
A BILL FOR AN ACT

RELATING TO DRUG OFFENSES.

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

1 SECTION 1. The legislature finds that criminal justice
2 policies that impose harsh prison sentences increase
3 incarceration rates and costs, but frequently do not result in a
4 commensurate reduction in crime rates. Furthermore,
5 incarceration is a particularly expensive response to the public
6 health problem of personal drug use. Even for small amounts,
7 drug possession offenses are classified as felonies and
8 exacerbate the severe overcrowding conditions in Hawai'i's
9 prisons. Despite its substantial expense, incarceration has not
10 adequately deterred substance abuse or otherwise made Hawai'i
11 communities safer. Thus, applying the harsh treatment of felony
12 level classification and punishment to all drug possession
13 offenses, especially those at the lowest level, has proven to be
14 costly and ineffective.

15 The legislature further finds that the imposition of
16 incarceration to punish simple, low-level drug possession
17 offenses should be limited in favor of the reduced or



1 alternative sentencing options of misdemeanor classification.
2 This will help reduce prison overcrowding, save taxpayer
3 dollars, and free up resources to be reinvested into more
4 effective treatment programs.

5 Accordingly, the purpose of this Act is to:

- 6 (1) Establish a new misdemeanor offense of promoting a
7 dangerous drug in the fourth degree, to include
8 possession of dangerous drugs in small amounts; and
9 (2) Limit the class C felony offense of promoting a
10 dangerous drug in the third degree to include
11 possession of dangerous drugs in an amount equal to
12 two grams or more.

13 SECTION 2. Chapter 712, Hawaii Revised Statutes, is
14 amended by adding a new section to part IV be appropriately
15 designated and to read as follows:

16 "§712- Promoting a dangerous drug in the fourth degree.

17 (1) A person commits the offense of promoting a dangerous drug
18 in the fourth degree if the person knowingly possesses any
19 dangerous drug in any amount under two grams.

20 (2) Promoting a dangerous drug in the fourth degree is a
21 misdemeanor."



1 SECTION 3. Section 712-1243, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of promoting a dangerous
4 drug in the third degree if the person knowingly possesses any
5 dangerous drug in [~~any~~] an amount[-] of two grams or more."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on August 1, 2020.



Report Title:

Promoting a Dangerous Drug in the Third Degree; Promoting a Dangerous Drug in the Fourth Degree

Description:

Establishes a new misdemeanor offense of promoting a dangerous drug in the fourth degree, to include possession of dangerous drugs in amounts under two grams. Limits the class C felony offense of promoting a dangerous drug in the third degree to include possession of dangerous drugs in an amount of two grams or more. Takes effect 8/1/2020. (SD1)

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