

ACT 161

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H. B. NO. 1193

A Bill for an Act Relating to the Uniform Narcotic Drug Act.

276

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 329-5, Hawaii Revised Statutes, is amended by deleting the period at the end and adding the following:

“; provided that, every person who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment for not more than one year, or for not less than one year nor more than five years.

If such person has been previously convicted once of any felony offense described in this chapter or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this chapter, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned for not less than two years nor more than ten years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years.

If such person has been previously convicted two or more times of any felony offense described in this chapter or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this chapter, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned for not less than five years nor more than twenty years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years.”

SECTION 2. This Act shall take effect upon its approval.

(Approved July 7, 1969.)