
A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. The legislature finds that Hawaii bears the
2 shameful reputation, according to a 2024 article published by
3 the Journal of Medical Internet Research, of being the
4 "methamphetamine capital of the United States". The article
5 noted that methamphetamine abuse "is highly prevalent in Hawaii,
6 especially among Indigenous Pacific Peoples", and also noted
7 that from 2015 to 2018 1.5 per cent of Hawaiian residents used
8 methamphetamine annually, which was more than twice the national
9 rate of 0.6 per cent.

10 The legislature also finds that the according to Hawaii
11 News Now, in 2023, two hundred twenty people died with
12 methamphetamine in their system, which was ten per cent higher
13 than the number of people who died with same drug in their
14 system in 2022. Further, one hundred seven fentanyl-related
15 deaths occurred statewide, in 2023, up seventy-nine from 2022,
16 for an increase of thirty-five per cent.



- 1 (A) Chapter 712, part IV, but not including any
2 offense involving the possession of:
- 3 (i) Methamphetamine, including its salts,
4 isomers, salts of isomers, and immediate
5 precursors; or
- 6 (ii) Fentanyl, including its isomers, esters,
7 ethers, salts, and salts of isomers; and [by
8 section]
- 9 (B) Section 707-702;
- 10 (3) The defendant is a repeat offender under
11 section-706-606.5;
- 12 (4) The defendant is a felony firearm offender as defined
13 in section 706-660.1(2);
- 14 (5) The crime involved the death of or the infliction of
15 serious or substantial bodily injury upon a child, an
16 elder person, or a handicapped person under
17 section 706-660.2; or
- 18 (6) The crime is cruelty to animals where ten or more pet
19 animals were involved under section 711-1108.5
20 or 711-1109."



1 SECTION 3. Section 706-622.5, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) Notwithstanding section 706-620(3), a person
4 convicted for the first or second time for any offense under
5 section 329-43.5, except offenses under subsections (a) and (b)
6 of that section which constitute violations, involving the
7 possession or use of drug paraphernalia or any felony offense
8 under part IV of chapter 712 involving the possession or use of
9 any dangerous drug, detrimental drug, harmful drug, intoxicating
10 compound, marijuana, or marijuana concentrate, as defined in
11 section 712-1240, but not including any offense under part IV of
12 chapter 712 involving the distribution or manufacture of any
13 such drugs or substances and not including any methamphetamine
14 offenses under sections 712-1240.7, 712-1240.8 as that section
15 was in effect before July 1, 2016, 712-1241, [~~and~~] 712-1242, and
16 712-1243 and not including any offense involving the possession
17 of fentanyl, including its isomers, esters, ethers, salts, and
18 salts of isomers under sections 712-1241, 712-1242, and
19 712-1243, is eligible to be sentenced to probation under
20 subsection (2) if the person meets the following criteria:



- 1 (a) The court has determined that the person is nonviolent
2 after reviewing the person's criminal history, the
3 factual circumstances of the offense for which the
4 person is being sentenced, and any other relevant
5 information;
- 6 (b) The person has been assessed by a certified substance
7 abuse counselor to be in need of substance abuse
8 treatment due to dependency or abuse under the
9 applicable Diagnostic and Statistical Manual and
10 Addiction Severity Index; and
- 11 (c) Except for those persons directed to substance abuse
12 treatment under the supervision of the drug court, the
13 person presents a proposal to receive substance abuse
14 treatment in accordance with the treatment plan
15 prepared by a certified substance abuse counselor
16 through a substance abuse treatment program that
17 includes an identified source of payment for the
18 treatment program."

19 SECTION 4. Section 706-659, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§706-659 Sentence of imprisonment for class A felony.

2 (1) Notwithstanding part II; sections 706-605, 706-606,
3 706-606.5, 706-660.1, 706-661, and 706-662; and any other law to
4 the contrary, a person who has been convicted of a class A
5 felony, except class A felonies defined in chapter 712, part IV,
6 or section 707-702, shall be sentenced to an indeterminate term
7 of imprisonment of twenty years without the possibility of
8 suspension of sentence or probation. The minimum length of
9 imprisonment shall be determined by the Hawaii paroling
10 authority in accordance with section 706-669.

