

**SB2450**

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
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Deputy Director of  
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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2450  
A BILL FOR AN ACT RELATING TO  
MARIJUANA

Clayton A. Frank, Director  
Department of Public Safety

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

Thursday, February 25, 2010, 11:00 AM  
State Capitol, Room 016

Senator Taniguchi, Senator Takamine, and Members of the Committee:

The Department of Public Safety (PSD) does not support Senate Bill 2450 that proposes to make possession of less than one ounce of marijuana a civil fine and to delete the criminal offense of possessing any amount of marijuana in H.R.S. Section 712-1249. The use of illegal drugs should not be dealt with like a traffic violation where a suspect can simply pay a fine and be required to attend a class. Senate Bill 2450 goes even further by allowing teachers not to report marijuana related crimes of one ounce or less in our schools or on school property. PSD feels that this sends the wrong message to the citizens and youth of Hawaii. The message that this measure sends is that smoking and possessing less than one ounce of marijuana is not wrong or against the law, instead the message is "if you get caught, it's just a fine."

PSD feels that the existing language in H.R.S. Section 706-622.5 gives the courts the latitude to sentence the first time drug offender to probation, a DAG or DANC, and even to expunge their criminal records if they do not re-offend. Senate Bill 2450 would delete the criminal violation for the possession of less than one ounce of marijuana from H.R.S. Section 712-1249 resulting in a person being able to constantly abuse the law and merely pay a fine.

For these reasons PSD opposes Senate Bill 2450 and asks that it be held.

Thank you for the opportunity to testify on this matter.

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 ALAKEA STREET, GROUND FLOOR  
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ALBERT TUFONO  
CHAIR

DANE K. ODA  
MEMBER

ROY W. REEBER  
MEMBER

MAX OTANI  
ADMINISTRATOR

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2450  
RELATING TO MARIJUANA

HAWAII PAROLING AUTHORITY  
Albert Tufono, Chairman

Committee on Judiciary and Government Operations  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

Thursday, February 25, 2010, 11:00 a.m.  
State Capitol, Room 016

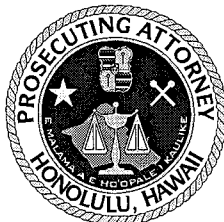
Chair Taniguchi, Vice Chair Takamine and Committee Members,

The Hawaii Paroling Authority (HPA) does not support Senate Bill 2450, establishing a civil violation for possession of one ounce or less of marijuana. The bill as written, would limit HPA's authority to intervene when a parolee uses marijuana on parole. As most detection of drug use is done through urinalysis testing, it would be impossible for a parole officer to determine if the parolee used or possessed one ounce or more of marijuana. While it is our understanding that HRS 353-66 was intended for HPA to treat substance abuse issues in the community, this bill would prohibit intervention until a parolee is found with a substantial amount of marijuana.

We thank you for the opportunity to testify and ask that Senate Bill 2450 be held.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE  
PROSECUTING ATTORNEY

DOUGLAS S. CHIN  
FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE BRIAN TANIGUCHI, CHAIR**  
**SENATE JUDICIARY AND GOVERNMENT OPERATIONS COMMITTEE**  
**Twenty-fifth State Legislature**  
**Regular Session of 2010**  
**State of Hawai'i**

February 25, 2010

RE: S.B. 2450; RELATING TO MARIJUANA.

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations Committee, the Department of the Prosecuting Attorney submits the following comments in opposition of S.B. 2450.

The purpose of this bill is to amend various statutes in Hawaii Revised Statutes (HRS) to decriminalize the possession of one ounce or less of marijuana.

We strongly oppose this bill. The rationale behind this proposal seems to be that enforcement of marijuana possession laws are costly and the conviction rate is approximately 25% and that decriminalizing marijuana possession will save money. However, this bill does not set forth the costs of civil enforcement of the laws that would ostensibly replace the current system. We assume that any civil enforcement system will have to have some of the features of the existing system due to the requirements of due process. First, some agency will be responsible for the costs of enforcement of cases where possession is one ounce or less and will have to document the circumstances of the case and that the marijuana is indeed marijuana (and not some other substance) and that the amount is one ounce or under. Second, the persons cited will have to have their due process opportunity (such as a court appearance) to contest the citation, and to confront the witnesses testifying on behalf of the state. Thus, the cost savings

cited by the bill are nebulous since the costs of civil enforcement aren't calculated and may in fact be similar to current costs. Furthermore, the conviction rate is probably low for these cases simply because they are eligible for a deferred plea under HRS chapter 853 or a conditional discharge under HRS 712-1255; most petty misdemeanor and misdemeanor marijuana defendants can and do obtain deferred pleas or a conditional discharge which usually result in a discharge of the defendant without entry of conviction. Since deferred pleas are intended to give people without a criminal records, a chance to keep a clean record when they have committed certain offenses, it should be no surprise that the conviction rate is low.

We are also concerned about the public policies raised by the decriminalization of marijuana. The potency of marijuana has been increasing. In 1983, the average amount of THC in samples was just under 4% THC; in 2007 the average of seized samples was 8.5% with some samples showing a THC concentration of 32.3%. The higher potency of marijuana is likely linked to increased rates of treatment admissions. In 1992 5.9% of drug treatment admissions were for patients whose primary drug abused was marijuana; in 2005 the rate for treatment admissions for patients whose primary drug abused was 15.8% of all admissions. And statistics in Hawaii also mirror an increase in marijuana treatment admissions from 1,577 in 2005 to 1,783 in 2007. We are concerned that decriminalization will send the message that marijuana use is acceptable and that there are no negative affects associated with its use. We only have to look at "legal" substances, alcohol and tobacco and regulated substances such as prescription drugs, to see that they can be abused and that there are significant social and health care cost related to their use and abuse.

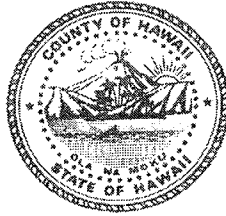
Furthermore, under the criminal system in which sentencing allows a judge to order people to assessment and treatment as a condition of a discharge or plea, civil sentencing for decriminalized offenses only allows for imposition of fines. Thus, under a decriminalized system, even if the person had extensive and multiple citations, no assessment or substance abuse treatment could ever be imposed even if it appeared the person was in need of the assessment or treatment.

Finally and most disturbingly, we note that this bill does not place any specific restrictions on the possession of marijuana by minors. A 2002 report by the Substance Abuse and Mental Health Services Administration concluded that the younger children are when they first use marijuana, the more likely they are to use cocaine and heroin and become dependent on drugs as adults. Based on this data, we believe it is inadvisable to contemplate the decriminalization of marijuana, particularly when it relates to possession by a minor.

For these reasons, we strongly oppose S.B. 2450 and respectfully request that you hold this bill.

JAY T. KIMURA  
PROSECUTING ATTORNEY

CHARLENE Y. IBOSHI  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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## OFFICE OF THE PROSECUTING ATTORNEY

### TESTIMONY ON SENATE BILL 2450 A BILL FOR AN ACT RELATING TO MARIJUANA

Jay T. Kimura, Prosecuting Attorney  
County of Hawai'i Office of the Prosecuting Attorney

Committee on Judiciary and Government Operations  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

Thursday, February 25, 2010, 11:00am  
State Capitol, Room 016

Senators Taniguchi, Takamine, and Members of the Committee:

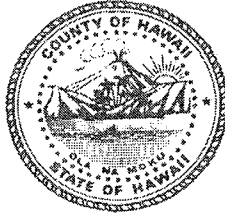
The County of Hawai'i Office of the Prosecuting Attorney does not support Senate Bill 2450.

We can learn from other "social experiments" locations that have relaxed marijuana enforcement and laws, in America and internationally; these places have adopted relaxed marijuana laws as proposed by SB 2450. While appearing appealing initially as a fiscally "easy way out," there are too many negative impacts by increasing organized crime and crimes, by reducing the effectiveness of law enforcement's investigative practices and funding, and most importantly, reducing treatment to those who are marijuana drug abusers. This is echoed in places such as Mendocino County, California, Alaska, and other California counties that have relaxed their marijuana laws as proposed in SB 2450. The issues are complex and involve societal controls over negative behaviors.

