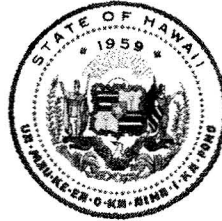


LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director of
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON
HOUSE CONCURRENT RESOLUTION 112
REQUESTING STATE AND LOCAL LAW ENFORCEMENT OFFICERS TO ABIDE BY
STATE LAWS RELATING TO THE MEDICAL USE OF MARIJUANA.

Clayton A. Frank, Director
Department of Public Safety

Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Committee on Health
Representative Ryan I. Yamane, Chair
Representative Scott Y. Nishimoto, Vice Chair

Thursday, February 2, 2009, 11:00 AM
State Capitol, Room 309

Representative Hanohano, Representative Yamane and Members of the Committees:

The Department of Public Safety does not support House Concurrent Resolution 112 that insinuates that State and County law enforcement officers do not follow State law relating to Hawaii's Medical Use of Marijuana program delineated under Chapter 329, Part IX, Hawaii Revised Statutes.

The Department's Narcotics Enforcement Division (NED), since the inception of Hawaii's Medical Use of Marijuana program in 2000, has worked very closely with State and County law enforcement officers in conducting medical use of marijuana permit verification information to the officer on the street. During FY 2008 NED conducted 271 medical use of marijuana verification checks for County and State law enforcement. In FY 2009 NED has already done 198 medical use of marijuana verification checks for law

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enforcement. Of these 198 law enforcement verification checks, NED has only received 11 case referrals relating to patients or caregivers arrested for violating the program by possessing over the authorized number of marijuana plants or processed marijuana. NED has received numerous verification calls resulting in an individual being released without arrest or seizure of their plants due to the ability of law enforcement officer to contact NED 24 hours a day, 7 days a week to verify a patient or caregiver's medical use of marijuana certificate status.

The Department feels that House Concurrent Resolution 112 is not necessary and may be considered derogatory in nature to Hawaii's hard working law enforcement officers. For these reason the Department cannot support House Concurrent Resolution 112 and ask that it be held.

Thank you for the opportunity to testify on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE
PROSECUTING ATTORNEY

Douglas S. Chin
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE FAYE HANOHANO, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY
THE HONORABLE RYAN YAMANE, CHAIR
HOUSE COMMITTEE ON HEALTH
Twenty-fifth State Legislature
Regular Session of 2009
State of Hawai'i**

April 2, 2009

**RE: H.C.R. 112; REQUESTING STATE AND LOCAL LAW ENFORCEMENT
OFFICERS TO ABIDE BY STATE LAWS RELATING TO THE
MEDICAL USE OF MARIJUANA.**

Chair Hanohano and members of the House Committee on Public Safety, Chair Yamane and the members of the House Health Committee, the Department of the Prosecuting Attorney submits the following testimony in opposition to H.C.R. 112.

The purpose of this resolution is to urge that state and local law enforcement officers be requested to abide by state laws regarding the medicinal use of marijuana.

Since its inception, the state's medical marijuana program has been operated with verification component where the department of public safety permits local and state law enforcement officers twenty-four hour access to the medical marijuana registry information so that officers may substantiate claims that persons possessing or cultivating marijuana are legally entitled to do so. Given this feature, Honolulu police have been able to obtain timely information on the medical marijuana status of persons and take action in accordance with the information. We have not heard of any problems with enforcement actions taken with respect to medical marijuana on Oahu, so we believe this resolution is unnecessary as it relates to enforcement in the City and County of Honolulu.

Thank you for this opportunity to testify.



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

March 31, 2009

The Honorable Faye P. Hanohano, Chair
and Members of the Committee on Public Safety
House of Representatives
State Capitol
Honolulu, HI 96813

The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Health
House of Representatives
State Capitol
Honolulu, HI 96813

Dear Chairs Hanohano and Yamane, and Members of the Committees:

SUBJECT: HCR No. 112, Requesting State and Local Law Enforcement Officers to Abide by State Laws Relating to the Medical Use of Marijuana

House Concurrent Resolution No. 112, requests that the State and Local Law Enforcement Officers abide by State laws relating to the medical use of marijuana, thus issuing a direct accusation to all law enforcement officers in the State of Hawaii that they are violating the laws they swore to protect.

All searches and seizures of qualified patients in the jurisdiction of Maui County were done because they failed to follow State laws regarding the medical use of marijuana. Patients were selling marijuana for profit and growing or possessing more marijuana plants than allowed by this very law. This resolution failed to indicate this point.

In all of my years of police service, I have never seen our State's Legislature accuse its law enforcement officers of violating the laws they swore to protect. This action that you are taking is outrageous, disrespectful, and shameful to all those who have served this State honorably.


The Honorable Faye P. Hanohano, Chair
Committee on Public Safety
The Honorable Ryan I. Yamane, Chair
Committee on Health
March 31, 2009
Page 2

This lopsided resolution sends a loud and clear message to all law enforcement officers in the State of Hawaii - that you don't have trust or belief in them and are calling them criminals! And, that you would make a statement such as this without looking at all the facts and circumstances of each search, seizure, and arrest of patients who were in violation of the very law, made to help them.

I am disgusted with this resolution, and ashamed of all of you who would support such an untruthful and biased act. I hope you realize the accusations you make are wrong.

Thank you for the opportunity to testify.

Sincerely,



THOMAS M. PHILLIPS
Chief of Police

Untitled

April 2, '09

House Committee on Public Safety
Twenty-Fifth Legislature, 2009
State Of Hawaii

HCR111
HCR 165
HCR112

My Names Daniel Perreira Im A Medical Cannabis Patient In Hawaii Under A Doctors Care In The State Of Hawaii Of Which Consists Of Eight Islands Which Is Accesible By Flying Airplanes To Get From One Island To Another To Tour Visit My Relatives Vacation At Or Other Reasonings I May Have To Travel By Air Within The State Of Hawaii But As Im A Medical Cannabis Patient Im Unable To Bring Along And Transport My Medical Cannabis Even Tho Im within My Own State That Has Issued Me My Medical Cannabis Permit Card And Approved By A Doctor In The Help Of Treatment Of My Ailments But The State Of Hawaii which Just So Happens To Be Seperated By The Pacific Ocean Into Eight Islands But In Its Entirety Is One whole State And I Believe Its still Illegal To Carry And Transport My Medical Cannabis within My State Of Hawaii That Is And Has Issued Me My Medical Cannabis Permit Card That I Have Yet Im Not Able To Travel Freely Within My State Without Being Arrested Because Of Hawaii Being Eight Seperate Islands And Not In One Piece But Is Still One State The State Of Hawaii

A handwritten signature in black ink, appearing to read 'Daniel Perreira', with a large, stylized initial 'D' on the left.