

SB 1460



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Ways and Means

Senator David Y. Ige, Chair
Senator Michelle Kidani, Vice Chair
Friday, February 25, 2011, 9:00 a.m.
State Capitol, Conference Room 211

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1460, S.D. 1, Relating to Marijuana.

Purpose: Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100, and establishes an adjudicatory structure for its enforcement. Deletes reporting requirements of board of education for students possessing one ounce or less of marijuana. Clarifies that medical marijuana patients and primary caregiver may assert affirmative defense to prosecution, criminal or civil, involving possession of one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of courts to require a defendant to undergo and complete substance abuse treatment for probation violation. Clarifies definition of detrimental drug to exclude one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from offenses of promoting a detrimental drug in the second degree and third degree. Clarifies a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law. Effective 7/1/2050.

Judiciary's Position:

The Judiciary takes no position on the merits of the bill but offers the following comments:



Senate Bill No. 1460, S.D. 1, Relating to Marijuana
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The bill will require the creation of a new citation book, or modification of existing citation books, to provide for this type of violation. The Judiciary is responsible for creating, printing and distribution of citation books to law enforcement. Therefore, additional printing costs will incur should this bill pass into law. For example, the Judiciary recently printed 25,000 new citations (total 1,250 books containing 20 citations each book) for the First Circuit, which totaled \$9,800.

Should this bill be enacted, the Judiciary requests that the Legislature afford the Judiciary time to address issues related to creation, printing, and distribution of the new citation books, as well as address any court rules that may need to be issued to address this new type of civil violation. This would also include the need to modify existing case management systems to provide for data entry of the charge as a civil violation rather than a criminal charge. For example, modifications to the case management system would need to be discussed as the Judiciary would need to address such issues as the violation not appearing on a criminal abstract, data not transferred to CJIS as a criminal charge, and automatic printing of default judgments. In addition, as these are civil fines, the methodology to transfer the outstanding fines would need to be developed for transmittal to the collections agency. A suggested date of July 2012 provides the Judiciary with the time to address these operational, logistical and technology issues.

Thank you for the opportunity to provide comments on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

S.B. NO. 1460, S.D. 1, RELATING TO MARIJUANA.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Friday, February 25, 2011 TIME: 9:00 a.m.

LOCATION: State Capitol, Room 211

**TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Mark K. Miyahira, Deputy Attorney General,
at 586-1160.**

Chair Ige and Members of the Committee:

The Department of the Attorney General opposes this bill.

The purpose of this bill is the following:

- (1) decriminalize the possession of one ounce or less of marijuana by making it a "civil violation" that would result in the imposition of a fine not to exceed \$100;
- (2) delete the reporting requirements of the Board of Education for students possessing one ounce or less of marijuana;
- (3) clarify that medical marijuana patients and primary caregivers may assert medical use of marijuana as an affirmative defense to civil prosecution under the decriminalization provisions;
- (4) prohibit the Hawaii Paroling Authority from requiring a paroled prisoner, found to be in possession of one ounce or less of marijuana, to undergo and complete a substance abuse treatment program;
- (5) prohibit a court from requiring a defendant to undergo and complete a substance abuse treatment program, when the defendant, while on probation, has been found in possession of one ounce or less of marijuana;
- (6) clarify the definition of a detrimental drug to exclude one ounce or less of marijuana;
- (7) clarify that possession of one ounce or less of marijuana does not constitute the offense of promotion of a detrimental

drug in the third degree; and (8) clarify that a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law.

Section 3 of this measure proposes to decriminalize the possession of one ounce or less of marijuana. Decriminalization of marijuana is not appropriate. The possession of marijuana is illegal under federal law. Under Hawaii law, the possession of less than an ounce of marijuana is a petty misdemeanor offense, promoting a detrimental drug in the third degree, in violation of section 712-1249, Hawaii Revised Statutes. Hawaii has made a limited and controlled exception for those who need marijuana for medical purposes. There is no reason to reduce the offense from a petty misdemeanor to a "civil violation." Therefore, the other provisions decriminalizing possession of one ounce or less of marijuana in other circumstances are also not appropriate.

Furthermore, the decriminalization of possession of one ounce or less of marijuana may also have the wide ranging and unwanted effect of preventing the prosecution of drug dealers.

