

STAND. COM. REP. NO. 1194

Honolulu, Hawaii

March 25, 2009

RE: S.B. No. 1058
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Judiciary and Public Safety, to which was referred S.B. No. 1058, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,"

beg leave to report as follows:

The purpose of this bill is to reduce the costs of incarcerating offenders and prison overcrowding by requiring the Attorney General to coordinate a review of the impact that diverting minor drug possession offenders into drug treatment would have on the criminal justice system, drug treatment program resources, and public safety.

The Office of Hawaiian Affairs, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, and several concerned individuals supported this bill. The Drug Policy Forum of Hawaii, Hawaii Advocates for Consumer Rights, Drug Policy Action Group, Honolulu Chapter of Americans for Safe Access, and the Big Island Chapter of Americans for Safe Access supported this bill with amendments. The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and the Honolulu Police Department opposed this measure. The Representative of the 11th House District, West Oahu Hope for a Cure Foundation, and several concerned individuals submitted comments.

SB1058 HD1 HSCR JUD-PBS HMS 2009-3234



Your Committee has amended this measure by:

- (1) Establishing a temporary Medical Marijuana Task Force within the Department of Public Safety (DPS) to review issues relating to the medical marijuana program;
- (2) Establishing a temporary Salvia Divinorum Task Force within DPS to review the effects of salvia divinorum and its primary psychoactive constituent, salvinorin A;
- (3) Changing its effective date to January 1, 2046, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1058, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1058, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Public Safety,



FAYE HANOZANO, Chair



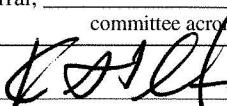
JON RIKI KARAMATSU, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 1194

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 1058, SD 2	Committee Referral: JUD/PBS, FIN	Date: 3/19/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	✓			
2. ITO, Ken (VC)	✓			
3. BELATTI, Della Au				✓
4. CABANILLA, Rida				✓
5. CARROLL, Mele	✓			
6. HERKES, Robert N.	✓			
7. LUKE, Sylvia	✓			
8. McKELVEY, Angus L.K.				✓
9. MIZUNO, John M.				✓
10. MORITA, Hermina M.				✓
11. OSHIRO, Blake K.	✓			
12. SOUKI, Joseph M.	✓			
13. TSUJI, Clift	✓			
14. WAKAI, Glenn				✓
15. MARUMOTO, Barbara C.	✓			
16. THIELEN, Cynthia				✓
TOTAL (16)	9			7
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 1144

Record of Votes of the Committee on Public Safety

Bill/Resolution No.: SB 1058, SD2	Committee Referral: JUD/PBS, FIN		Date: 3-19-2009	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	✓			
2. AQUINO, Henry J.C. (VC)	✓			
3. AWANA, Karen Leinani	✓			
4. KEITH-AGARAN, Gilbert S.C.	✓			
5. LEE, Marilyn B.		✓		
6. NAKASHIMA, Mark M.	✓			
7. RHOADS, Karl				✓
8. SAIKI, Scott K.				✓
9. SOUKI, Joseph M.	✓			
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos				✓
TOTAL (12)	8	1		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				