It has been recognized for more than a decade that prosecution without treatment probably will not. But, treatment without prosecution, or threat of prosecution, does not work either. We have enough experience now with our drug courts to know that the drug addicted users need "coercive" treatment (persuasion by considering the jail alternatives and court intervention). Many people who are arrested for marijuana are not convicted. For the youth, they get their cases informally adjusted. Alternative programs, problem-solving courts are encouraged by all in the criminal justice system. This is nothing new. Most defendants do not receive jail for their marijuana convictions, but many get drug assessments if they repeatedly get arrested or become defendants arrested for Operating Vehicles While Under the Influence of Intoxicants (Aka DUI). Over 30 % of vehicular homicides and negligent injuries involve alcohol and use of marijuana. This is a serious and understated problem.

JAY T. KIMURA  
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CHARLENE Y. IBOSHI  
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## OFFICE OF THE PROSECUTING ATTORNEY

Our Drug Court experience tells us that, in Hawaii, most adult methamphetamine and drug abusers started with alcohol and marijuana use at very young ages. Although marijuana may not be the “gateway” drug as previously thought, there is a correlation with marijuana use and use of harder drugs in later life. Unfortunately, for our Drug Court juvenile participants and family court juvenile offenders, most chose marijuana as their drug of choice. “Marijuana as the drug of choice” may be caused by the availability of drugs, societal acceptance of the “harmlessness” of marijuana although this is contrary to scientific evidence.

Most drug users, including marijuana addicted youth and adult, need at least two or three treatment attempts before the drug addictive behaviors stop. Many become poly-substance abusers. The negative societal cost is not having a vehicle to get treatment for drug abusing addicts who are in “denial.” Even threats of divorce and other social sanctions by the family and friends is not enough to get voluntary treatment. Many require the arrest and “hitting bottom” before accept they need help.

As marijuana laws have become relaxed in the United States, marijuana related visits to emergency rooms have gone up. According to the United States Department of Health and Human Services DAWN report, in 2008 there was an estimated 374,435 marijuana related visits to emergency rooms in the United States. During that same period there was an estimated 656,892 visits that were alcohol related, of which only 132,842 were for alcohol alone. In 2002 the estimated number of emergency room visits related to marijuana was 129,546. Thus, as the marijuana laws in our nation have relaxed so have the harmful effect of marijuana.

The wealthy and influential pro-marijuana lobbies have been very effective in getting similar laws passed. In 2002, Mendocino County, California, relaxed there laws relating to marijuana as similarly proposed by SB 2450. They saw a dramatic increase in organized crime, and crime in general. Except for making money with marijuana businesses, the negative societal impacts and decrease in quality of life moved the community to back-away from the permissive marijuana laws. By 2008, the community voted to retreat from the permissive marijuana law changes because of the increase in organized and other crime.

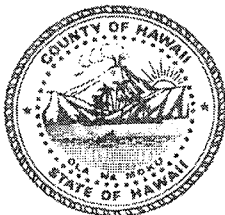
For theses reasons the Hawaii County Office of the Prosecuting Attorney does not support Senate Bill 2450 and asks that the Bill be held. Give the Judiciary the opportunity to provide marijuana addicted offenders an opportunity to become clean and sober.

Thank you for the opportunity to testify on this matter



JAY T. KIMURA  
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## OFFICE OF THE PROSECUTING ATTORNEY

### TESTIMONY ON SENATE BILL 2450 A BILL FOR AN ACT RELATING TO MARIJUANA

Jason M. Skier, Deputy Prosecuting Attorney  
County of Hawai'i Office of the Prosecuting Attorney

Committee on Judiciary and Government Operations  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

Thursday, February 25, 2010, 11:00am  
State Capitol, Room 016

Senators Taniguchi, Takamine, and Members of the Committee:

The County of Hawai'i Office of the Prosecuting Attorney does not support this bill. This input is being submitted by Deputy Prosecuting Attorney Jason M. Skier. I am currently responsible for prosecuting the majority of felony drug cases that arise in East Hawai'i County.

In looking at Senate Bill 2450, it does not address major problems that exist in other locations that have enacted similar laws and/or who have taken a similar approach to the one recommended in this bill. First, the crime lab for each county police department should be consulted regarding whether they will test suspected marijuana for civil trials. In other jurisdictions, police crime labs have refused to become involved in non-criminal matters involving marijuana. Without crime lab testing, there is no way to obtain any civil judgment under your proposed bill. Essentially, every Defendant will know to demand trial and the charges will ultimately be dismissed due to lack of proof. The net effect would be the legalization of marijuana without any penalties (instead of the civil penalties envisioned by this bill).

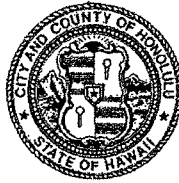
Although the proponents of this bill have good intentions, enough thought has not been placed upon the eventual consequences of this bill and how resources will need to be allocated.

For these reasons the Hawaii County Office of the Prosecuting Attorney does not support Senate Bill 2450 and asks that the Bill be held.

Thank you for the opportunity to testify on this matter

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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LOUIS M. KEALoha  
CHIEF

DELBERT T. TATSUYAMA  
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DEPUTY CHIEFS

OUR REFERENCE **SD-TA**

February 25, 2010

The Honorable Brian T. Taniguchi, Chair  
and Members  
Committee on Judiciary and  
Government Operations  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Senate Bill No. 2450, Relating to Marijuana

I am Susan Dowsett, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 2450, Relating to Marijuana.

The passage of this bill would decriminalize the possession of less than one ounce of marijuana and make the possession a civil violation subject to a fine of not more than \$100.

The increased potency and demand for marijuana continues to plague our society. There are numerous studies that suggest that marijuana use can have negative long-term health effects on the body. Marijuana is considered a gateway drug that can lead to the use of more harmful and addictive drugs. In the 2008 State of Hawaii Client Data System report "Substance Abuse Treatment Admissions," it was stated that "the primary substance of abuse for 22 percent of the treatment admissions was marijuana."


Reducing the penalty for possessing less than one ounce of marijuana to a civil offense undermines our enforcement efforts and our efforts to protect the community and opens the door for further use/abuse/treatment admissions.

The Honorable Brian T. Taniguchi, Chair  
and Members  
Page 2  
February 25, 2010

The Honolulu Police Department urges you to oppose Senate Bill No. 2450,  
Relating to Marijuana.

Thank you for the opportunity to testify.

Sincerely,



SUSAN DOWSETT, Major  
Narcotics/Vice Division

APPROVED:

  
\_\_\_\_\_  
LOUIS M. KEALOHA  
Chief of Police

William P. Kenoi  
Mayor



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

## County of Hawai`i

### POLICE DEPARTMENT

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February 24, 2010

Senator Brian T. Taniguchi  
Chair and Members  
Committee on Judiciary and Government Operations  
State Capitol  
415 South Beretania Street, Room 016  
Honolulu, Hawai`i 96813

**Re: Senate Bill 2450, Relating To Marijuana**

Dear Senator Taniguchi and Members:

The Hawai`i Police Department strongly opposes the passage of the following bill:

- **SB 2450, Relating to Marijuana:** Makes the possession of less than one ounce of marijuana a civil offense (rather than a petty misdemeanor) and imposes a maximum fine of \$100.

Currently, if an individual is arrested and charged for possession of less than an ounce of marijuana, that individual is in violation of Section 712-1249 of the Hawai`i Revised Statutes as amended, a petty misdemeanor. More than likely, a first-time offender will receive a fine of \$75 - \$150 or could receive probation. Keeping the penalty as a petty misdemeanor will have a greater effect on repeat offenders if it is known that judges have the discretion to impose stiffer sentences.

This bill seeks to lower penalties and, in essence, minimize the seriousness of recreational marijuana use. On the other hand, it uses funds derived from collected fees to develop and implement a drug awareness program with emphasis on early detection and prevention of substance abuse, including marijuana use. In Canada, after a large decline in the 1980s, marijuana use among teens increased during the 1990s as young people became "confused about the state of federal pot law" in the wake of an aggressive decriminalization campaign. These bills, while making no mention of decriminalization, are masked as such and send the wrong message to our youths.