It is not uncommon in street sales involving marijuana for the marijuana to be packaged and sold in quantities of one-fourth, one-eighth, and one-sixteenth of an ounce, or as individually rolled marijuana cigarettes (joints). According to various sources and studies, one ounce of marijuana can produce as many as fifty-six marijuana joints. Therefore, a dealer of marijuana could be found to be in possession of as little as one ounce (28.35 grams) of marijuana that may be individually packaged into small quantities or as marijuana joints for sale. Possession of one ounce of marijuana, packaged in a manner as described above, may be evidence of the possessor's intent to distribute the marijuana.

Presently, a Board of Education's rule requires Department of Education (DOE) officials, teachers, and other employees, who know or have reason to believe that a crime, including the possession of any amount of marijuana, has been committed or will be committed on school property during school hours or during activities supervised by the school, to make a report to appropriate authorities.

Section 5 of this measure will modify this rule so that DOE employees will not have to report crimes involving the possession of one ounce or less of marijuana. This broad restriction may have the unwanted effect of preventing the prosecution of drug dealers, adults and minors, who are found in possession of one ounce or less of marijuana, which has been packaged for distribution.

Furthermore, given that the Legislature acknowledges in the purpose section of the measure that they do not intend to imply that possession of one ounce or less of marijuana is acceptable, and in fact is still prohibited conduct, there appears to be no logical justification to not require DOE employees to continue reporting crimes involving the possession of any amount of marijuana to the appropriate authorities.

This measure may also have the unintended effect of preventing convicted defendants from receiving appropriate substance abuse treatment. At present, the Hawaii Paroling Authority may require a paroled prisoner, found to be in possession of any amount of marijuana, to undergo and complete a substance abuse treatment program. Similarly, a court may require a defendant, found in possession of any amount of marijuana while on probation, to undergo and complete a substance abuse treatment program. Sections 7 and 8 would prohibit the Hawaii Paroling Authority and the courts from

ordering a convicted defendant, found in possession of one ounce or less of marijuana, from undergoing and completing substance abuse treatment. These broad restrictions may prevent convicted defendants from receiving appropriate substance abuse treatment.

Furthermore, the Department is concerned that some of the data provided in PhD's Lawrence W. Boyd's report, "The Budgetary Implications of Marijuana Decriminalization and Legalization for Hawaii," may be incorrectly interpreted.

Section 1, the purpose section, states in part, "Furthermore, of the misdemeanor marijuana drug cases brought in district court, approximately sixty-five per cent are dismissed, stricken, or not prosecuted. A relatively small proportion, approximately twenty-five per cent, result in convictions. As the decriminalization study concludes: 'Few [of those arrested for marijuana possession] are actually prosecuted under the law, fewer convicted, and virtually none serve jail time.'"

Dr. Boyd's report and data may not accurately reflect the number of cases that are actually being prosecuted, since the cases that are categorized by Dr. Boyd under the "By Discharge/Dismissal" column also include cases that are eventually dismissed or discharged pursuant to a deferral of plea under section 853-1, Hawaii Revised Statutes, or a conditional discharge under section 712-1255, Hawaii Revised Statutes.

Under these two statutes, a court may defer the entrance of a guilty plea and defer proceedings for a specified period, while placing the person on a period of probation or deferral and order the person to complete and comply with specified terms and conditions, which may include paying a fine, performing community service work, and attending appropriate classes. At the end of the specified period, if the person has completed and

complied with the terms and conditions set by the court, the court will discharge the person and dismiss the case.

Although these cases will be dismissed, there has been a prosecution. Footnote no. 12 of the study acknowledges that some individuals were offered deferred pleas.

The Department respectfully requests that this measure be held.

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THE HONORABLE DAVID Y. IGE, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

February 25, 2011

RE: S.B. 1460, S. D. 1; RELATING TO MARIJUANA.

Chair Hee, Vice-Chair Shimabukuro, members of the Judiciary and Labor Committee, Chair Green, Vice-Chair Nishihara, and members of the Senate Committee on Health, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to S.B. 1460, S.D. 1.

The purpose of this bill is to change possession of one ounce or less of marijuana from a criminal offense to a civil violation with a maximum fine of \$100.00, exclude one ounce or less of marijuana from the definition of "detrimental drug," and preclude the Courts and Hawaii Paroling Authority from requiring substance abuse treatment for defendants or paroled prisoners found in possession of less than one ounce of marijuana.

