

ACT 163

H.B. NO. 1703

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. Section 712-1241, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of promoting a dangerous drug in the first degree if he knowingly:

- (a) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:
 - (i) One ounce or more, containing methamphetamine, heroin, morphine, or cocaine or any of their respective salts, isomers, and salts of isomers; or

- (ii) [Two ounces] One and one-half ounce or more, containing one or more of any of the other dangerous drugs; or
- (b) Distributes:
 - (i) [Fifty] Twenty-five or more capsules, tablets, ampules, dosage units, or syrettes containing one or more dangerous drugs; or
 - (ii) One or more preparations, compounds, mixtures, or substances of an aggregate weight of:
 - (A) One-eighth ounce or more, containing methamphetamine, heroin, morphine, or cocaine or any of their respective salts, isomers, and salts of isomers; or
 - (B) [One-half] Three-eighths ounce or more, containing any other dangerous drug; or
- (c) Distributes any dangerous drug in any amount to a minor."

SECTION 2. Section 712-1242, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of promoting a dangerous drug in the second degree if he knowingly:

- (a) Possesses [fifty] twenty-five or more capsules, tablets, ampules, dosage units, or syrettes, containing one or more dangerous drugs; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:
 - (i) One-eighth ounce or more, containing methamphetamine, heroin, morphine, or cocaine or any of their respective salts, isomers, and salts of isomers; or
 - (ii) [One-half] One-fourth ounce or more, containing any dangerous drug; or
- (c) Distributes any dangerous drug in any amount."

SECTION 3. Section 712-1244, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of promoting a harmful drug in the first degree if he knowingly:

- (a) Possesses [four hundred] one hundred or more capsules or tablets or dosage units containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one ounce or more containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (c) Distributes [fifty] twenty-five or more capsules or tablets or dosage units containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (d) Distributes one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one-eighth ounce or more, containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (e) Distributes any harmful drug or any marijuana concentrate in any amount to a minor."

SECTION 4. Section 712-1245, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

ACT 163

“(1) A person commits the offense of promoting a harmful drug in the second degree if he knowingly:

- (a) Possesses fifty or more capsules or tablets or dosage units containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one-eighth ounce or more, containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (c) Distributes any harmful drug or any marijuana concentrate in any amount.”

SECTION 5. Section 712-1246, Hawaii Revised Statutes, is amended to read as follows:

“§712-1246 Promoting a harmful drug in the third degree. (1) A person commits the offense of promoting a harmful drug in the third degree if he knowingly possesses [any harmful drug in any amount.] twenty-five or more capsules or tablets or dosage units containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof.

(2) Promoting a harmful drug in the third degree is a [misdemeanor.] class C felony.”

SECTION 6. Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§712- Promoting a harmful drug in the fourth degree. (1) A person commits the offense of promoting a harmful drug in the fourth degree if the person knowingly possesses [less than ten capsules, tablets, or dosage units containing one or more of the] any harmful drug[s] in any amount.¹

(2) Promoting a harmful drug in the fourth degree is a misdemeanor.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 7, 1989.)

Note

1. So in original.