Marijuana contains more carcinogens and tar than tobacco. According to the National Institute on Drug Abuse (NIDA), "Studies show that someone who smokes five joints per week may be taking in as many cancer-causing chemicals as someone who smokes a full pack of cigarettes every day."

Senator Brian T. Taniguchi  
Chair and Members  
Committee on Judiciary and Government Operations  
Page 2

Justifying the decriminalization of marijuana because it is erroneously perceived as being a less dangerous drug than alcohol and tobacco does not negate the fact that marijuana is still dangerous. What could be more of a deterrent than facing a jail sentence and a fine as well as a criminal record that would affect future eligibility for federal college loans, certain types of employment and military service?

For the reasons above, we urge this committee to reject this bill. Thank you for allowing the Hawai'i Police Department to testify on this bill.

Sincerely,

  
HARRY S. KUBOJIRI  
POLICE CHIEF



**CHARMAINE TAVARES**  
MAYOR

OUR REFERENCE

YOUR REFERENCE

## **POLICE DEPARTMENT**

### **COUNTY OF MAUI**

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**GARY A. YABUTA**  
CHIEF OF POLICE

**CLAYTON N.Y.W. TOM**  
DEPUTY CHIEF OF POLICE

February 24, 2010

The Honorable Brian Taniguchi, Chair  
And Members of the Committee on Judiciary and Government  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Re: S.B. 2450, Relating to Marijuana

Dear Chair Taniguchi and Members:

My name is Gerald M. Matsunaga, Captain of the Maui County Police Department's Vice Division. I am taking this opportunity to submit written testimony expressing my profound opposition to the passage of Senate Bill 2450, Relating to Marijuana. I believe that other law enforcement entities throughout the State of Hawaii will oppose this bill.

It is commonly known that one ounce (28.35 grams) of marijuana can produce approximately 56 marijuana cigarettes (joints). One person with 56 marijuana joints on a daily basis cultures an atmosphere for total abuse, as the excess will be sold or distributed and put out on the streets of our communities.

Marijuana is still a schedule I drug in both the federal and state legal systems. This means that it has a high propensity for abuse and very little if any medicinal value. In Hawaii, possession of an ounce or more is a misdemeanor in accordance with the Hawaii Revised Statutes, and is punishable by a maximum of one-year imprisonment, and a \$2,000 fine. To decriminalize a misdemeanor to a civil penalty is not in the best interest of the community, which still complains of marijuana propagation, dealing, and open smoking.

According to the Hawaii Substance Abuse Treatment Admissions report, in fiscal year 2009, 22.5% of those admitted for substance abuse treatment were for marijuana addiction, which ranked third after methamphetamine and alcohol. This figure depicts that Hawaii already has an addiction issue to marijuana, and we do not need to decriminalize an already illegal drug to add to this addiction problem. Nor do we need to add to the affliction caused to society since the legalization of alcohol and tobacco.

Not requiring the Department of Education officials to report marijuana offenses in the amount of one ounce or less will promote the idea that bringing marijuana to school is okay. In turn, this will promote an atmosphere of intoxication in our schools. I do not believe this is what we wish to convey to our youth, nor would the DOE employees want to deal with intoxicated

The Honorable Brian Taniguchi, Chair  
February 24, 2010  
Page 2

students. As mentioned earlier, an ounce of marijuana can produce about 56 joints. The joints will no doubt be distributed or sold to other students within our school system.

To allow a qualifying patient or primary caregiver to assert the medical use of marijuana as an affirmative defense to any prosecution is ludicrous. There already have been many abuses of the medical marijuana laws in Maui County and the State of Hawaii. If this part of the bill is passed, it will only promote total abuse of the medical marijuana laws, and encourage the sales and distribution of marijuana. The medical marijuana law currently allows for a patient or primary caregiver to have three ounces of marijuana in their possession at any given time. This would equate to approximately 168 joints. No one can consume 168 joints in a day or even a week. The excess amount would then be filtered to the streets through sales or other means of distribution.

Allowing parolees and probationers to have possession of one ounce or less of marijuana is also ludicrous. In order to obtain the marijuana, the parolee/probationer would have to make contacts with a dealer or grow his/her own marijuana, which is a violation of almost all parolees and probationers' conditions and terms of parole and probation. They cannot associate with known drug dealers, felons, or grow/manufacture their own drugs. Again, what would a parolee/probationer do with 56 joints?

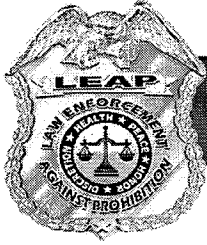
In regards to Section 8 and 9: Marijuana is considered a detrimental drug in any amount in accordance with the Hawaii Revised Statutes, and it does not convert into something else because it weighs one ounce or less. To reiterate what was testified to earlier, one ounce of marijuana can produce up to 56 marijuana cigarettes, which is more than enough for one person. We do not support any bill that would like to increase the amounts of marijuana that one can possess so that if caught, they would be arrested for a lesser offense.

Lastly, but by far not of least importance, to allow a person to possess one ounce or less of marijuana in, on, or near schools, school vehicles, or public parks would promote the same drug atmosphere that this law was trying to prevent in the first place. This will also add to the propensity of these people selling or distributing marijuana to children at the schools and to those who also attend public parks for recreational activities. One ounce of marijuana is usually already considered dealer quantities, as most people cannot smoke an ounce of marijuana in a few days.

This bill is unequivocally flawed and only enhances an environment of total abuse to include marijuana dealing and trafficking. Therefore, I am asking for you not to support Senate Bill 2450.

Sincerely yours,

  
GERALD M. MATSUNAGA  
Captain, Vice Division



# LAW ENFORCEMENT AGAINST PROHIBITION

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Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair and  
Members of the Committee on Judiciary and Government Operations

RE: In Support of SB 2450 Relating to Marijuana  
Hearing: Thursday, February 25, 2010, 11:00 a.m., Conference Room 016

Submitted by:  
Jack Cole

Law Enforcement Against Prohibition

Thank you for allowing me to submit this statement in favor of SB 2450. I fought against the drug trade for 26 years, including time spent as an undercover narcotics officer. I am the Executive Director for Law Enforcement Against Prohibition, an organization of 16,000 current and former criminal justice professionals and civilian members. We are cops, sheriffs, prosecutors, judges, prison guards and others from nearly every level of law enforcement.

Like other law enforcement organizations, LEAP does not endorse or condone marijuana use. Whether to endorse or condone marijuana is not the issue here because making marijuana legal for adults does not equal condoning it.

Decriminalizing marijuana by passing SB 2450 is a step in the right direction. The less time that we as law enforcement spend arresting and prosecuting marijuana users, the more time we can spend keeping our streets safe from violent crime. LEAP strongly supports decriminalizing marijuana to free up police resources to deal with more serious crimes.

As public servants, we all work to ensure quality of life for our citizens and we seek and support decisions that favor the “greater social good.” Having an arrest of any kind is certainly a life-altering event. It will impact social status, possibly employment status, and will certainly increase stress within the family unit. Drug charges and a conviction can destroy a college student’s opportunity for continued federal financial aid.

According to government sources, more than 97 million Americans admit to having tried marijuana. How fortunate we are in many ways that they were all not arrested and prosecuted!

Nearly a thousand young people who were experimenting with drugs went to jail as a direct result of what I did as one undercover narcotics agent. I can't say how many of those folks would have gone on to become valuable citizens had I not intervened, but I'm sure the number would be huge.



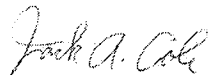
Think of all the people you know personally who as a youngster used an illegal drug, then put the drugs behind them and went on to live very productive lives. You can do that if you haven't been arrested. You can get over an addiction, but you will never get over a conviction. A conviction will track you every day of your life because it is on a computer—every time you apply for a job it is over your head like an ugly cloud. Employers look at your record and say, "Druggo, we don't want you." The only place those folks can find acceptance is right back in the drug culture—the very group from whom we say we are trying to save them.

For those of you who worry that by backing marijuana decriminalization bills you are somehow not in the mainstream of public thinking, let me remind you: Surveys show 72 percent of the population of the United States do not believe marijuana users should go to jail, 80 percent believe medical marijuana should be legal and 67 percent of Chiefs of Police believe the drug war is a total failure.