The Department believes that lowering these types of offenses to a civil violation with maximum \$100.00 fine would severely decrease the level of deterrence presented by current laws, and diminish the message to would-be offenders that this type of activity is unacceptable. Indeed, the proposed bill would make possession of marijuana (one ounce or less) about as egregious as a minor traffic infraction, such as littering (minimum \$100.00 fine, maximum \$500.00 fine), carpool lane violation (maximum \$75 fine), cracked windshield (maximum \$100.00 fine), or disabled persons failing to display their valid handicapped parking permit (maximum \$100.00 fine).

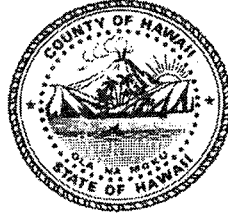
Thus, the level of offense and enforcement proposed by S.B. 1460, S.D. 1 significantly discounts the gravity of this marijuana possession, particularly as marijuana continues to be categorized as a Schedule 1 controlled substance, under both State and Federal law. We would

also note that Federal drug schedules were just recently reviewed and updated in January 2011. Given the widespread abuse and negative impacts of marijuana in our community, the Department strongly maintains that possession of marijuana should continue to be strictly regulated and enforced. As S.B. 1460, S.D. 1 indicates that current arrest and conviction rates for possession of marijuana are currently too "low," the Department will also continue to work with local law enforcement to see how current enforcement can be increased and improved upon.

For this reason, the Department of the Prosecuting Attorney opposes S.B. 1460, S.D. 1. Thank you for this opportunity to testify.

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OFFICE OF THE PROSECUTING ATTORNEY

Testimony in Opposition to SB 1460 Relating to Marijuana

Committee on Ways and Means
Senator David T. Ige, Chair
Senator Michelle Kidani, Vice Chair

February 25, 2011

9:00 a.m.

State Capitol, Conference Room 211

Senator Ige Members of the Committees:

The Hawaii County Office of the Prosecuting Attorney strongly opposes Senate Bill 1460.

The purpose and intent 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 and to make marijuana more socially acceptable.

The bill is premised on the faulty assumption that the State can save a lot of money if minor marijuana cases were made into a civil violation. This assumption is based on faulty math and logic by Lawrence Boyd of the University of Hawaii. Mr. Boyd seems to believe that law enforcement spends a large sum of money on minor marijuana cases that are not related to other matters. The methodology used by Boyd to come up with this faulty assumption are as follows:

1. Determine the percentage of all Hawaii arrests for marijuana possession.
2. Determine the criminal justice budget for Hawaii.
3. Multiply the first number by the second.¹

Boyd does not distinguish if the arrest was a stand alone arrest (one that is for marijuana only), or for one that is made in conjunction with a separate criminal incident. Furthermore, Boyd does not distinguish if the arrests are for felony or misdemeanor offenses. He seems to lump all marijuana cases together.

Furthermore, Boyd's assumptions appear to have been made without even consultation with police or prosecutors and appear to have no understanding of what police and prosecutors do or how much time is spent on these cases.

For example, even if this bill made minor marijuana usage a civil violation, the same amount of work on the part of the prosecutor's offices would have to be done to prosecute the case. If the

¹ The Budgetary Implications of Marijuana Decriminalization and Legislation for Hawaii: Boyd 2007

Defendant were to challenge the case, a prosecutor would be assigned to prepare and try the case. The police lab would still be required to do the tests to determine that the suspected marijuana was in fact marijuana.

The faulty fiscal reasons are not the only reason to hold this bill. The message this bill sends to youth is a costly one.

As you are aware, marijuana usage by high school students is high in the state of Hawaii. This bill deletes the reporting requirements of the Board of Education for students possessing one ounce or less of marijuana without taking into consideration the harmful effects on health and behavior of our Island youth.

- According to the National Survey on Drug Use and Health, the percentages of youth engaging in delinquent behaviors was higher among past year marijuana users than among those who had not used marijuana.²
- Also, for all delinquent behaviors examined by this survey, the percent of youth engaging in the delinquent behavior rose with increasing frequency of past year marijuana use.
- Marijuana and underage drinking are linked to higher dropout rates. Students who drink or use drugs frequently are up to five times more likely than their peers to drop out of high school.³
- Marijuana use is three times more likely to lead to dependence among adolescents than among adults. Research also indicates that the earlier kids start using marijuana, the more likely they are to become dependent on this or other illicit drugs later in life.⁴

In looking at Senate Bill 1460, 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 SB 1460. 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).

