

NEIL ABERCROMBIE
GOVERNOR



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EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON HOUSING

February 8, 2012 9:10 A.M.
Room 325, Hawaii State Capitol

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

Honorable Chair and Members of the House Committee on Housing, thank you for the opportunity to provide you with comments regarding House Bill No. 2736, 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 a 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 House Committee on Housing with the agency's position regarding H.B. No. 2736. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.



the
**Drug Policy
Forum**
of hawai'i

February 8, 2012

To: Rep. Rida Cabanilla, Chair
Representative Ken Ito, Vice Chair and
Members of the Committee on Housing

From: Jeanne Y. Ohta, Executive Director

Re: HB 2736 Relating to Promotion of Controlled Substances
Hearing: February 8, 2012, 9:10 a.m., Room 325

Position: **STRONG OPPOSITION**

The Drug Policy Forum of Hawai'i writes in strong opposition to HB 2736 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.

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.

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.

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

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