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# A BILL FOR AN ACT

RELATING TO DRUG PARAPHERNALIA.

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

1           SECTION 1. The legislature finds that the benefits of  
2 making the offenses of possession and delivery of drug  
3 paraphernalia violations far outweigh the benefits of the  
4 current felony criminal treatment of these offenses.

5           The legislature further finds that state funds are better  
6 spent on community programs and rehabilitation of nonviolent,  
7 low-risk drug offenders, as envisioned by the diversion program  
8 created by Act 149, Session Laws of Hawaii 2014, the  
9 implementation of which is currently stalled.

10           The legislature also finds that immigrants convicted of  
11 class C felonies are potentially deportable under current  
12 immigration laws. Given the nation's gravely dysfunctional  
13 immigration system, this double jeopardy treatment of immigrants  
14 convicted of nonviolent drug paraphernalia offenses is severely  
15 disproportionate.



1           Accordingly, the purpose of this Act is to decriminalize  
2 the possession and delivery of drug paraphernalia and, instead,  
3 to make these offenses violations.

4           SECTION 2. Section 329-43.5, Hawaii Revised Statutes, is  
5 amended by amending subsections (a) and (b) to read as follows:

6           "(a) Except as provided in subsection (e), it is unlawful  
7 for any person to use, or to possess with intent to use, drug  
8 paraphernalia to plant, propagate, cultivate, grow, harvest,  
9 manufacture, compound, convert, produce, process, prepare, test,  
10 analyze, pack, repack, store, contain, conceal, inject, ingest,  
11 inhale, or otherwise introduce into the human body a controlled  
12 substance in violation of this chapter. ~~[Any person who~~  
13 ~~violates this section is guilty of a class C felony and upon~~  
14 ~~conviction may be imprisoned pursuant to section 706-660 and, if~~  
15 ~~appropriate as provided in section 706-641, fined pursuant to~~  
16 ~~section 706-640.]~~ A violation of this subsection shall  
17 constitute a violation subject to a fine of \$100.

18           (b) Except as provided in subsection (e), it is unlawful  
19 for any person to deliver, possess with intent to deliver, or  
20 manufacture with intent to deliver drug paraphernalia, knowing  
21 or under circumstances where one reasonably should know, that it



1 will be used to plant, propagate, cultivate, grow, harvest,  
2 manufacture, compound, convert, produce, process, prepare, test,  
3 analyze, pack, repack, store, contain, conceal, inject, ingest,  
4 inhale, or otherwise introduce into the human body a controlled  
5 substance in violation of this chapter. [~~Any person who~~  
6 ~~violates this section is guilty of a class C felony and upon~~  
7 ~~conviction may be imprisoned pursuant to section 706 660 and, if~~  
8 ~~appropriate as provided in section 706 641, fined pursuant to~~  
9 ~~section 706 640.] A violation of this subsection shall  
10 constitute a violation subject to a fine of \$100."~~

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2099.



**Report Title:**

Drug Paraphernalia; Possession; Delivery; Civil Violations

**Description:**

Reclassifies drug paraphernalia possession and delivery offenses from felonies to violations subject to a fine of \$100. (HB1501 HD2)

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

