
A BILL FOR AN ACT

RELATING TO DANGEROUS DRUGS.

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

1 SECTION 1. Section 712-1243, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§712-1243 Promoting a dangerous drug in the third degree.

4 (1) A person commits the offense of promoting a dangerous drug
5 in the third degree if the person knowingly possesses any
6 dangerous drug in any amount.

7 (2) Promoting a dangerous drug in the third degree is a
8 class C felony[-]; provided that, notwithstanding sections
9 706-660 and 706-669 and any other law to the contrary:

10 (a) If a person is convicted pursuant to this section and
11 methamphetamine or fentanyl is the drug upon which the
12 conviction is predicated, the mandatory minimum term
13 of imprisonment shall be not less than one year and
14 not greater than two years;

15 (b) If a person has one prior conviction for
16 methamphetamine or fentanyl possession pursuant to
17 this section; promoting a dangerous drug in the first



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1 degree pursuant to section 712-1241 and
2 methamphetamine or fentanyl was the drug upon which
3 the conviction was predicated; or section 712-1240.8,
4 as that section was in effect prior to July 1, 2016,
5 the mandatory minimum term of imprisonment shall be
6 not less than two years and not greater than four
7 years;

8 (c) If a person has two prior convictions for
9 methamphetamine or fentanyl possession pursuant to
10 this section; promoting a dangerous drug in the first
11 degree pursuant to section 712-1241 and
12 methamphetamine or fentanyl was the drug upon which
13 the conviction was predicated; or section 712-1240.8,
14 as that section was in effect prior to July 1, 2016,
15 the mandatory minimum term of imprisonment shall be
16 not less than five years and not greater than eight
17 years; and

18 (d) If a person has three or more prior convictions for
19 methamphetamine or fentanyl possession pursuant to
20 this section; promoting a dangerous drug in the first
21 degree pursuant to section 712-1241 and



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Report Title:

Sentencing; Mandatory Minimum; Promoting Dangerous Drugs;
Methamphetamine; Fentanyl

Description:

Establishes a mandatory minimum term of imprisonment for promoting a dangerous drug in the third degree if the conviction is predicated on the possession of methamphetamine or fentanyl, and progressive mandatory minimum terms of imprisonment if the person has prior convictions predicated on the trafficking of methamphetamine or the possession of methamphetamine or fentanyl.

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