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 1460. 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

² The National Survey on Drug Use and Health: The NSDUH Report, January 9, 2004.

³ The National Center on Addiction and Substance Abuse at Columbia University (CASA). Malignant neglect: Substance abuse and America’s schools. New York: Columbia University, 2001.

⁴ Youth Marijuana Prevention Initiative: The NCADI Report. U.S. Department of Health and Human Services, October 2002.

marijuana laws as proposed in SB 1460. 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 work; 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 (also known as DUI). Over 30 % of vehicular homicides and negligent injuries involve alcohol and use of marijuana. This is a serious and understated problem.

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 1460. 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 these reasons, the Hawaii County Office of the Prosecuting Attorney does not support SB 1460 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.



LAW ENFORCEMENT AGAINST PROHIBITION

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For SB 1460 SD1

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Major Neill Franklin, on behalf of
LAW ENFORCEMENT AGAINST PROHIBITION (LEAP)

Re: Senate Bill 1460 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Support

Distinguished members of the Committees, thank you very much for the opportunity to present the views of Law Enforcement Against Prohibition (LEAP) in support of SB 1460 SD1.

For thirty-three years, I served as an officer for the Maryland State Police and Baltimore Police. Early in my career with the Maryland State police, I was an undercover narcotics agent, focusing on everything from high-level drug dealers in the Washington suburbs to the guy growing one pot plant on his apartment balcony. I oversaw seventeen drug task forces over the course of my career.

More recently, I became the executive director of LEAP. LEAP is an association of current and former law enforcement officers, prosecutors, judges and criminal justice professionals at every level of government who are speaking out about the failure of our drug policy as well as our civilian supporters. LEAP has 101 members in Hawaii.

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

Decriminalizing marijuana by passing SB 1460 SD1 is a strong 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.

SB 1460 SD1 is a well-developed bill to remove the criminal penalty for personal use. The bill maintains society's disapproval of marijuana use by continuing a civil penalty of up to \$100 for such possession. It recognizes that marijuana is a substance that can be abused like any other, but also finds that the benefits of establishing a civil violation for the possession of small amounts of marijuana far outweigh the benefits of criminal treatment of marijuana possession. This finding is consistent with my decades of experience in law enforcement.

First, this bill will provide important efficiencies in resources. These are well documented in the studies by Lawrence Boyd and Jeffrey Miron cited in the text of the bill. Specifically to law enforcement, passing this bill will allow police who are tied up in booking rooms and courts dealing with marijuana arrests to focus on much higher priority law enforcement matters at a time when resources for public safety are scarce and stretched thin.

Second, in addition to the important cost-saving benefits, this bill will provide a much-needed improvement to society by allowing citizens to have a second chance. As I have seen firsthand, arrests and criminal convictions hurt citizens and families in a life-altering way. People with criminal convictions have great difficulty finding jobs. They may lose their opportunity for federal financial aid for college. Their families are hurt and stressed and the person who is arrested is most often unable to reach their full potential.

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 recent 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,

A handwritten signature in black ink, appearing to read "Neill Franklin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Neill Franklin
Executive Director

Action the Drug Policy
Group

A sister organization of the Drug Policy Forum of Hawai'i
PO Box 61233, Honolulu, HI 96839 ~ (808) 988-4386

Dedicated to safe, responsible, and effective drug policies since 1993

TO: Senate Committee on Ways and Means

FROM: Pamela Lichty, MPH
President

DATE: February 25, 2011, 9:00 a.m., room 211

RE: S.B. 1460, S.D. 1 RELATING TO MARIJUANA – IN SUPPORT

Aloha Chair Ige, Vice Chair Kidani and members of the Committee. My name is Pam Lichty and I'm testifying in support of this measure on behalf of the Drug Policy Action Group.

S.B. 1460, S.D. 1, which would move the possession of an ounce or less of marijuana from a petty misdemeanor to a civil infraction makes a great deal of sense and is very similar to a measure that the Senate passed out last year.

