
A BILL FOR AN ACT

RELATING TO LIQUOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 281-101, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§281-101 [Manufacture or sale without license,]~~
4 Unlicensed manufacture or sale of liquor; penalty. (a) If any
5 person, acting in person or by or through any agent, servant, or
6 employee, manufactures or sells any liquor, either directly or
7 indirectly, or upon any pretense or by any subterfuge, except as
8 authorized pursuant to this chapter, the person [~~shall be fined~~
9 ~~not more than \$2,000 or imprisoned not more than one year, or~~
10 ~~both.~~] shall be guilty of a class C felony.
11 (b) It is an affirmative defense to prosecution under this
12 section that the defendant acted under a good faith and
13 reasonable belief that the manufacture or sale of liquor was
14 authorized pursuant to this chapter."

15 SECTION 2. Section 712A-4, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§712A-4 Covered offenses. Offenses for which property is
2 subject to forfeiture under this chapter are:

- 3 (a) All offenses that specifically authorize forfeiture;
- 4 (b) Murder, kidnapping, labor trafficking, unlicensed
5 manufacture or sale of liquor, gambling, criminal
6 property damage, robbery, bribery, extortion, theft,
7 unauthorized entry into motor vehicle, burglary, money
8 laundering, trademark counterfeiting, insurance fraud,
9 promoting a dangerous, harmful, or detrimental drug,
10 commercial promotion of marijuana, methamphetamine
11 trafficking, manufacturing of a controlled substance
12 with a child present, promoting child abuse, promoting
13 prostitution, sex trafficking, solicitation of a minor
14 for prostitution, habitual solicitation of
15 prostitution, or electronic enticement of a child that
16 is chargeable as a felony offense under state law;
- 17 (c) The manufacture, sale, or distribution of a controlled
18 substance in violation of chapter 329, promoting
19 detrimental drugs or intoxicating compounds, promoting
20 pornography, promoting pornography for minors, or
21 solicitation of prostitution near schools or public



1 parks, which is chargeable as a felony or misdemeanor
2 offense, but not as a petty misdemeanor, under state
3 law; and

4 (d) The attempt, conspiracy, solicitation, coercion, or
5 intimidation of another to commit any offense for
6 which property is subject to forfeiture."

7 SECTION 3. Section 842-1, Hawaii Revised Statutes, is
8 amended by amending the definitions of "organized crime" and
9 "racketeering activity" to read as follows:

10 "Organized crime" means any combination or conspiracy to
11 engage in criminal activity as a significant source of income or
12 livelihood, or to violate, aid, or abet the violation of
13 criminal laws relating to prostitution, gambling, loan sharking,
14 drug abuse, illegal drug distribution, counterfeiting,
15 extortion, labor trafficking, unlicensed manufacture or sale of
16 liquor, or corruption of law enforcement officers or other
17 public officers or employers.

18 "Racketeering activity" means any act or threat involving
19 but not limited to murder, kidnapping, gambling, criminal
20 property damage, robbery, bribery, extortion, labor trafficking,
21 unlicensed manufacture or sale of liquor, theft, or



1 prostitution, or any dealing in narcotic or other dangerous
 2 drugs that is chargeable as a crime under state law and
 3 punishable by imprisonment for more than one year."

4 SECTION 4. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY: Gregory T. ...
Richard ...
Lyn ...
Calvin ...
Guthrie ...

JAN 22 2018



H.B. NO. 2230

Report Title:

Unlicensed Manufacture or Sale of Liquor; Penalty; Organized Crime; Racketeering Activity

Description:

Adds unlicensed manufacture or sale of liquor as an offense for which property is subject to forfeiture and increases the penalty to a class C felony. Provides an affirmative defense. Amends definitions of "organized crime" and "racketeering activity" to include the unlicensed manufacture or sale of liquor.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