A tremendous amount of the staff time and funding for law-enforcement is wasted arresting nonviolent drug users who hurt no one. In 1963, before we had a war on drugs, police were credited with solving 91 percent of all murders but in the last years they have solved only 61 percent. Across the US the crime rate has dropped 40 percent since the 1990s but we still fail to solve 60 percent of rapes and arsons, and 75 percent of robberies. We have more police per capita than we did in 1963; they are better paid, educated, and trained, and they have technology at their disposal never imagined in 1963. So what could have caused a one-third drop in solving murders in the US? The law-enforcers at LEAP believe it is because since the war on drugs started police have had to spend so much time chasing nonviolent drug offenders we no longer have time to protect citizens from violent criminals.

Please, stop some of these harms inflicted on us by prohibition. Support decriminalizing marijuana and let police get back to protecting all of us from violent criminals and child molesters. We will all be much better off.

Sincerely,



Jack A. Cole  
Executive Director

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**From:** Suzanne Meisenzahl [MeisenzaS001@hawaii.rr.com]  
**Sent:** Wednesday, February 24, 2010 11:36 AM  
**To:** JGO Testimony  
**Cc:** Trussel, Steven  
**Subject:** Testimony in support of SB2450 Relating to Marijuana

THE LEAGUE OF WOMEN VOTERS OF HAWAII  
49 South Hotel Street  
Suite #314  
Honolulu, Hawaii 96813  
531-7448

Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair and  
Members of the Committee on Judiciary  
and Government Operations

RE: SB 2450 Relating to Marijuana  
Hearing: Thursday, February 25, 2010, 11:00 a.m., Conference Room 016

Thank you for opportunity to testify in support of SB 2450. Since the League of Women Voters of Hawaii adopted the Hawaii Drug Policy Study of August 2008, we have worked very hard to contribute to the much-needed societal debate around drug-related issues, policies and laws in Hawaii.

Decriminalizing possession of one ounce or less of marijuana will have a positive economic impact on our state. It will save Hawaii \$5 million dollars per year and it can be taxed and regulated. Because so much of the cost of criminalizing marijuana is in law enforcement our law enforcement dollars could be spent in other, more needed areas or, even better, dollars could be redirected to public health approaches that are far more cost effective.

The complete text of the Hawaii Drug Policy Study can be found via direct link from our website homepage at [www.lwv-hawaii.com](http://www.lwv-hawaii.com)

Suzanne Meisenzahl  
Chair, League of Women Voters  
Women's Health & Safety Committee



## Advocates For Consumer Rights

*Working for Hawaii's consumers since 1994*

George Fox, President

808- 447-9424 [afcr@hawaii.rr.com](mailto:afcr@hawaii.rr.com)

February 23, 2010

### COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

### TESTIMONY ON SB2450 RELATING TO MARIJUANA

DATE: THURSDAY, FEBRUARY 25, 2010

TIME: 11:00A.M.

PLACE: Conference room 016

State Capitol

415 South Beretania Street

Senator Brian T. Taniguchi, Chair; Senator Dwight Y. Takamine, Vice Chair, and honorable members of the Committee; **Advocates For Consumer Rights strongly support SB2450**, Relating to Marijuana.

Faced with the task of writing this testimony, I realized I knew almost nothing about marijuana so I spent many hours doing research. Here are the important things I learned:

- Egyptians grew marijuana over 3,000 years ago for it's medicinal value.
- Marijuana has been smoked for 1,000s of years, all over the world!
- No-one has ever died from ingesting marijuana, **no-one!** Meanwhile aspirin is blamed for approximately 7,000 deaths per year.
- No-one has ever overdosed on cannabis, **no-one!** **Meanwhile an estimated 108,000 people die each year from doctor prescribed drug interactions, according to a 1998 JAMA article.**
- Drugs prescribed by doctors are **the 4<sup>th</sup> leading cause of death** in the industrialized world.
- All patients I've interviewed say that the use of cannabis has shown no side effects and greatly reduces or eliminates the side effects from their doctor prescribed drugs.
- Marijuana was wrongfully classified as a Class 1 drug during the 1960's after a thirty-year PR campaign claimed marijuana makes people into drug crazed maniacs.

## HOW IT ALL BEGAN

- During the mid-thirties the E.I. DuPont Company was big in the **FIBER** business, the new profit threat coming down the road was **HEMP (marijuana, high fiber, cheap to grow & Process**
- DuPont went to the U.S. Government for help and a new **Agency was formed with the charge of killing Hemp. A PR Firm was hired and editorials began appearing all over the country warning of the dangers of marijuana.**
- When I was a child (early 1940s) the great jazz drummer, Gene Krupa was busted for smoking marijuana. The headlines in the New York Papers screamed “sex maniac busted”!
- So, we went from “maniacs” to “sex crazed maniacs” in one smooth PR Press Release!
- By the mid sixties, with all the stories about marijuana being bad and no stories about any good to be derived, marijuana was classified a “CLASS ONE NARCOTIC” They could just as easy classified butter to be a narcotic.
- **With all the anecdotal evidence & no opposition it was a no-brainer to misclassify marijuana as a CLASS ONE Narcotic!**

**Bottom line: NO addictions, NO overdoses and, more importantly, NO DEATHS!**

**We understand the concern about children gaining access to marijuana under and slacking of the current law, This is just another bogus scare tactic because teenagers already have total access! When marijuana is controlled and TAXED (like cigarettes) teenagers will have less access than they now do!**

**Please pass SB2450!**  
Sincerely,

I will be happy to answer any questions.

(signed)  
George Fox,  
President

**Testimony in Favor of SB 2450, Before Hawaii's Senate  
Committee on Judiciary and Government Operations**

**February 25, 2010**

**By Paul Armentano**

**Deputy Director**

**NORML | NORML Foundation**

I applaud the members of Hawaii's Senate Committee on Judiciary and Government Operations for holding this hearing regarding Senate Bill 2450, which seeks to amend the state's criminal marijuana possession laws.

Senate Bill 2450 seeks to reduce minor marijuana possession penalties from a criminal misdemeanor, punishable by up to 30 days in jail and a \$1000 fine, to a civil infraction punishable by a fine only. This common sense, fiscally responsible proposal will cut costs, improve public safety, and have a positive impact on the quality of life of tens of thousands of Hawaii adults.

**SENATE BILL 2450 WILL IMPROVE THE QUALITY OF LIFE FOR  
HAWAII CITIZENS**

Between 1,000 and 1,500 Hawaii residents are arrested annually for possessing one ounce or less of marijuana.<sup>1</sup> Passage of SB 2450 measure would spare these minor marijuana offenders from criminal arrest, prosecution, and incarceration, as well as the emotional and financial hardships that follow -- including the loss of certain jobs, students loans, federal and state subsidies, and child custody rights.

Most adult marijuana users act responsibly and consume marijuana solely within the privacy of their own homes. They are not part of the crime problem and they should not be treated like serious criminals. Senate Bill 2450 would maintain the monetary sanctions already in place for marijuana possession violations, but would spare offenders from being saddled with lifelong criminal records. This change would continue to discourage marijuana abuse, while halting the practice of permanently criminalizing thousands of otherwise law abiding citizens of Hawaii.

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<sup>1</sup> Lawrence Boyd. 2007. *The Budgetary Implications of Marijuana of Marijuana Decriminalization and Legalization for Hawaii*. University of Hawaii.

## **SENATE BILL 2450 WILL CUT COSTS AND IMPROVE PUBLIC SAFETY**

Law enforcement resource allocation is a zero-sum gain. The time that a police officer spends arresting and processing minor marijuana offenders is time when he or she is not out on the streets protecting the public from more significant criminal activity. Passage of SB 2450 would allow law enforcement, prosecutors, and the courts to re-allocate their existing resources toward activities that will more effectively target serious criminal behavior and keep the public safe.

The move would also have the added benefit of saving state taxpayers' money and raising revenue. Presently, state and county law enforcement agencies spend over \$4 million per year to enforce marijuana possession laws; an additional \$2.1 million is spent by the courts.<sup>2</sup> Passage of SB 2450 will offset these criminal justice costs while simultaneously raising state revenue through the imposition of civil fines of up to \$100.

