one or more dangerous drugs.

Your Committee received testimony in support of this measure
from the Department of Public Safety; Department of the
Prosecuting Attorney, County of Maui; Office of the Prosecuting
Attorney, County of Kauai; Honolulu Police Department, City and
County of Honolulu; and Maui Police Department, County of Maui.
Your Committee received testimony in opposition to this measure
from the Office of the Public Defender.

Your Committee finds that under existing law, for a person to
be charged with promoting a dangerous drug in the first degree for
possession of a pharmaceutical controlled substance, the suspect
must possess one ounce or more of a Schedule II pharmaceutical
controlled substance. However, Schedule II pharmaceutical
controlled substances are in various forms, including pills,
capsules, and syringes. This measure recognizes these various
forms by expanding the offense of promoting a dangerous drug in



the first degree to include possession of fifty or more capsules, tablets, ampules, dosage units, or syrettes containing one or more dangerous drugs.

Your Committee has amended this measure by:

- (1) Clarifying that the offense includes possession of fifty or more capsules, tablets, ampules, dosage units, or syrettes containing one or more dangerous drugs rather than the aggregate weight of fifty or more capsules, ampules, dosage units, or syrettes;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 209, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 209, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 209	Committee Referral: JDL	Date: 2/2/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes