
A BILL FOR AN ACT

RELATING TO THE PROMOTION OF CONTROLLED SUBSTANCES.

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

1 SECTION 1. The legislature finds that homelessness is a
2 growing concern not only in Hawaii but throughout the United
3 States. The United States Department of Housing and Urban
4 Development's 2024 annual assessment report, which provides
5 annual national estimates of homelessness rates to Congress,
6 found that homelessness increased by eighteen per cent from 2023
7 to 2024, accounting for approximately seven hundred seventy
8 thousand people experiencing homelessness during that period.
9 Among those experiencing homelessness, sixty-four per cent were
10 staying in sheltered locations.

11 Although there is no singular direct cause of homelessness,
12 there has been a correlation between drug use and homelessness.
13 Several homeless-service studies have been conducted and
14 estimate roughly thirty to forty per cent of people experiencing
15 homelessness have a substance use disorder, although these
16 statistics vary from state to state.



1 The legislature further finds that within the State,
2 according to the 2024 point-in-time count and homeless
3 point-in-time count conducted by Partners in Care and Bridging
4 the Gap Continuum of Care, there were an estimated 6,389 people
5 experiencing homelessness. On Oahu alone, there are 4,494
6 homeless individuals, and among them, twenty-six per cent
7 self-reported a substance abuse problem. Thus, the legislature
8 recognizes that substance use is a considerable factor
9 contributing to homelessness in Hawaii. As has been implemented
10 in other states, steps must be taken to intervene in the drug
11 market that preys on this vulnerable population.

12 Accordingly, the purpose of this Act is to create drug-free
13 zones around facilities that offer housing, shelter, or other
14 assistance to homeless individuals.

15 SECTION 2. Section 712-1249.6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§712-1249.6 Promoting a controlled substance in, on, or**
18 **near schools, school vehicles, public parks, homeless**
19 **facilities, or public housing projects or complexes. (1) A**
20 **person commits the offense of promoting a controlled substance**
21 **in, on, or near schools, school vehicles, public parks, homeless**



1 facilities, or public housing projects or complexes if the
2 person knowingly:

3 (a) Distributes or possesses with intent to distribute a
4 controlled substance in any amount in or on the real
5 property comprising a school, public park, homeless
6 facility, or public housing project or complex;

7 (b) Distributes or possesses with intent to distribute a
8 controlled substance in any amount within seven
9 hundred and fifty feet of the real property comprising
10 a school, public park, homeless facility, or public
11 housing project or complex;

12 (c) Distributes or possesses with intent to distribute a
13 controlled substance in any amount while on any school
14 vehicle, or within ten feet of a parked school vehicle
15 during the time that the vehicle is in service for or
16 waiting to transport school children; or

17 (d) Manufactures methamphetamine or any of its salts,
18 isomers, and salts of isomers, within seven hundred
19 and fifty feet of the real property comprising a
20 school, public park, or public housing project or
21 complex.



1 (2) A person who violates subsection (1)(a), (b), or (c)
2 is guilty of a class C felony. A person who violates
3 subsection (1)(d) is guilty of a class A felony.

4 (3) Any person with prior conviction or convictions under
5 subsection (1)(a), (b), or (c) is punishable by a term of
6 imprisonment of not less than two years and not more than ten
7 years.

8 (4) Any individual convicted under subsection (3) of this
9 section shall not be eligible for parole until the individual
10 has served the minimum sentence required by such subsection.

11 (5) For the purposes of this section, "school vehicle"
12 means every school vehicle as defined in section 286-181 and any
13 regulations adopted pursuant to that section.

14 (6) For purposes of this section, "school" means any
15 public or private preschool, kindergarten, elementary,
16 intermediate, middle secondary, or high school.

17 (7) For purposes of this section, "public housing project
18 or complex" means a housing project directly controlled, owned,
19 developed, or managed by the Hawaii public housing authority
20 pursuant to the federal or state low-rent public housing
21 program.



1 (8) For purposes of this section, "homeless facility"
2 means a development designed to provide shelter for homeless
3 families or individuals pursuant to part XVII of chapter 346,
4 and may include emergency or transitional shelters."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offenses;
Promoting Controlled Substances; Homelessness; Drug-Free Zones;
Housing; Shelter; Homeless Facilities

Description:

Amends the offense of promoting a controlled substance in, on,
or near schools, school vehicles, public parks, or public
housing projects or complexes to include homeless facilities.
Effective 7/1/3000. (HD1)

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