## **THE PUBLIC STRONGLY SUPPORTS SENATE BILL 2450**

Public opinion strongly favors such a reprioritization of law enforcement resources. Marijuana 'decriminalization,' as proposed under SB 2450 presently enjoys support from the majority of Americans. According to a recent CNN/*Time Magazine* poll, approximately three out of four citizens favor a fine over criminal penalties for the possession of marijuana.<sup>3</sup> In fact, thirteen states -- including Oregon, Maine, Nebraska, Ohio, and Mississippi -- have already enacted various forms of marijuana decriminalization, replacing criminal sanctions with the imposition of fine-only penalties for minor marijuana offenders.<sup>4</sup> In no instance have lawmakers recriminalized marijuana after implementing decriminalization.

Locally, in 2008, Big Island voters by a 3 to 2 margin approved Ballot Question 1, which sought to direct law enforcement to make activities related to the investigation and arrest of adults who possess up to 24 ounces of cannabis and/or 24 plants their lowest priority. However, it appears that local lawmakers and law enforcement have failed to

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<sup>2</sup> Ibid.

<sup>3</sup> Joe Stein. "The New Politics of Pot." *Time Magazine*. October 27, 2002.

<sup>4</sup> NORML. 2007. *2007 Citizens Guide to Understanding America's Marijuana laws: A Compilation of State by State Penalties, Arrest Data, Tax Stamps and Legal Resources*. Roanoke, Virginia: Zickafoose Visual-Worx, LLC.

consistently abide by this ordinance.<sup>5</sup>

Contrary to the concerns of some, the passage of SB 2450 would *not* negatively impact marijuana use patterns or attitudes. Passage of similar legislation in other states has not led to increased marijuana use or altered adolescents' perceptions regarding the potential harms of drug use. In fact, the only United States government study ever commissioned to assess whether the enforcement of strict legal penalties positively impacts marijuana use found, "Overall, the preponderance of the evidence which we have gathered and examined points to the conclusion that decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among American young people."<sup>6</sup>

### **SUPPORT PUBLIC SAFETY: VOTE 'YES' ON SB 2450**

Senate Bill 2450 seeks to reduce government expenditures and promote public safety. These are goals that lawmakers should support. It makes no sense to continue to treat responsible adult cannabis consumers as criminals.

# END #

*Paul Armentano is the deputy director of the National Organization for the Reform of Marijuana Laws (NORML), and is the co-author of the book Marijuana Is Safer: So Why Are We Driving People to Drink? (Chelsea Green, 2009). His writing on marijuana policy has appeared in over a dozen anthologies and in over 500 newspapers and magazines. He is a former consultant to Health Canada.*

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<sup>5</sup> <http://www.bigislandchronicle.com/?tag=lowest-law-enforcement-priority-of-cannabis-ordinance>

<sup>6</sup> Institute for Social Research, The University of Michigan. *Monitoring the Future Occasional Paper 13. Marijuana Decriminalization: The Impact on Youth 1975-1980*. Ann Arbor. 1981.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2010 2:46 PM  
**To:** JGO Testimony  
**Cc:** Rep. Joe Bertram III  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Joe Bertram III  
Organization: Individual  
Address: 415 South Beretania Street #311 Honolulu, Hawaii  
Phone: (808) 586-8525  
E-mail: [repbertram@Capitol.hawaii.gov](mailto:repbertram@Capitol.hawaii.gov)  
Submitted on: 2/23/2010

Comments:  
Chairman Taniguchi and Members of the Committee:

In Strong Support of SB 2450

It has been well documented that the dramatic increase in our prison population has been due in large part to non-violent drug offenders. State correction costs have increased over 300% in the last 20 years without any substantial increase in public safety, money lost that could have been better spent on other valuable programs.

After decades and millions of dollars spent on irradiation efforts, marijuana continues to be used by a significant percentage of the population, both legally and illegally. It is time to recognize that marijuana is not in the same category of drugs as heroin and cocaine and subsequently should be treated as such.



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**From:** John Heatherman [Heathr@hawaii.rr.com]  
**Sent:** Tuesday, February 23, 2010 2:23 PM  
**To:** JGO Testimony  
**Subject:** SB2450

In the late 1970s my Brother-In-Law Dicky had Leukemia and was being treated at the Queens Hospital. Most evenings when my wife and I visited him we would find another brother, also there. the brother would be rolling Marijuana cigarettes for the ill brother. It made Dicky feel so much better and for several hours each day Dicky could live without pain. Dicky had this dreaded disease for a few years, then he would have periods of Remission and it would once again invade his body. He finally passed on at a young age of 31. At the time I first thought why are they allowing the illegal entry of this drug into the hospital and the nurses not alerting anyone in authority about it.

In 1972 I began driving Limos in Waikiki as a Moonlighting job driving celebrities such as Rock Groups, etc to the HIC from their hotel or the airport; during these periods of time I learned first hand what Marijuana smelled like. I eventually changed my mind about the introduction of Marijuana into the hospital rooms; I felt that if this drug is relieving his pain then it should be allowed regardless of what the law dictated. I still feel this way and hope that it is allowed via Licensed vendors in the State of Hawaii if in fact it is helping to relieve the pain of Cancer and other diseases.

Mahalo

John Heatherman  
USN Retired

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2010 2:08 PM  
**To:** JGO Testimony  
**Cc:** Mark@solights.com  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Mark Nelson  
Organization: Individual  
Address: Kailua Kona  
Phone:  
E-mail: [Mark@solights.com](mailto:Mark@solights.com)  
Submitted on: 2/23/2010

Comments:  
Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair and  
Members of the Committee on Judiciary and Government Operations

RE: In Support of SB 2450 Relating to Marijuana  
Hearing: Thursday, February 25, 2010, 11:00 a.m., Conference Room 016

Aloha Honorable Senators,  
I am wrting in support of SB2450. The many years of arrests, court costs, inmate housing, has overburdened the State of Hawai'i and taxed our great citizens of enormous funds let alone the draconian age old approach to Marijuana Prohibition failed policies.  
-Decriminalizing possession of one ounce or less of marijuana will save Hawaii approximately \$5 million per year. The primary cost of marijuana criminalization is enforcement; this change would free police to deal with more serious crime.  
As a local business owner for many years I believe we are at crossroads for making new history with our citizens of Hawai'i and changing the older barbaric ways of a past society. Being fiscally responsible is needed at a time of reckless spending behavior by many. This bill SB2450 will enable the State to reduce budgets and allocate the time and allow spending to be redirected such as to our schools, as well as unclogging the already overburdened court system and inmate housing facilities.

Mahalo for your time in considering my testimony.

Respectfully

Mark Nelson

## Testimony in Support of SB 2450

Aloha, my name is Jeffrey Krepps and I have been a resident of the State of Hawaii for over a decade. During that time, I have grown to love this state, its people and the overwhelming tolerance and respect for civil rights exuded by the people and the legislature. Hawaii has been very good to me. Throughout my residence I have contributed as a business, community leader, and tax payer.

Currently, I reside in Kurtistown, on the Big Island of Hawaii. I live in the District of Puna, which has very high rates of poverty and a culture that has embraced the medicinal, religious and recreational use of marijuana for decades. From the good economic times before the disruptive, noise polluting helicopter flights and crystal meth lab in the jungle, until now, Puna has suffered the weight of narco-military operations more reminiscent of Latin America than our beloved Hawaii. I believe the decriminalization of marijuana up to an ounce would serve to effectively decriminalize many of the people and the culture of the district.

I am not advocating for legalization of marijuana, but the legalization of a people who have been discriminated against, on the basis of what they choose to ingest. I am not advocating for commercial distribution on the scale of liquor manufacturers. For me this is a civil rights issue, plain and simple. The citizenry of any democracy should have the liberty to be free of government intrusion into one's own body. If our body's are not sacred to ourselves, then what may I ask is?

Mahalo, for your consideration, and for a government that is responsive to the population of the people and not the special interests of the correctional industry-prison state.

