

STAND. COM. REP. NO.

2513

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2450  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2450 entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

begs leave to report as follows:

The purpose of this measure is to establish a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100.

Testimony in support of the measure was submitted by three private organizations and thirty-three individuals. Testimony in opposition was submitted by two state agencies, six county agencies, and one individual. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that times of economic crisis can provide government with an opportunity to examine the ways in which state resources are expended, rather than simply continuing policies that may or may not be working. Hawaii's policies regarding the criminalization of small amounts of marijuana are one such area.

Your Committee finds that the substantial costs to enforce laws criminalizing possession of small amounts of marijuana far outweigh the benefits, both for the State and for the individuals whose lives are forever tainted by an arrest or a criminal conviction. Studies indicate that state and county law enforcement agencies spend \$4,100,000 per year to enforce

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marijuana possession laws, and an additional \$2,100,000 is spent by the courts each year to process marijuana possession cases. But the results are minor and appear to have no deterrent effect on marijuana use.

Testimony heard by your Committee underscored the devastating potential that this type of conviction can have on an individual's life; a conviction may destroy a college student's opportunity for continued federal aid, can derail the bright future of a high school student, and will make obtaining housing or a job much more difficult. Your Committee understands that youthful "experimentation" with marijuana is not uncommon, and while your Committee does not condone such behavior, the potential effects of a conviction appear to far outweigh conduct that, for most, is put aside as maturity comes.

Your Committee does acknowledge that issues were raised in testimony regarding school enforcement policies and the effect of the amendments proposed in the measure on a school's ability to enforce rules prohibiting possession of marijuana on school grounds. As no testimony from the Board of Education was submitted, these questions still remain.

Your Committee has amended this measure by:

- (1) Increasing the civil fine from \$100 to \$300 for the first violation, and establishing a fine of \$500 for each subsequent violation;
- (2) Deleting section 1, the purpose section;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion regarding the effect of the amendments in the measure, if any, on school enforcement policies; and
- (4) Making technical, nonsubstantive amendments for purposes of consistency and style and to update statutory cross-references.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2450, as amended herein, and recommends that



it pass Second Reading in the form attached hereto as S.B.  
No. 2450, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

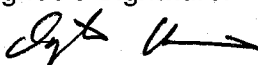


BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2450	JGO	2/25/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓	✓		
SLOM, Sam	✓			
<b>TOTAL</b>	4	1	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes