

JAN 22 2021

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# 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 available to the misdemeanor  
2 classification. This will help reduce prison overcrowding, save  
3 taxpayer dollars, and free up resources to be reinvested into  
4 more 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."



# S.B. NO. 527

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, 2021.

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INTRODUCED BY:

Karl Rhoads (B/R)



# S.B. NO. 527

**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 8/1/2021.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