Jeffrey S. Krepps  
Kurtistown, HI

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2010 9:48 AM  
**To:** JGO Testimony  
**Cc:** bigislandsis@yahoo.com  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jacquilyn Chamberlin  
Organization: Individual  
Address:  
Phone:  
E-mail: [bigislandsis@yahoo.com](mailto:bigislandsis@yahoo.com)  
Submitted on: 2/23/2010

**Comments:**

Decriminalizing possession of cannabis in our stressful times and economy and not making folks out to be criminals for such use is absolutely necessary! I am in physical therapy for chronic lower back pain, I am highly allergic to narcotics (prescription pain pills and muscle relaxers), have functional capacity limitations, work part-time, and also have asthma (vog triggers). Cannabis relaxes my muscles, opens my tight air-constricted chest passages for breathing so I can walk and swim and exercise (without steroid use), and brings me some blissful joy to living! No one should be denied a student loan, employment, or housing, nor anyone doing wasteful jail time! I nor anyone else ought consider one's self a criminal for such use. It's criminal that it's NOT decriminalized. C'mon it's 2010 already!

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**From:** Bill Best [bestb002@hawaii.rr.com]  
**Sent:** Wednesday, February 24, 2010 7:36 AM  
**To:** JGO Testimony  
**Subject:** SB2450 - we support it

This is a bill we have dreamed of for many years. Looking at unbiased scientific literature will support the facts that this is a benign, natural drug with healing properties. Nobody dies or kills others with their vehicles while using it. The major drawback is that it is illegal, which you can address. Making criminals of otherwise law-abiding citizens has been harsh. Mahalo to all who have been instrumental in designing this bill. We are proud of this progressive state and our lawmakers who let reason prevail.

Sincerely,  
Bill and Barbara Best  
280 Hauoli Street  
Wailuku, HI 96793  
phone 242-9119

---

**From:** cheryl@solights.com  
**Sent:** Tuesday, February 23, 2010 3:29 PM  
**To:** JGO Testimony  
**Subject:** Support of SB 2450

Respectfully to:

Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair and  
Members of the Committee on Judiciary and Government Operations

My name is Cheryl Nelson and I've been a Hawaii resident for 10 years. I support SB 2450, decriminalization of one ounce or less of marijuana. Decriminalizing possession of one ounce or less of marijuana will save Hawaii millions of dollars per year. The main expense of marijuana criminalization is enforcement, and this change would free police to deal with more serious crime. The savings alone could be put towards better use, i.e. Hawaii schools, healthcare, elderly, etc....

Thank you for your time and consideration.

Best regard,

Cheryl Nelson

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2010 5:50 PM  
**To:** JGO Testimony  
**Cc:** alohanursery@yahoo.com  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: James Robert Borawski  
Organization: Individual  
Address: 75-6234 Alii Dr. Kailua-Kona  
Phone: 808-8955027  
E-mail: [alohanursery@yahoo.com](mailto:alohanursery@yahoo.com)  
Submitted on: 2/23/2010

Comments:

Ladies and Gentleman of the Legislature, Thank you for this opportunity to voice my collective concerns, and hopefully shape the laws regarding responsible adult marijuana use.

Today, it is essential that your decisions are based on intelligent, factual, growing scientific evidence, in regards to marijuana use, and not rely on public misinformation or media slanted demonizing and law enforcement hysteria.

As an adult, I personally have seen all types responsible adult marijuana use... from tax paying voting citizens, professionals, politicians, professors, intellectual types, business owners, firemen, county workers, clerks, attorneys, artists, grandmas, grandpaws, responsible family men

& women, in every walk of life....all use marijuana well within the definition of responsible moderate adult use.

It is these well informed individuals that will, without hysteria or misinformation or prejudice, effectively guide any youth or any inappropriate use of marijuana.

Americans, as well as the world, has successfully used marijuana in social, medical & industrial uses, that to this day, have provided great innovations and prosperity to America.

When congressmen were drafting the Declaration of Independence, what did they see when they looked out the courthouse windows, pondering our futures. They saw fields of hemp, and a better understanding of America's freedoms.

As we now factually know...the world is not flat...witches do not exist...tomatoes are not poisonous...slavery is not acceptable social norms...and responsible adult marijuana use does not lead to unsocialable, deviant behavior.

Let this time in history reflect a collective group of peoples, wise, intelligent, informative, scientific and an accurate social understanding of adult responsible marijuana use.

Let us look out our windows and direct our law enforcement to serious, violent predatory criminals, and eliminate the expensive cost (\$80,000 per ) of incarceration of non-violent marijuana use. Let's remove the personal adult marijuana user from the dangerous elements of real crime.

I urge you to consider the benefits of SB2450. Mahalo- May we all live well

Hawaii Senate Committee on Judiciary and Government Operations  
Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair

Thursday February 25, 2010 at 11:00am

SB 2450 Relating to Marijuana

**STRONG SUPPORT**

In 2008 Massachusetts citizens passed a bill that made possession of one ounce or less of marijuana a civil offense. Ballot Question 2 (and SB 2450 is similar to it) received 65% of the vote, a greater percentage than President Obama received. That is correct, 65% of the voters in Massachusetts realized what a waste of resources it is to arrest, prosecute and jail non-violent people simply for possessing marijuana, and they passed a law reflecting that good sense.

It has been more than one year since Ballot Question 2 became law...and I think it is safe to say that the sky HAS NOT FALLEN over Massachusetts. There is not chaos in the streets. There are not lawless gangs swarming neighborhoods. There does not seem to be an increase in the number of DUI reports. Nothing terrible seems to have happened. The Boston metropolitan area population is 4.5 million people, and there have been fewer than 800 citations issued. Of the 800, about 20% are being appealed. These numbers are almost a rounding error, given the size of the city.

Do not fall for the fear tactics those opposed to this bill will throw at you. The National Academy of Sciences found no conclusive evidence that marijuana is a gateway drug to abuse of other, harder drugs.

In addition to the cost saving mentioned in Section 1 of SB 2450, there is also the savings of money not spent on incarcerating people. It reportedly costs \$80,000-100,000 a year to keep someone in jail. Our prisons are overflowing as it is. There is no need to incarcerate anyone for a non-violent drug possession related offense. If the person is really in need of help, drug rehabilitation programs are more effective and less expensive. An addict needs to be shown compassion and given proper treatment, not thrown in jail.

I am a resident of the Big Island, and I want to remind the committee that more than 35,000 voters, 53.1%, passed the Lowest Law Enforcement Priority of Cannabis Ordinance in 2008. It makes the adult personal use of marijuana on private property the lowest priority of our Hawaii County Police Department. The residents of the Big Island have clearly made their feelings known about the need to focus on issues more important than marijuana. It is time for the great state of Hawaii to take a more enlightened approach to drug policy.

I urge you to pass this bill.

Matthew Rifkin  
Hilo, HI 96720



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2010 2:51 PM  
**To:** JGO Testimony  
**Cc:** divinemystictemple@yahoo.com  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Perry Kirklin  
Organization: Individual  
Address: P.O.Box 704 Keaau, HI  
Phone: 808-968-1930  
E-mail: [divinemystictemple@yahoo.com](mailto:divinemystictemple@yahoo.com)  
Submitted on: 2/23/2010

Comments:

February 25, 2010

The Honorable Brian T. Taniguchi, Chair,  
The Honorable Dwight Y. Takamine, Vice Chair and Members  
Committee on Judiciary and Government Operations  
The Senate, The Twenty Fifth Legislature  
Regular Session of 2010  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi, Vice Chair Takamine, and Members:

RE: **SUPPORT of SB 2450**, Relating to Marijuana

I support SB2450 because the possession of one ounce or less of marijuana should not be a criminal offense. Possession of small amounts of marijuana should not subject one to the same scrutiny as compelled by President Richard Nixon's War on Drugs. There have not been any conclusive studies that show marijuana users are more likely to commit crimes. More or less be treated as an enemy of the State.

Marijuana possession or use in the United States was not a crime in the early part of the last Century. It wasn't until Alcohol possession and use was legal that use of marijuana assumed the stigma of hard-core drug use, similar to heroin use. Also, marijuana was listed as a dangerous drug. Many states have enacted medicinal marijuana laws. In these states, there have not been any reports that show such use leads to the deterioration of health and anti-social behavior. On the contrary, many patients and doctors report beneficial results.

