

## ACT 11

H.B. NO. 1571

A Bill for an Act Relating to Controlled Substances.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 712-1249.6, Hawaii Revised Statutes, is amended to read as follows:

“[§712-1249.6] **Promoting a controlled substance in, on, or near schools[.] or school vehicles.** (1) A person commits the offense of promoting a controlled substance in, on, or near schools or school vehicles if [he] the person knowingly:

- (a) Distributes or possesses with intent to distribute a controlled substance in any amount in or on the real property comprising a public or private elementary or secondary school; [or]
- (b) Distributes or possesses with intent to distribute a controlled substance in any amount within seven hundred and fifty feet of the real property comprising a public or private elementary or secondary school[.]; or
- (c) Distributes or possesses with intent to distribute a controlled substance in any amount while on any school vehicle, or within ten feet of a parked school vehicle during the time that the vehicle is in service for or waiting to transport school children.

(2) Promoting a controlled substance in, on, or near schools or school vehicles is a class C felony.

(3) Any person with prior conviction or convictions under this section is punishable by a term of imprisonment of not less than two years and not more than ten years.

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

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

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 5, 1991.)