We have no objections to the changes made to this draft which explain the adjudicatory process that will be used, which is similar to that for traffic violations. We also have no objections to the clarification that the state still disapproves of marijuana use and that driving under the influence of marijuana and other infractions are not impacted. And we are pleased to see the clarification that the medical marijuana law will not be effected since these are in two separate, though related, issues.

The findings section of the bill summarizes many of the arguments well and correctly emphasizes that in the current economic climate, this move makes sense on many levels.

Let me just make a few points which are backed up by some of the studies cited in the bill itself:

- Decriminalizing marijuana frees the police to deal with more important crimes

- The current status of possession of small amounts of marijuana – a petty misdemeanor – does not deter use. Studies show that the legal status of marijuana possession has no correlation with the rates of use.
- Changes to the law in the 13 other states (plus cities and counties) that have decriminalized have not effected use among either youths or adults. None of these states has re-criminalized marijuana possession.
- Decriminalizing marijuana frees up police and judicial resources to deal with more serious crimes.
- Enacting this bill would save the state millions of dollars annually. According to the Boyd report cited in the bill, “State and county law enforcement agencies spend \$4.1 million per year to enforce marijuana possession laws; and an additional \$2.1 million is spent by the courts.”
- National and Hawai`i polling indicates that the majority of U.S. residents agree that people should not be subject to criminal penalties for simple marijuana possession.
- There is no evidence that using marijuana has a gateway effect to other more harmful drugs (Institute of Medicine report, 1999).
- Criminal penalties for possession of small amounts of marijuana saddle those arrested with a damaging criminal record that can make it impossible for an otherwise law-abiding citizen to obtain a job, housing, or student loans.

We believe that evidence from other jurisdictions and analysis of Hawaii’s situation strongly argue for adoption of this measure. Public opinion is rapidly evolving on this issue in the direction of liberalizing cannabis laws. Indeed the *Honolulu Star Advertiser* had a strong lead editorial on February 9th urging the Legislature to “Adopt [a] Lesser Pot Penalty.”

As President Jimmy Carter declared in a message to Congress on August 2, 1977, “Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use.”

We ask the Committees to pass this bill on to the full Senate with a strong recommendation. Mahalo for the opportunity to testify.

PEACEFUL SKY ALLIANCE

P.O. Box 10896 Hilo HI 96721 www.peacefulskyalliance.org phone 808 938 0644

“Citizens dedicated to implementing the Lowest Law Enforcement Priority of Cannabis Ordinance...”

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

Aloha from the Big Island,

The Peaceful Sky Alliance appreciates this opportunity to submit testimony for SB 1460 SD1.

In November 2008, more than 35,500 Hawai'i County residents passed the Lowest Law Enforcement Priority of Cannabis Ordinance. This represented 53.1% of the votes cast.

Although the law may be imperfect, and Hawai'i County Police and Prosecutors are not implementing it, I think it is important to share with you a portion of it:

Section 14-96 – Purpose

The purpose of this article is to:

- 1) Provide law enforcement more time and resources to focus on serious crimes;*
- 2) Allow our court systems to run more efficiently;*
- 3) Create space in our prisons to hold serious criminals;*
- 4) Save tax payers money and provide more funding for necessities such as education and health care; and*
- 5) Reduce the fear of prosecution and the stigma of criminality from non-violent citizens who harmlessly cultivate and/or use cannabis for personal, medicinal, religious and recreational purposes.*

(2008, Ord. No. 08-181, Sec. 2, 14-96)

The residents of this island do not feel that people should be turned into criminals or have a petty misdemeanor on their record for the personal use of cannabis. We have seen the absurd waste going into the prosecution of minor drug offences. The LLEPCO is our attempt to direct the police and prosecutors to focus on more serious crimes.

We have seen people charged for possessing \$20 worth of cannabis. The fine and fees collected by the state was \$350. Yet, what it cost to prosecute this person? There were many people involved in the process: the judge, two court clerks, a bailiff, several Sheriffs, the deputy prosecutor and public defender. The police officer involved has to show up in court at least once, and is therefore not out fighting crime. There is terrible waste of tax payer money going on. The streets are no safer because this person was convicted of a petty misdemeanor.

I will also point out that in 2008, 65% of Massachusetts voters passed a similar initiative to SB 1460. This was more votes than President Obama received. It has been two years since this became law, and the sky has not fallen over Massachusetts. There is not rampant crime in the streets. There is not chaos on the roadways with drugged drivers. Life seems fairly normal. Of course, over time as more information becomes available, we may have to revise that opinion. But, at present, the world as we know it has not changed substantially.