Unfortunately, it is beneficial for the large drug companies and liquor companies to spend large amounts of money on a national campaign to keep marijuana on the list of dangerous drugs and as a result keep tax payers paying for prosecutors, the courts, and law enforcement officers, pursuing possessors of one ounce or less of marijuana. Whereas, by establishing a civil fine at least we will be adding to the state funds.

Aloha,



Edith Kimball

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 24, 2010 8:41 AM  
**To:** JGO Testimony  
**Cc:** nimo1767@gmail.com  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robert Petricci  
Organization: Individual  
Address: 13-430 Pohoiki rd Phoa Hi. 96778  
Phone:  
E-mail: [nimo1767@gmail.com](mailto:nimo1767@gmail.com)  
Submitted on: 2/24/2010

**Comments:**

In Hawaii county alone last year over 400 adults were arrested for possession of an ounce or less of marijuana last year, in spite of a law passed by voters to make such offenses lowest law enforcement priority. This consumes a huge amount of resources we can no longer afford and flies in the face of the will of Hawaii county voters. We are furloughing our children from schools, furloughing our courts, and have many more difficult choices to make. This change in our laws makes sense in light of the new science, economic situation and the will of our people. It would free up our law enforcement, judicial, and public safety resources for more serious problems. At present marijuana is a schedule 1 drug, the most dangerous designation in the state. In light of our medical marijuana law, and the other 13 states that have such laws I believe marijuana is miss scheduled. You do not have to be in favor of marijuana to support this bill just understand that making criminals out of those that do is wasteful, harmful, destructive and has not reduced marijuana use. Surely we can find a better way, this is a worth a try at this time. Making criminals out of users cost us in other ways such as productivity and social programs. A drug conviction limits or eliminates employment, and turns economic assets into further economic liabilities as the unemployed draw on state resources instead of paying taxes and spending money in the greater economy. thank you for your consideration.

Robert Petricci

Nancy Davis  
36 Poko Way  
Ha'iku, Maui 96708

February 25, 2010

The Honorable Brian T. Taniguchi, Chair,  
The Honorable Dwight Y. Takamine, Vice Chair and Members  
Committee on Judiciary and Government Operations  
The Senate  
The Twenty Fifth Legislature  
Regular Session of 2010  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi, Vice Chair Takamine, and Members:

RE: SB 2450, Relating to Marijuana

I support SB2450, which would make the possession of one ounce or less of marijuana a civil violation subject to a fine of not more than \$100. Other States, counties, and cities have made the prosecution of the possession of small amounts of marijuana the lowest police priority.

Furthermore, at this time when the State is looking at all avenues of cost savings, and the Criminal Courts are faced with a backlog of cases, the reduction in costs due to transferring the possession of small amounts of marijuana to the civil arena is substantial. Thank you very much for the opportunity to testify.

Sincerely,

Nancy Davis  
36 Poko Way  
Ha'iku, Maui 96708

A handwritten signature in cursive script that reads "Nancy G. Davis". The signature is written in black ink and is positioned to the right of the typed name and address.

Karen Davidson  
P. O. Box 67  
Hana, Maui, Hawai'i 96713

The Honorable Brian T. Taniguchi  
and Committee Members  
Committee on Judiciary  
and Government Operations  
The Senate  
State of Hawaii  
State Capitol, Room 219  
Honolulu, Hawaii 97813

Dear Chair Taniguchi and Committee Members:

Subject: Testimony in support of SB 2450, Relating to Marijuana

I am writing to express my support for SB 2450, Relating to Marijuana. Making the possession of an ounce or less of marijuana would eliminate unfortunate circumstances that can occur under current law. For example, should a high school student get caught in possession of a small amount of marijuana then prosecuted, he or she would have to live with a felony possession charge on their record for the rest of their life.

This bill does not legalize marijuana, it simply decriminalizes possession of an ounce or less. This would allow police departments to focus on more dangerous crimes, ease the caseload burden for the court system, and free space in prisons for more violent, or detrimental drug offenders.

Best Regards,

 2/24/2010  
Karen Davidson

The Honorable Brian T. Taniguchi, Chair,  
The Honorable Dwight Y. Takamine, Vice Chair and Members  
Committee on Judiciary and Government Operations  
The Senate, Twenty Fifth Legislature  
Regular Session of 2010

Dear Chair Taniguchi, Vice Chair Takamine, and Members:

RE: Testimony in Support of SB 2450, Relating to Marijuana  
Hearing on February 25, 2010



**Leon T. Overbay**  
**United States Marines, 1939**  
**1920 – 2007**

Disabled American Veteran  
Medical Marijuana Patient  
**NOT A CRIMINAL!**

**Honorable President Obama, Senator Akaka, and all US citizens,**

Please be respectfully informed; Leon T. Overbay, my beloved husband, was a 100% service-connected Disabled WWII Veteran. His disability caused him over 50 years of pain and suffering. I witnessed that, the natural herb, marijuana, gave him relief from his suffering, and alleviated his need to take addictive prescription narcotics, which caused him severe adverse side effects.

Mr. Overbay's suffering was agitated by the galling irony that he risked the possibility of arrest, prosecution, and imprisonment for using marijuana to relieve the pain of his WWII disability! Mr. Overbay was angry that the use of a natural herb, to ease his pain, was a federal offense!

Our Disabled American Veterans do not deserve to be arrested, prosecuted, and jailed for seeking relief from their disabilities, especially relief that comes from a natural herb!

Why is it illegal for Americans to consume medical marijuana, when consuming alcohol for fun is legal? Adult Americans are free to enjoy beer or cocktails for entertainment, but our Disabled American Veterans are criminals if they want to consume natural marijuana for pain relief. This is blatant prejudicial hypocrisy!

Alcohol is far more devastating and addictive than marijuana. Justice requires the creation of laws that end the unjust prejudice against Disabled American Veterans and all citizens, who consume the natural herb, marijuana.

It's time to enact constitutional marijuana laws to regulate Hawaii's billion dollar marijuana industry.

**Respectfully submitted,**

**Mary Overbay**  
Maui, Hawaii  
808-280-9636

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**From:** louis erteschik [louiserteschik@hotmail.com]  
**Sent:** Wednesday, February 24, 2010 10:59 AM  
**To:** JGO Testimony  
**Subject:** SB 2450 Hearing Feb. 25, 2010 11:00 AM

Chair Taniguchi and Members of the Committee:

I support this bill and commend Senator English and the other sponsors for their willingness to demonstrate bold thinking and acknowledge the realities of the criminal justice system and the enormous cost that is spent on prosecuting a relatively minor matter.

This bill should transcend the debate over being "soft on drugs" because it does not legalize the use of marijuana. Rather, it places it in its proper perspective as a civil violation subject to a monetary penalty. For that reason, I would hope that the debate would not get bogged down into a fear of sending the wrong message. On the contrary, this bill strikes a reasonable balance and is sound public policy.

For those reasons, I support passage of this bill.

Thank you for the opportunity to offer testimony.

Louis Erteschik  
444 Niu Street Apt. 2306  
Honolulu, Hi. 96815



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 24, 2010 11:09 AM  
**To:** JGO Testimony  
**Cc:** jillf2184@yahoo.com  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jill Friedman  
Organization: Individual  
Address: P.O. Box 1248 Kekaha, HI  
Phone:  
E-mail: [jillf2184@yahoo.com](mailto:jillf2184@yahoo.com)  
Submitted on: 2/24/2010

**Comments:**

I support this SB2450 establishing possession of one ounce or less of marijuana as a civil violation with a fine of no more than \$100, if it specifically decriminalizes possession of this amount.

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**From:** lionel@cruzio.com  
**Sent:** Wednesday, February 24, 2010 11:30 AM  
**To:** JGO Testimony  
**Subject:** Support Dutch Style Hemp Policies and bill 2450

Senate Bill 2450 seeks to reduce government expenditures and promote public safety. These are goals that lawmakers should support.

It makes no sense to continue to treat responsible adult cannabis consumers as criminals.

