
A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

1 SECTION 1. The purpose of this Act is to make the
2 investigation, citation, arrest, and prosecution for offenses
3 involving the personal use of marijuana by adults the lowest law
4 enforcement priority of state and county law enforcement
5 officials.

6 SECTION 2. The Hawaii Revised Statutes is amended by
7 adding a new chapter to be appropriately designated and to read
8 as follows:

9 "CHAPTER

10 ADULT PERSONAL USE OF MARIJUANA

11 § -1 **Definitions.** As used in this chapter:

12 "Adult" means any individual who is at least twenty-one
13 years of age.

14 "Adult personal use" means the possession and consumption
15 of marijuana by an adult on private property. The term does not
16 include the possession of amounts of marijuana in excess of the
17 amount permitted for adult personal use.



1 "Amount permitted for adult personal use" means twenty-four
2 or fewer marijuana plants at any stage of maturity or the dried
3 equivalent.

4 "Dried equivalent" means twenty-four or fewer ounces of
5 usable marijuana, excluding stems and other non-active parts.

6 "Lowest law enforcement priority" means a priority such
7 that all law enforcement activities related to all offenses
8 other than those involving the adult personal use of marijuana
9 shall be a higher priority than all law enforcement activities
10 related to the adult personal use of marijuana. The lowest law
11 enforcement priority regarding the possession or cultivation of
12 marijuana shall apply to any single case involving twenty-four
13 or fewer marijuana plants at any stage of maturity or the dried
14 equivalent of marijuana, where the marijuana is intended for
15 adult personal use.

16 "Marijuana" has the same meaning as defined in section 712-
17 1240.

18 **§ -2 Law enforcement priority of offenses related to the**
19 **adult personal use of marijuana.** (a) The cultivation,
20 possession, and use of marijuana for adults' personal use shall
21 be the lowest law enforcement priority for all state and county
22 law enforcement agencies.



1 (b) Notwithstanding subsection (a), this chapter does not
2 affect or alter any provision of law regarding offenses relating
3 to the:

4 (1) Distribution or sale of marijuana;

5 (2) Distribution, sale, or use of marijuana in places open
6 to the public; or

7 (3) Operation of motor vehicles, aircraft, or watercraft
8 while under the influence of marijuana.

9 (c) The director of public safety, chief of police of each
10 county, all associated law enforcement staff, deputies and
11 officers, the legislature, county councils, and any attorney
12 enforcing this chapter on behalf of the State or its political
13 subdivisions shall make law enforcement activities relating to
14 marijuana offenses, where the marijuana was intended for adult
15 personal use, the lowest law enforcement priority. Law
16 enforcement activities relating to marijuana offenses include
17 but are not limited to the investigation, citation, arrest, and
18 prosecution of offenses involving the adult personal use of
19 marijuana.

20 (d) The director of public safety, chief of police of each
21 county, all associated law enforcement staff, deputies and
22 officers, the legislature, county councils, and any attorney



1 enforcing this chapter on behalf of the State or its political
2 subdivisions shall not:

3 (1) Seek, accept, or renew any formal or informal
4 deputization or commissioning by a federal law
5 enforcement agency for the purpose of investigating,
6 citing, arresting, or prosecuting adults for marijuana
7 offenses in accordance with this chapter;

8 (2) Search or seize property from adults for marijuana
9 offenses in accordance with this chapter;

10 (3) Exercise powers that may be ancillary to deputization
11 or commissioning for another purpose; or

12 (4) Spend or authorize the expenditure of any public funds
13 for the investigation, arrest, prosecution, or search
14 or seizure of property of any person for purposes
15 inconsistent with this chapter.

16 (e) The legislature and county councils shall not
17 authorize the acceptance or appropriation of funds intended to
18 be used to:

19 (1) Investigate, cite, arrest, or prosecute offenses
20 related to the adult personal use of marijuana, in
21 accordance with this chapter; or

1 (2) Search or seize property to further law enforcement
2 activities related to paragraph (1).

3 § -3 **Grievances.** The director of public safety and the
4 chief of police of each county shall enact procedures to process
5 grievances from individuals who believe they were subject to the
6 law enforcement agency's activities that are contrary to section
7 -2.

8 § -4 **Report to legislature.** (a) The department of
9 public safety shall provide to the legislature an annual report
10 no later than twenty days prior to the convening of each regular
11 session. The police departments of each county shall cooperate
12 with the department of public safety in the preparation of the
13 annual report, including providing the information described in
14 subsection (b).