On January 1st of this year, in California, SB1449 became law. It changes possession of marijuana from a petty misdemeanor to a civil infraction...no court appearance, no court costs, no record. It was signed into law by the *Republican* governor prior to the vote on Proposition 19 because it made fiscal sense.

I hope that the message from Hawai'i County reaches you in Oahu loud and clear...minor marijuana possession is not a crime and it is time to have our law reflect this.

Respectfully submitted,

Matthew Rifkin
Vice President

TAXBILLSERVICE

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TAX FOUNDATION OF HAWAII

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SUBJECT: TAX APPEALS, Small claims tax appeals

BILL NUMBER: SB 34, SD-1

INTRODUCED BY: Senate Committee on Judiciary and Labor

BRIEF SUMMARY: Amends HRS section 232-5 to provide that the tax appeal court: (1) shall not allow pretrial discovery; and (2) shall provide that costs and fees awarded to the prevailing party shall be limited to the fees paid directly to the court in conducting the tax appeal at issue.

EFFECTIVE DATE: July 1, 2050

STAFF COMMENTS: The proposed measure would clarify that pretrial discovery is not allowed in the small claims division of the tax appeal court. While pretrial discovery is permitted in the civil courts, the small claims court is meant to handle claims quickly and cheaply. Legal representation is not permitted in small claims trials, but an attorney may be consulted with prior to trial.

Digested 2/23/11



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

February 25, 2011

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Jeanne Y. Ohta, Executive Director

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

The Drug Policy Forum of Hawai'i writes in strong support of SB 1460 SD1 Relating to Marijuana which makes the possession one ounce or less of marijuana a civil offense and imposes a fine of not more than \$100. We have no objections to the amendments made in SD1.

A study by University of Hawai'i West Oahu Economist Lawrence W. Boyd found that making possession of marijuana a civil penalty could save the state \$5 million annually. The primary cost of marijuana criminalization is enforcement; this change would free police to deal with more serious crime.

The savings are not only economic. Although the current penalty is a petty misdemeanor, punishable by a fine of \$1,000 and up to 30 days in jail, the collateral consequences of a criminal conviction are grave. Criminal records prevent some from obtaining federal student loans; prevent employment in certain jobs, even decades after the conviction; and prevent some from federal or state housing programs.

Public support changing marijuana laws has grown. In total, 13 states have decriminalized possession of marijuana, replacing criminal sanctions with fine-only penalties (Alaska, California, Colorado, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon). In no instance have lawmakers recriminalized marijuana after implementing decriminalization.

Voters support the decriminalization of marijuana. In November 2008, 53% of voters in Hawai'i County voted to make marijuana possession the "lowest law enforcement priority." That initiative directs law enforcement officials to treat the adult personal use of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for marijuana eradication and for enforcing potential offenses for adult personal use.

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Also in November 2008 65% of Massachusetts voters approved a decriminalization initiative which makes possession of up to an ounce of marijuana a civil citation punishable by a \$100 fine.

These recent trends confirm a 2004 poll of 501 adults conducted by QMark Research and Polling (Hawai`i) found that 60 percent strongly feel that adults should not go to jail for possessing marijuana for personal use. The same percentage, 60 percent, believed that the decades-long "war on drugs" is a failure. And a strong majority (56 percent) said that Hawai`i's seven-year old medical marijuana law makes it more likely to support a taxation and regulation policy for marijuana.

There are many myths about marijuana. Decriminalization does not lead to increased marijuana use. Research on the effects of marijuana decriminalization has tended to find either no relationship or a weak positive relation between marijuana decriminalization and drug use. The Cato Institute reported that while Portugal decriminalized all drugs in 2001, "none of the nightmare scenarios touted by pre-enactment decriminalization opponents—from rampant increases in drug usage among the young to transformation of Lisbon into a haven for "drug tourists"—has occurred."¹ In fact, compared to many European Union countries, teens in Portugal have among the lowest levels of cannabis use. (*See Figure 1*)

The report also says, "That while there is a widespread perception that bureaucratic changes need to be made to Portugal's decriminalization framework to make it more efficient and effective, there is no real debate about whether drugs should once again be criminalized."

