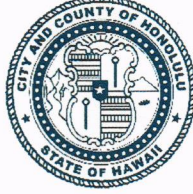


HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulupd.org



RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE JP-HR

February 7, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 386, Relating to Dangerous Drugs

I am Jerome Pacarro, Captain of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 386, Relating to Dangerous Drugs.

The sheer devastation caused by fentanyl cannot be overstated. Every day, we hear heartbreaking stories of families torn apart by overdose deaths due to fentanyl being mixed with other drugs, often without the user's knowledge. It is our responsibility to protect our citizens, especially the most vulnerable among us, such as juveniles.


Implementing harsher penalties can serve as a strong deterrent for those who might exploit this crisis for their gain. The threat of increased consequences will encourage traffickers to think twice before distributing this lethal substance into our neighborhoods.

The HPD urges you to supports House Bill No. 386, Relating to Dangerous Drugs.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,



#22 Arthur J. Logan
Chief of Police



Jerome Pacarro, Captain
Narcotics/Vice Division

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluprosecutor.org

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i

February 6, 2025

RE: H.B. 386; RELATING TO DANGEROUS DRUGS.

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **strong support** of H.B. 386. This bill is part of the Department's 2025 legislative package, and we thank you for hearing it.

H.B. 386 conforms the possession and distribution thresholds for fentanyl to those used for other common street drugs, such as methamphetamine, heroin, and cocaine. This is a necessary measure to combat the increasing prevalence of fentanyl.

The Uniform Controlled Substances Act classifies fentanyl as a dangerous drug.¹ Possession in any amount is already a felony.² But in recent years, fentanyl has emerged as a serious public health threat and law enforcement challenge. In 2022, synthetic opioids, primarily illicit fentanyl, represented more than two-thirds of drug overdose deaths nationwide.³

Hawai'i has not been immune. Last year, Big Island police seized enough fentanyl to kill one-fifth of this state's entire population.⁴ Federal prosecutors recently convicted a Maui man for

¹ HRS § 329-16(c)(9) (classifying fentanyl under Schedule II); § 712-1240 (defining "dangerous drug" to include most Schedule II substances).

² HRS § 712-1243.

³ *Drug Overdose Deaths: Facts and Figures*, NATIONAL INSTITUTE ON DRUG ABUSE, available at <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#Fig2> (73,838 overdose deaths from synthetic opioids excluding methadone out of 107,941 reported overdose dose deaths nationwide).

⁴ Press Release, Hawai'i Police Department, Fentanyl Arrests and Recovery Stats for Dec. 2024 (Jan. 13, 2025), available at <https://www.hawaiipolice.gov/fentanyl-arrests-and-recovery-stats-for-dec-2024/>.

deceptively selling fentanyl-laced pills that caused a deadly overdose.⁵ And on a single weekend in April 2024, Oahu first responders were dispatched to the same location—Thomas Square—five times for reported fentanyl overdoses.⁶ The fentanyl tsunami has reached our shores.

H.B. 386 makes it a Class B felony to possess more than one-eighth ounce of fentanyl. Right now, the possession threshold for a Class B felony is double that amount, at one quarter-ounce.⁷ H.B. 386 also makes it a Class A felony to distribute more than one-eighth of an ounce of fentanyl. The current distribution threshold is triple that amount, at three-eighths of an ounce.⁸ Finally, the bill makes it a Class A felony to possess one ounce or more of fentanyl. For the Class A felony, the possession threshold is currently one and one-half ounce.⁹

To place those numbers in context: two milligrams of fentanyl can be lethal.¹⁰ An ounce is more than 28,000 milligrams. So one ounce of fentanyl is enough to kill 14,000 people.

H.B. 386 does not increase existing criminal penalties for simple possession of fentanyl. This bill targets distributors of this deadly poison, as well as those possessing amounts highly corroborative of intent to distribute.

The Department strongly encourages this Committee to pass H.B. 386.

Thank you for the opportunity to testify.

⁵ Press Release, U.S. Attorney's Office (D. Haw.), Maui Man Sentenced to 12 Years for Trafficking Fentanyl Resulting in Death (Dec. 10, 2024), *available at* <https://www.justice.gov/usao-hi/pr/maui-man-sentenced-12-years-trafficking-fentanyl-resulting-death>.

⁶ Lynn Kawano, *Drug Overdose Deaths Up in Maui County, Kauai as Fentanyl Use Grows*, HAWAII NEWS NOW (online) (May 13, 2024), *available at* <https://www.hawaiinewsnow.com/2024/05/14/drug-overdose-deaths-up-maui-county-kauai-fentanyl-use-grows/>.

⁷ HRS § 712-1242(1)(b)(ii).

⁸ HRS § 712-1241(1)(b)(ii)(B).

⁹ HRS § 712-1241(1)(a)(ii).

¹⁰ *Facts About Fentanyl*, DRUG ENFORCEMENT ADMINISTRATION, *available at* <https://www.dea.gov/resources/facts-about-fentanyl>.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

STEPHEN L. FRYE
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

64-1067 MAMALAHOA HWY
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT TO HOUSE BILL NO. 386

A BILL FOR AN ACT
RELATING TO DANGEROUS DRUGS

COMMITTEE ON
JUDICIARY & HAWAIIAN AFFAIRS
Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Friday, February 7, 2025 at 2:05 p.m.
Via Videoconference and
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs. The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony in support to House Bill No. 386.

This bill was drafted with the intention to conform fentanyl to the possession offense thresholds for methamphetamine, heroin, morphine, and cocaine. This bill acknowledges the need for legal measures to hold individuals accountable for the consequences of their actions in distributing illegal narcotics.

Fentanyl is responsible for a significant rise in overdose deaths, as it is much more potent than heroin or morphine, even in small amounts. Conforming the penalty thresholds will send a clear message that the distribution of fentanyl is a serious crime that jeopardizes public health and safety. Ultimately, this measure would help reduce the overall prevalence of fentanyl in our communities and save lives.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. House Bill No. 386 reflects a commitment to addressing the serious public health and safety concerns associated with illegal narcotics distribution.

For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney supports the passage of House Bill No. 386. Thank you for the opportunity to testify on this matter.