

H.B. NO. 1406

A BILL FOR AN ACT

RELATING TO ENDANGERING THE WELFARE OF A MINOR.

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

1 SECTION 1. Section 709-903.5, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) Except as provided in subsection (2), a person commits
4 the offense of endangering the welfare of a minor in the first
5 degree if, having care or custody of a minor, the person:

6 (a) Intentionally or knowingly allows another person to
7 inflict serious or substantial bodily injury on the
8 minor; or

9 (b) Intentionally or knowingly causes or permits the minor
10 to inject, ingest [~~methamphetamine~~], inhale, or
11 otherwise use any controlled substance that has not
12 been prescribed by a physician."

13 SECTION 2. Section 709-904, Hawaii Revised Statutes, is
14 amended by amending subsection (1) to read as follows:

15 "(1) Except as provided in section 709-903.5(2), a person
16 commits the offense of endangering the welfare of a minor in the
17 second degree if, having care or custody of a minor, the person:

H.B. NO. 1406

1 (a) Recklessly allows another person to inflict
2 serious or substantial bodily injury on the minor;
3 or

4 (b) Recklessly causes or permits the minor to inject,
5 ingest [~~methamphetamine.~~], inhale, or otherwise
6 use a controlled substance that has not been
7 prescribed by a physician."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun, before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2007.

14
15 INTRODUCED BY:

Calvin K. Ray

16 BY REQUEST

JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR.

PURPOSE: To protect minors by expanding the crimes of endangering the welfare of a minor in the first and second degrees to include situations in which an adult causes or permits a minor to inject, inhale, or use a controlled substance that was not prescribed by a physician.

MEANS: Amend sections 709-903.5(1) and 709-904(1), Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill will expand the types of drugs covered under this offence. The legislature passed Act 249, 2006, Session Laws of Hawaii that amended sections 709-903.5(1) and 709-904(1), HRS, to expand the crimes of endangering a minor in the first and second degrees to include individuals who cause or permit a minor to ingest methamphetamine. This is limited in scope as it only covers one illicit substance "methamphetamine". Since the last legislative session Hawaii has seen an increase in the use of the Schedule II dangerous drug, cocaine, which would not be covered under these sections.

The language being proposed in this bill will deter individuals caring for or having custody of a minor, to permit that minor to inject, ingest, inhale, or otherwise use any controlled substance that has not been prescribed by a physician.

Impact on the public: Will help prevent minors from the harmful effects of drugs, and penalize those adults that make controlled substances accessible to minors.

Impact on the department and other agencies:

Will help law enforcement officials to prosecute and punish individuals who allow minors to consume controlled substances.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Judiciary, county police, county prosecutors, Department of Public Safety, and the Office of the Public Defender.

EFFECTIVE DATE: July 1, 2007.