

ACT 23

S.B. NO. 2650

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 to read as follows:

“§712-1249.6 Promoting a controlled substance in, on, or near schools, school vehicles, ~~or~~ public parks[-], or public housing projects or complexes. (1) A person commits the offense of promoting a controlled substance in, on, or near schools, school vehicles, ~~or~~ public parks, or public housing projects or complexes 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 school, ~~or~~ public park[-], or public housing project or complex;
- (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 school, ~~or~~ public park[-], or public housing project or complex;
- (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; or
- (d) Manufactures methamphetamine or any of its salts, isomers, and salts of isomers, within seven hundred and fifty feet of the real property comprising a school, ~~or~~ public park[-], or public housing project or complex.

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

(3) Any person with prior conviction or convictions under subsection (1)(a), (b), or (c) 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.

(6) For purposes of this section, “school” means any public or private preschool, kindergarten, elementary, intermediate, middle secondary, or high school.

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

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 April 17, 2012.)