Potency of Marijuana

There have been claims that today's marijuana is "not your grandfather's marijuana." According to the University of Mississippi's Potency Monitoring Project's 2009 report, the average THC (the psychoactive ingredient) in domestically grown marijuana, which comprises the bulk of the U.S. market—is less than 5%, a figure that has been unchanged for the last decade.

Marijuana—Not a Gateway Drug

Marijuana is not now, nor has ever been a "gateway drug." The National Academy of Sciences found, "there is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs."²

"Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use."³

The State of Hawaii is facing a severe financial crisis. It is absolutely necessary to evaluate our laws and policies on drugs; are they working and are they effective? And what are they costing the state? Our current marijuana policy is a failed one. Decriminalizing the possession of one ounce or less of marijuana will allow us to focus law enforcement and criminal justice resources on more dangerous drugs and on solving and preventing violent crime. It benefits our community both financially and socially. We urge the committee to pass this measure. Thank you for allowing us to present testimony today.

¹ Greenwald, Glenn, "Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies," Cato Institute, 2009, pg. 1.

² National Academy of Sciences, Institute of Medicine, 199, *Marijuana and Medicine: Assessing the Science Base*, National Academy Press, Washington, DC, 5, 6.

³ President Jimmy Carter, Message to Congress, August 2, 1977.

FREQUENTLY ASKED QUESTIONS:

Do people use marijuana more in legal or decriminalized states?

- “California, the state with the largest and longest-running medical marijuana program, ranked 34th in the percentage of persons age 12-17 reporting marijuana use in the past month during the period 2002-2003.” *Congressional Research Service, 2010.*
<http://www.fas.org/sgp/crs/misc/RL33211.pdf>
- “The available evidence suggests that removal of the prohibition against possession itself (decriminalization) does not increase cannabis use.” *British Journal of Psychiatry, 2001.*
<http://bjp.rcpsych.org/cgi/reprint/178/2/123.pdf>

Are people arrested for possessing marijuana?

- An estimated 758,593 people were arrested for marijuana possession (not trafficking or sales) in 2009. Arrests for marijuana possession have risen from about a third to about a half of all drug abuse violation arrests over the fifteen year 1995-2009 period. *FBI Uniform Crime Reports 1970-2009.* http://www.fbi.gov/ucr/cius2009/data/table_29.html and <http://www.fbi.gov/ucr/cius2009/arrests/index.html>
- “We observe that the annual risk of misdemeanor arrest for those 12–17 (6.6 percent) is more than twice the rate for the full population (3.0 percent).” *RAND Corporation, 2010.*
http://www.rand.org/pubs/occasional_papers/2010/RAND_OP315.pdf

