

ACT 70

H.B. NO. 564

A Bill for an Act Relating to Promotion of Controlled Substances.

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

SECTION 1. Section 712-1249.6, Hawaii Revised Statutes, is amended by amending its title and subsections (1) and (2) to read as follows:

“§712-1249.6 Promoting a controlled substance in, on, or near schools [ø], school vehicles[;], or public parks. (1) A person commits the offense of promoting a controlled substance in, on, or near schools [ø], school vehicles, or public parks if 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 public park;
- (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 public park; 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, or public parks is a class C felony.’’

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 Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved May 20, 2003.)