

Honolulu, Hawaii
Feb 29, 2008

RE: H.B. No. 2346
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2346, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR,"

begs leave to report as follows:

The purpose of the bill is to expand the offense of endangering the welfare of a minor to include injecting, ingesting, inhaling, or introducing any controlled substance.

The Department of the Attorney General, Department of Public Safety, and City and County of Honolulu Department of the Prosecuting Attorney testified in support of this bill. The Office of the Public Defender, American Civil Liberties Union of Hawaii, and Community Alliance on Prisons opposed this measure. The Drug Policy Forum of Hawaii provided comments.

Your Committee has concerns regarding the expansiveness of including every single controlled substance in an offense where the state of mind requirement is as low as a reckless state of mind.

Your Committee has amended this bill by:

- (1) Specifying that the offense of endangering the welfare of a minor in the first degree pertains to controlled

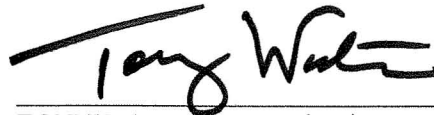


substances in schedules I, II, and III of the Uniform Controlled Substances Act (UCSA);

- (2) Specifying that the offense of endangering the welfare of a minor in the second degree pertains to controlled substances in schedules I and II of the UCSA;
- (3) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2346, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2346, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