15 (b) The annual report shall contain information relating
16 to each law enforcement agency's jurisdiction, including but not
17 limited to:

18 (1) The number of arrests, citations, property seizures,
19 and prosecutions for all marijuana related offenses;

20 (2) The number of complaints regarding marijuana
21 eradication overflights;



- 1 (3) Information on all marijuana arrests and citations by
2 race, age, specific charge, and classification as
3 infraction, misdemeanor, or felony;
- 4 (4) An estimate of the time and money expended on law
5 enforcement and prosecution of offenses related to the
6 adult personal use of marijuana; and
- 7 (5) Information on any instances where the law enforcement
8 agency and its associated staff, deputies, and
9 officers assisted in the federal enforcement of adult
10 personal use of marijuana offenses.

11 § -5 **Annual communication.** The governor and mayor of
12 each county shall send letters on June 1 of each year to the
13 members of the congressional delegation of the State and
14 President of the United States stating: "The State of Hawaii
15 recognizes offenses relating to the personal use of marijuana by
16 adults as the lowest law enforcement priority and requests that
17 the federal government remove criminal penalties for the
18 cultivation, possession, and use of marijuana for adult personal
19 use." The letter may include other statements urging federal
20 government officials to remove criminal penalties for the
21 cultivation, possession, and use of marijuana for adult personal
22 use."



1 SECTION 3. Chapter 52D, Hawaii Revised Statutes, is
 2 amended by adding a new section to be appropriately designated
 3 and to read as follows:

4 "§52D- Enforcement of marijuana-related offenses. The
 5 chief of police shall establish a policy that sets offenses
 6 related to the adult personal use of marijuana as the lowest
 7 priority for investigation, citation, and arrest."

8 SECTION 4. Section 353C-2, Hawaii Revised Statutes, is
 9 amended by amending subsection (a) to read as follows:

10 "[+] (a) [+] The director of public safety shall administer
 11 the public safety programs of the department of public safety
 12 and shall be responsible for the formulation and implementation
 13 of state goals and objectives for correctional and law
 14 enforcement programs, including ensuring that correctional
 15 facilities and correctional services meet the present and future
 16 needs of persons committed to the correctional facilities. In
 17 the administration of these programs, the director may:

- 18 (1) Preserve the public peace, prevent crime, detect and
- 19 arrest offenders against the law, protect the rights
- 20 of persons and property, and enforce and prevent
- 21 violation of all laws and administrative rules of the
- 22 State as the director deems to be necessary or



- 1 desirable or upon request, to assist other state
2 officers or agencies that have primary administrative
3 responsibility over specific subject matters or
4 programs;
- 5 (2) Train, equip, maintain, and supervise the force of
6 public safety officers, including law enforcement and
7 correctional personnel, and other employees of the
8 department;
- 9 (3) Establish a policy that sets adult personal use of
10 marijuana offenses as the lowest priority for
11 investigation, citation, and arrest;
- 12 [+3+] (4) Serve process both in civil and criminal
13 proceedings;
- 14 [+4+] (5) Perform other duties as may be required by law;
- 15 [+5+] (6) Adopt, pursuant to chapter 91, rules that are
16 necessary or desirable for the administration of
17 public safety programs; and
- 18 [+6+] (7) Enter into contracts in behalf of the department
19 and take all actions deemed necessary and appropriate
20 for the proper and efficient administration of the
21 department."



1 SECTION 5. Section 353C-4, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) The state law enforcement officers transferred from
4 the department of the attorney general by Act 211, Session Laws
5 of Hawaii 1989, shall be responsible for public safety in state
6 buildings as well as the personal protection of government
7 officials and employees while in the conduct of their duties.
8 The duties of state law enforcement officers shall also include
9 the service of process, including subpoenas, warrants, and other
10 legal documents, and other duties as the director may assign,
11 including the performance of duties of other public safety
12 officers within the department[-]; provided that the
13 investigation, citation, and arrest for offenses related to the
14 adult personal use of marijuana shall be the lowest law
15 enforcement priority in accordance with chapter . State law
16 enforcement officers shall have all of the powers of police
17 officers, including the power of arrest."

18 SECTION 6. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun, before its effective date.

21 SECTION 7. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Calvin H. Boy
By Request

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Report Title:

Marijuana; Law Enforcement

Description:

Provides that the enforcement of laws related to the personal use of marijuana by adults shall be the lowest law enforcement priority for state and local law enforcement agencies.