11 (2) A person who has been convicted of a class A felony
12 defined in chapter 712, part IV, or section 707-702, may be
13 sentenced to an indeterminate term of imprisonment, except as
14 provided for in subsection (3), section 706-660.1 relating to
15 the use of firearms in certain felony offenses and
16 section 706-606.5 relating to repeat offenders. When ordering
17 such a sentence, the court shall impose the maximum length of
18 imprisonment which shall be twenty years. The minimum length of
19 imprisonment shall be determined by the Hawaii paroling
20 authority in accordance with section 706-669.



1 (3) A person who has been convicted of the class A felony
2 defined in section 712-1241 based on the possession of:

3 (a) Methamphetamine, including its salts, isomers, salts
4 of isomers, and immediate precursors; or

5 (b) Fentanyl, including its isomers, esters, ethers,
6 salts, and salts of isomers,

7 shall be sentenced to an indeterminate term of imprisonment of
8 twenty years with a mandatory minimum term of imprisonment of no
9 less than one year."

10 SECTION 5. Section 706-660, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§706-660 Sentence of imprisonment for class B and C**
13 **felonies; ordinary terms; discretionary terms.** (1) Except as
14 provided in [~~subsection~~] subsections (2) [~~7~~] and (3), a person
15 who has been convicted of a class B or class C felony may be
16 sentenced to an indeterminate term of imprisonment except as
17 provided for in section 706-660.1 relating to the use of
18 firearms in certain felony offenses and section 706-606.5
19 relating to repeat offenders. When ordering such a sentence,
20 the court shall impose the maximum length of imprisonment which
21 shall be as follows:



1 (a) For a class B felony--ten years; and

2 (b) For a class C felony--five years.

3 The minimum length of imprisonment shall be determined by the
4 Hawaii paroling authority in accordance with section 706-669.

5 (2) [A] Except as provided in subsection (3), a person who
6 has been convicted of a class B or class C felony for any
7 offense under part IV of chapter 712 may be sentenced to an
8 indeterminate term of imprisonment; provided that this
9 subsection shall not apply to sentences imposed under sections
10 706-606.5, 706-660.1, 712-1240.5, 712-1240.8 as that section was
11 in effect prior to July 1, 2016, 712-1242, 712-1245, 712-1249.5,
12 712-1249.6, 712-1249.7, and 712-1257.

13 When ordering a sentence under this subsection, the court
14 shall impose a term of imprisonment, which shall be as follows:

15 (a) For a class B felony--ten years or less, but not less
16 than five years; and

17 (b) For a class C felony--five years or less, but not less
18 than one year.

19 The minimum length of imprisonment shall be determined by the
20 Hawaii paroling authority in accordance with section 706-669.



1 (3) A person who has been convicted of the class B felony
2 defined in section 712-1242 or class C felony defined in section
3 712-1243 based on the possession of:

4 (a) Methamphetamine, including its salts, isomers, salts
5 of isomers, and immediate precursors; or

6 (b) Fentanyl, including its isomers, esters, ethers,
7 salts, and salts of isomers,

8 shall be sentenced to an indeterminate term of imprisonment.

9 When ordering such a sentence, the court shall impose the
10 maximum length of imprisonment of ten years for the class B
11 felony and five years for the class C felony, with a mandatory
12 minimum term of imprisonment of no less than one year."

13 SECTION 6. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 7. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect upon its approval.

19
INTRODUCED BY:

D. Hill

JAN 21 2025



H.B. NO. 917

Report Title:

Imprisonment; Mandatory Minimum; Methamphetamine; Fentanyl

Description:

Establishes a mandatory minimum term of imprisonment for persons convicted of offenses based on the possession of methamphetamine and fentanyl.

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