

HRS § 712-1240.7

HAWAII REVISED STATUTES ANNOTATED
DIVISION 5. CRIMES AND CRIMINAL PROCEEDINGS.
TITLE 37. HAWAII PENAL CODE.
CHAPTER 712. OFFENSES AGAINST PUBLIC HEALTH AND MORALS.
PART IV. OFFENSES RELATED TO DRUGS AND INTOXICATING COMPOUNDS.

§ 712-1240.7 Methamphetamine trafficking in the first degree.

(1) A person commits the offense of methamphetamine trafficking in the first degree if the person knowingly:

- (a) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing methamphetamine or any of its salts, isomers, and salts of isomers;
- (b) Distributes one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-eighth ounce or more containing methamphetamine or any of its salts, isomers, and salts of isomers;
- (c) Distributes methamphetamine in any amount to a minor; or
- (d) Manufactures methamphetamine in any amount.

(2) Methamphetamine trafficking in the first degree is a class A felony for which the defendant shall be sentenced as provided in subsection (3).

(3) Notwithstanding sections 706-620(2), 706-640, 706-641, 706- 659, 706-669, and any other law to the contrary, a person convicted of methamphetamine trafficking in the first degree shall be sentenced to an indeterminate term of imprisonment of twenty years with a mandatory minimum term of imprisonment of not less than two years and not greater than eight years and a fine not to exceed \$20,000,000; provided that:

- (a) If the person has one prior conviction for methamphetamine trafficking pursuant to this section or section 712-B, the mandatory minimum term of imprisonment shall be not less than six years, eight months and not greater than thirteen years, four months;
- (b) If the person has two prior convictions for methamphetamine trafficking pursuant to this section or section 712-B, the mandatory minimum term of imprisonment shall be not less than thirteen years, four months and not greater than twenty years; or
- (c) If the person has three or more prior convictions for methamphetamine trafficking pursuant to this section or section 712-B, the mandatory minimum term of imprisonment shall be twenty years.

HRS § 712-1240.8

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§ 712-1240.8 Methamphetamine trafficking in the second degree.

(1) A person commits the offense of methamphetamine trafficking in the second degree if the person knowingly distributes methamphetamine in any amount.

(2) Methamphetamine trafficking in the second degree is a class B felony for which the defendant shall be sentenced as provided in subsection (3).

(3) Notwithstanding sections 706-620, 706-640, 706-641, 706-660, 706-669, and any other law to the contrary, a person convicted of methamphetamine trafficking in the second degree shall be sentenced to an indeterminate term of imprisonment of ten years with a mandatory minimum term of imprisonment of not less than one year and not greater than four years and a fine not to exceed \$10,000,000; provided that:

(a) If the person has one prior conviction for methamphetamine trafficking pursuant to this section or section 712-A, the mandatory minimum term of imprisonment shall be not less than three years, four months and not greater than six years, eight months;

(b) If the person has two prior convictions for methamphetamine trafficking pursuant to this section or section 712-A, the mandatory minimum term of imprisonment shall be not less than six years, eight months and not greater than ten years; or

(c) If the person has three or more prior convictions for methamphetamine trafficking pursuant to this section or section 712-A, the mandatory minimum term of imprisonment shall be ten years.

HRS § 712-1240.9

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§ 712-1240.9 Methamphetamine trafficking; restitution and reimbursement.

When sentencing a defendant convicted of methamphetamine trafficking pursuant to section 712-A or 712-B, the court may order restitution or reimbursement to the State or appropriate county government for the cost incurred for any cleanup associated with the manufacture or distribution of methamphetamine and to any other person injured as a result of the manufacture or distribution of methamphetamine.