
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 the State. As has been
10 implemented in other states, steps must be taken to intervene in
11 the drug market that preys on this vulnerable population.

12 The legislature additionally finds that homeless shelter
13 developments provide critical temporary housing and services for
14 homeless families and individuals. The legislature believes
15 that illicit drug activity occurring in, on, or near these
16 shelter developments threatens the safety of shelter residents
17 and staff and undermines efforts to connect residents to
18 services and stable housing.

19 Accordingly, the purpose of this Act is to deter and reduce
20 the promotion of controlled substances in, on, or near homeless
21 facilities that provide shelter pursuant to part XVII of chapter



1 346, Hawaii Revised Statutes, by including those homeless
2 facilities within the offense of promoting a controlled
3 substance in, on, or near schools, school vehicles, public
4 parks, and public housing projects or complexes.

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

7 "**§712-1249.6 Promoting a controlled substance in, on, or
8 near schools, school vehicles, public parks, homeless**

9 **facilities, or public housing projects or complexes.** (1) A

10 person commits the offense of promoting a controlled substance
11 in, on, or near schools, school vehicles, public parks, homeless
12 facilities, or public housing projects or complexes if the
13 person knowingly:

14 (a) Distributes or possesses with intent to distribute a
15 controlled substance in any amount in or on the real
16 property comprising a school, public park, homeless
17 facility, or public housing project or complex;

18 (b) Distributes or possesses with intent to distribute a
19 controlled substance in any amount within seven
20 hundred and fifty feet of the real property comprising



1 a school, public park, homeless facility, or public
2 housing project or complex;

3 (c) Distributes or possesses with intent to distribute a
4 controlled substance in any amount while on any school
5 vehicle, or within ten feet of a parked school vehicle
6 during the time that the vehicle is in service for or
7 waiting to transport school children; or

8 (d) Manufactures methamphetamine or any of its salts,
9 isomers, and salts of isomers, within seven hundred
10 and fifty feet of the real property comprising a
11 school, public park, or public housing project or
12 complex.

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

16 (3) Any person with prior conviction or convictions under
17 subsection (1)(a), (b), or (c) is punishable by a term of
18 imprisonment of ~~not~~ no less than two years and ~~not~~ no more
19 than ten years.

20 (4) Any individual convicted under subsection (3) of this
21 section shall not be eligible for parole until the individual



1 has served the minimum sentence required by [~~sueh~~] subsection[~~-~~]
2 (3).

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

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

9 (7) For the purposes of this section, "public housing
10 project or complex" means a housing project directly controlled,
11 owned, developed, or managed by the Hawaii public housing
12 authority pursuant to the federal or state low-rent public
13 housing program.

14 (8) For the purposes of this section, "homeless facility"
15 means a development designed to provide shelter for homeless
16 families or individuals pursuant to part XVII of chapter 346,
17 and may include emergency or transitional shelters."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 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)

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