

HB 2736, HD1

Measure Title: RELATING TO PROMOTION OF CONTROLLED SUBSTANCES.
Report Title: Controlled Substances; Protected Places
Description: Extends prohibition of promoting a controlled substance in, on, or near schools, school vehicles, or public parks to include federal or state public housing projects and complexes. (HB2736 HD1)
Companion: SB2650
Package: None
Current Referral: HMS, JDL
Introducer(s): KEITH-AGARAN, AQUINO, CABANILLA, CHOY, CULLEN, JOHANSON, MANAHAN, NISHIMOTO, RHOADS, SOUKI, YAMANE, McKelvey

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON HUMAN SERVICES

March 13, 2012 1:15 P.M.
Room 016, Hawaii State Capitol

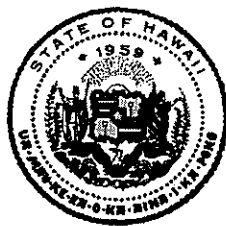
In consideration of
House Bill No. 2736, House Draft 1
Relating to Promotion of Controlled Substances

Honorable Chair and Members of the Senate Committee on Human Services, thank you for the opportunity to provide you with comments regarding House Bill No. 2736 as amended by House Draft 1, relating to promotion of controlled substances.

The Hawaii Public Housing Authority (HPHA) supports enactment of this measure which elevates the crime of promotion of controlled substances in, on, or near public housing projects to Class C felony. This measure will significantly improve the ability of the HPHA to ensure a secure, livable community for our residents. Currently, it is already a Class C felony to promote controlled substances in, on, or near public schools and public parks, so this amendment would bring criminal law in line with respect to public housing. HPHA will continue to work with police to refine our policies and procedures to effectively apply the provision, along with other necessary security improvements.

The HPHA appreciates the opportunity to provide the Senate Committee on Human Services with the agency's position regarding H.B. 2736, H.D. 1. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

JODIE F. MAESAKA-HIRATA
DIRECTOR

MARTHA TORNEY
Deputy Director of
Administration

JOE W. BOOKER, JR.
Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2736 HD1
A BILL FOR AN ACT RELATING TO PROMOTING OF A CONTROLLED SUBSTANCE
Jodie F. Maesaka-Hirata, Director
Department of Public Safety

Senate Committee on Human Services
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

Tuesday, March 13, 2012; 1:15 P.M.
State Capitol, Conference Room 016

Chair Chun Oakland, Vice Chair Ihara, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill 2736 HD1 that proposes to extend the prohibition of promoting a controlled substance in, on, or near schools, school vehicles, or public parks to include public housing projects and complexes. House Bill 2736 HD1 if passed may pose a deterrent to an individual thinking of manufacturing, distributing or possessing an illegal controlled substance in a public housing complex.

Thank you for the opportunity to testify on this matter.



Committee: Committee on Human Services
Hearing Date/Time: Tuesday, March 13, 2012, 1:15 p.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 2736, HD1

Dear Chair Chun Oakland and Members of the Committee on Human Services:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 2736, HD1.

Current law already imposes stiff criminal penalties for the crimes references in this legislation. The additional sentence increases and mandatory minimum sentences will exacerbate the already severe overcrowding of our state prison system and impose a large additional fiscal cost to the state contrary to the goals of the Justice Reinvestment Act.

Further, this bill may worsen racial disparity in prisons and over-criminalize already burdened poor neighborhoods while failing to protect youth from drugs.

Enhanced sentencing and mandatory minimum sentences generate unnecessarily harsh sentences, tie judges' hands in considering individual circumstances, create racial disparities in sentencing and empower prosecutors to force defendants to bargain away their constitutional rights. This Committee should instead consider how to prevent and lessen crimes against children through education and advocacy programs that will empower our youth and their families and the communities that support them.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



the
**Drug Policy
Forum**
o f h a w a i ' i

To: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair and
Members of the Committee on Human Services

From: Jeanne Y. Ohta, Executive Director

Re: HB 2736 HD1 Relating to Promotion of Controlled Substances
Hearing: March 13, 2012, 1:15 p.m., Room 016

Position: STRONG OPPOSITION

The Drug Policy Forum of Hawai'i writes in strong opposition to HB 2736 HD1 Relating to Promotion of Controlled Substances, which would add public housing projects to areas that provide for enhanced penalties and mandatory minimum sentences for distributing or possessing with intent to distribute controlled substances. DPFH is also opposed to the senate version of this measure.

In 2006, the Justice Policy Institute ("Disparity by Design") found that policies such as these which heighten penalties for drug activity near schools, playgrounds, and other designated locations fail to protect youth from drug sales and worsen racial disparity in prisons. While not achieving the intended goals, these laws contribute to unacceptably high levels of racial disparity in the use of incarceration and subject people of color to stiffer punishment.

The laws blanket densely-populated areas with overlapping zones and are frequently applied to transactions that take place in private residences, far from schools, and with no children present. The reason these laws create disparities is that urban areas have denser populations. The net that is cast by the 750 foot perimeter includes more people in Kalihi than in Kahala. This measure in particular targets poor people by including state housing projects and increases time spent in prison because of the mandatory sentencing provisions.

A task force is currently working on recommendations as a result of another Justice Policy Institute report: "The Disparate Treatment of Native Hawaiians in the Criminal Justice System;" and another set of recommendations have been made by the Justice Reinvestment Initiative. The proposals in this measure go against some of these recommendations, in essence they are the sort of policies that add to the problems that those two initiatives are now attempting to correct.

Sufficient criminal laws already exist that prohibit the sale and possession of illegal drugs. These types of increased sanctions only increase costs to taxpayers without increasing public safety.

We respectfully request that this measure be held. Thank you for this opportunity to provide testimony on this important matter.

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P.O. Box 241042
Honolulu, HI 96824-1042

Phone: (808)-988-4386
Fax: (808) 373-7064

Email: info@dpfhi.org
Website: www.dpfhi.org

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 2:56 PM
To: HMS Testimony
Cc: toddhairgrove@hotmail.com
Subject: Testimony for HB2736 on 3/13/2012 1:15:00 PM

Testimony for HMS 3/13/2012 1:15:00 PM HB2736

Conference room: 016
Testifier position: Support
Testifier will be present: Yes
Submitted by: Todd Hairgrove
Organization: Individual
E-mail: toddhairgrove@hotmail.com
Submitted on: 3/12/2012

Comments:
Please Pass