STAND. COM. REP. NO. 746 -08

Honolulu, Hawaii

Fc 729, 2008

RE: H.B. No. 2346 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2346, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR,"

begs leave to report as follows:

The purpose of the bill is to expand the offense of endangering the welfare of a minor to include injecting, ingesting, inhaling, or introducing any controlled substance.

The Department of the Attorney General, Department of Public Safety, and City and County of Honolulu Department of the Prosecuting Attorney testified in support of this bill. The Office of the Public Defender, American Civil Liberties Union of Hawaii, and Community Alliance on Prisons opposed this measure. The Drug Policy Forum of Hawaii provided comments.

Your Committee has concerns regarding the expansiveness of including every single controlled substance in an offense where the state of mind requirement is as low as a reckless state of mind.

Your Committee has amended this bill by:

(1) Specifying that the offense of endangering the welfare of a minor in the first degree pertains to controlled

substances in schedules I, II, and III of the Uniform Controlled Substances Act (UCSA);

- (2) Specifying that the offense of endangering the welfare of a minor in the second degree pertains to controlled substances in schedules I and II of the UCSA;
- (3) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2346, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2346, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

TOMMY WATERS, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

HSCR 746-08

Record of Votes of the Committee on Judiciary

B2346, HD1 (HSCR411-08) HSH, JUD		Da	Date: 2-21-08	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	1			
2. OSHIRO, Blake K. (VC)	/			
3. EVANS, Cindy	N. Z.	/		
4. GREEN, Josh, M.D.				
5. ITO, Ken				/
6. LUKE, Sylvia				/
7. McKELVEY, Angus L.K.				
8. MORITA, Hermina M.				
9. SONSON, Alex M.				
10. SOUKI, Joseph M.	-			
11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia				
3				
2				
4		_		
TOTAL (16)		2		1
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				