Please support Netherlands style legalization of hemp for adults and also support bill 2450.

Lee Eisenstein  
Hawaii

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 24, 2010 2:35 PM  
**To:** JGO Testimony  
**Cc:** velveeta@lava.net  
**Subject:** Testimony for SB2450 on 2/25/2010 11:00:00 AM

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Kit Grant  
Organization: Individual  
Address:  
Phone:  
E-mail: [velveeta@lava.net](mailto:velveeta@lava.net)  
Submitted on: 2/24/2010

Comments:

I support this measure because our jails are overflowing with non-violent drug offenders, because people with even "manini" incarceration histories have their employment prospects ruined, because the "War on Drugs" is too often a war on the poor, a war on people of color, and because our skies are still polluted by DEA agents in places like Puna, flaunting local law and new federal guidelines. The right approach with soft drugs (like alcohol and tobacco before it) is to regulate, tax and educate. The heavy-handed approach of law enforcement on marijuana makes life worse, not better, for everyone in the state, whether they are users or not. It's about time we had some common sense voices in the legislature. I support complete decriminalization of marijuana, and this is at least a start in a better direction.

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**From:** Richard S. Miller [rmiller@aya.yale.edu]  
**Sent:** Wednesday, February 24, 2010 3:59 PM  
**To:** JGO Testimony  
**Subject:** Testimony in Strong Support of SB2450  
**Attachments:** image001.jpg; image003.jpg

Richard S. Miller

Professor of Law, Emeritus

TO: COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS  
Senator Brian T. Taniguchi, Chair; Senator Dwight Y. Takamine, Vice Chair

NOTICE OF HEARING

DATE: Thursday, February 25, 2010  
TIME: 11:00 a.m.  
PLACE: Conference Room 016

State Capitol

415 South Beretania Street

**TESTIMONY OF RICHARD S. MILLER, PROF. OF LAW, EMERITUS, IN STRONG  
SUPPORT OF SB 2450, RELATING TO MARIJUANA**

Dear Chair Taniguchi, Vice Chair Takamine, and distinguished Committee Members,

Passing SB 2450, which establishes a civil violation for possession of one ounce or less of marijuana, subject to a fine of not more than \$100, will be one of the most important and useful pieces of legislation to pass this year in the midst of a severe economic recession.

The reasons for passing this legislation are very well stated in the bill itself.

In addition, it is important to note that marijuana has been determined to be one of the least dangerous drugs available in our society. Alcohol and tobacco are far more dangerous and harmful drugs, but we have wisely learned that prohibiting them and making possession or use of them a crime, except when sold or given to minors, causes far more harm than it prevents.

Old and worn out shibboleths that condemn marijuana as a “gateway” drug or, like the federal law, that schedule marijuana as a drug with no useful medical purpose, have been entirely discredited by peer-reviewed scientific studies. There is comprehensive review of the current evidence pro or con the use and availability of marijuana for medicinal purposes at a web site dedicated to providing the public with honest and balanced evidence regarding controversial issues. I urge you to view ProCon.Org and to recommend it to your staff, as well. While it addresses the medical use of marijuana, much of the data it provides is equally relevant to the question whether possession of small amounts of marijuana, such as an ounce or less, should be decriminalized. The answer is clearly YES!

For example, here is a chart, provided by ProCon.Org, illustrating that the relative risk of death for a variety of legal and illegal drugs. It illustrates that there is no proof that marijuana by itself is a cause of death and that the relative risk of death from marijuana, considering its wide-spread availability, is incredibly low.

TOTAL DEATHS FROM MARIJUANA	Primary Suspect	Secondary Suspect (Contributing to death)	Total Deaths
			Reported 1/1/97-6/30/05
	0	279	279
<b>TOTAL DEATHS FROM 71 FDA-APPROVED DRUGS</b>	<b>10,008</b>	<b>1679</b>	<b>11,687</b>

It is particularly important that the fines produced by the passage of this bill will be used to a very important purpose, tracking the benefits that Economist William Boyd foresaw in his study of the economics of cannabis use and taxation.

Mahalo nui loa for considering my testimony. These are entirely my own views and do not necessarily reflect those of the UH or its School of Law.

Most sincerely,



Richard S. Miller, Prof. of Law, Emer. and former Dean, Director, Summer Externship Program  
 E-mail: [rmiller@aya.yale.edu](mailto:rmiller@aya.yale.edu)  
 Phone: 808-254-1796

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016

Testifier position: support

Testifier will be present: No

Submitted by: Chris

Organization: Individual

Address: Reef Pkwy Ocean View

Phone: 8089298489

E-mail: [christopherallenwerner@yahoo.com](mailto:christopherallenwerner@yahoo.com) Submitted on: 2/24/2010

I strongly support passage of this bill and would like to reference three reasons why:

1. -Decriminalizing possession of one ounce or less of marijuana will save

Hawaii approximately \$5 million per year. The primary cost of marijuana criminalization is enforcement; this change would free police to deal with more serious crime.

(Boyd, Lawrence. 2006. The Budgetary Implications of Marijuana Decriminalization for Hawaii.)

2. - The State of California saved nearly \$1 billion dollars from

1976 to 1985 by decriminalizing the personal possession of one ounce of marijuana, according to a study of the state justice department budget.

( M. Aldrich and T. Mikuriya. 1988.)

3. -Criminal laws prohibiting marijuana possession do not decrease marijuana use. Marijuana use remains consistent despite a high level of enforcement, and there is no detectable relationship between changes in enforcement and levels of marijuana use over time. (J. Morgan and L. Zimmer. 1997. Marijuana Myths, Marijuana Facts, A Review of the Scientific Evidence. The Lindesmith Center: New York, 46)

Testimony for JGO 2/25/2010 11:00:00 AM SB2450

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Chelsey Riddle  
Organization: Individual  
Address: Reef Pkwy Ocean View  
Phone: 8089298489  
E-mail: [mendoweekend@yahoo.com](mailto:mendoweekend@yahoo.com)  
Submitted on: 2/24/2010

Please vote yes on this bill, reasons why:

-12 states have enacted various forms of decriminalization, replacing criminal sanctions with fine-only penalties (California, Colorado, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon). In no instance have lawmakers recriminalized marijuana after implementing decriminalization.

-In addition, various cities and counties in six other states have decriminalized possession of small amounts of marijuana.

-Decriminalizing possession of one ounce or less of marijuana will save Hawaii approximately \$5 million per year. The primary cost of marijuana criminalization is enforcement; this change would free police to deal with more serious crime.

(Boyd, Lawrence. 2006. The Budgetary Implications of Marijuana Decriminalization for Hawaii.)

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**From:** Shawn James Leavey [shawnjamesleavey@gmail.com]  
**Sent:** Wednesday, February 24, 2010 4:18 PM  
**To:** JGO Testimony  
**Subject:** SB2450 Friday 2/25/10 11am rm 016

*Senate Judiciary Committee  
Friday 2/25/10  
11am agenda  
rm 016*

*SB2450  
Relating to Marijuana  
Strong Support*

Chair Taniguchi, Vice Chair Takamine and Members,

Please pass this decriminalization measure. The biggest danger of cannabis use is that its illegal!! Decriminalization just makes sense given your budget shortfalls. Remove this offense from the criminal system and we'll all be better off for it.

*Aloha (and mahalo!)  
Shawn James Leavey  
PO Box 642  
Honoka`a, HI 96727*



To Senate Committee on Judiciary and Government Operations:

Regarding SB 2450:

I support this bill. There is no logical or ethical reason to have a society that accepts the use of alcohol and tobacco but imposes strict life-changing penalties on the use of a substance as beneficial as cannabis (scientifically proven to treat numerous health ailments probably including what someone you know suffers from). All of the mainstream beliefs about marijuana when it was made illegal (gateway drug, causes mental problems, promotes violence, causes lung cancer) now have scientific findings showing the opposite. Indeed, it seems that most of these beliefs were based on lies and thousands of people have suffered because of it. I believe that the plant should be made legal and the state should educate the people with up-to-date information so that cannabis is no longer blanketed in the cloud of mystery and taboo that kids love to explore and drug dealers love to exploit.

Thank you,

Mike Foley