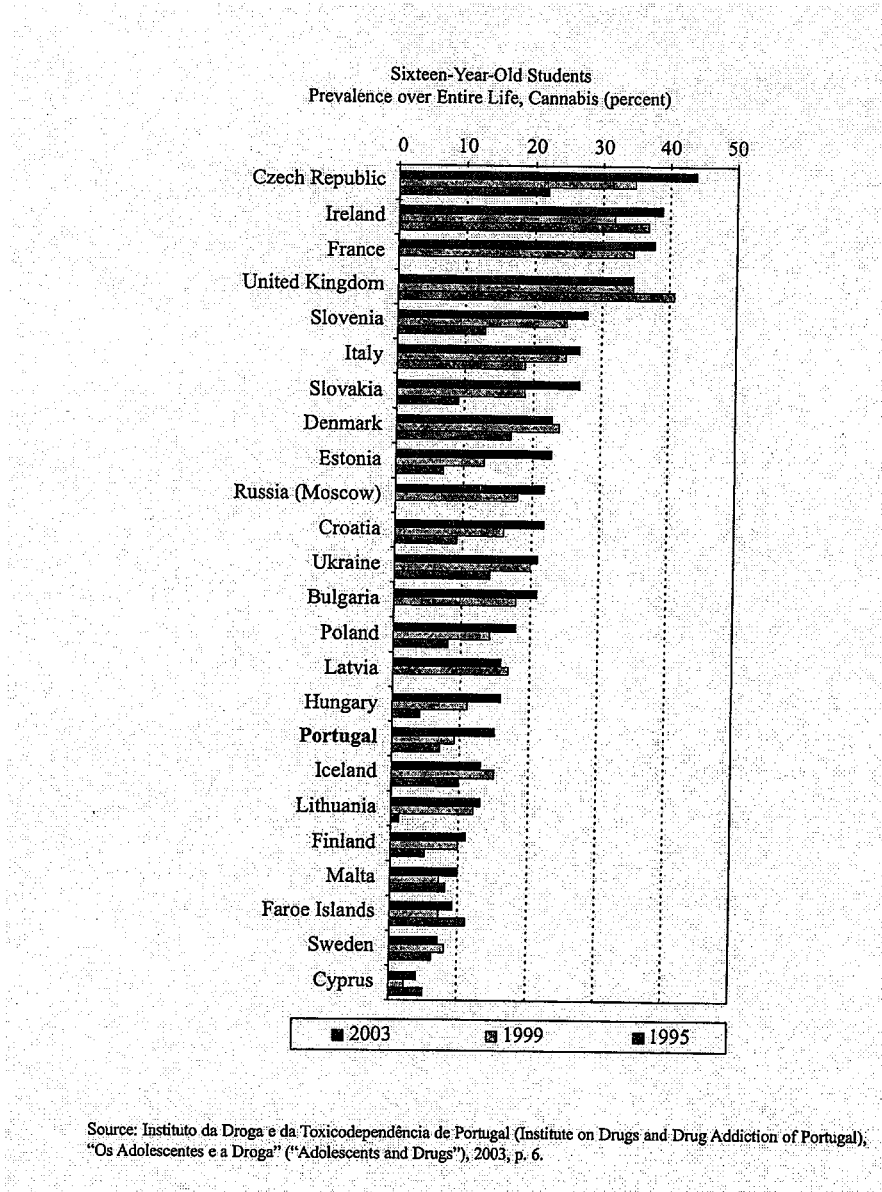
Do criminal penalties deter marijuana use?

- “Our findings do not support claims that criminalization reduces cannabis use and that decriminalization increases cannabis use.” *American Journal of Public Health, 2004.*
<http://ajph.aphapublications.org/cgi/reprint/94/5/836>
- Despite a federal ban and criminal penalties that vary among the 50 states, 117 million Americans are estimated to have tried marijuana at least once according to 2009 data, up by +9.7% from 108 million in 2002. *SAMSHA, 2010.*
<http://www.oas.samhsa.gov/nsduh/2k8nsduh/2k8Results.pdf>

Is marijuana treatment voluntary?

- “More than half (58 percent) of primary marijuana admissions were referred to treatment through the criminal justice system.” *SAMSHA, 2005.*
<http://www.oas.samhsa.gov/2k5/MJreferrals/MJreferrals.pdf>

Figure 1
European School Survey Project on Alcohol and Other Drugs



Portugal which has decriminalized all drugs has among the lowest rates of teen use of cannabis of European Union countries

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 11:55 AM
To: WAM Testimony
Cc: rev@holyhempministry.org
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Rev Elijah Stutes
Organization: Holy Hemp Ministry
Address:
Phone:
E-mail: rev@holyhempministry.org
Submitted on: 2/24/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 11:18 AM
To: WAM Testimony
Cc: millerr001@hawaii.rr.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM
Attachments: SB1460 SD1 civil fine for 1 ounce or less of MJ.docx

Categories: Green Category

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: Yes
Submitted by: Richard S. Miller
Organization: Individual
Address:
Phone:
E-mail: millerr001@hawaii.rr.com
Submitted on: 2/24/2011

Comments:

I am resubmitting because I may have omitted the file name of my testimony in my last try.
I hope to be present for the hearing.

RSM

A BILL FOR AN ACT

RELATING TO MARIJUANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that certain state policies should be revised in response to our current economic climate. One of these policies relates to criminal offenses that prohibit the possession of one ounce or less of marijuana. Maine, Massachusetts, Nebraska, and New York, and cities in Michigan and Missouri have enacted laws or ordinances that make the possession of small amounts of marijuana subject to a civil violation. Other states, counties, and cities have decriminalized marijuana possession in other ways or have made the prosecution of marijuana possession the lowest police priority. The legislature finds that in Hawaii, as in these other areas, the benefits of establishing a civil violation for the possession of small amounts of marijuana far outweigh the benefits of the current criminal treatment of this offense.

The legislature finds that the costs to enforce criminal marijuana possession statutes are substantial. According to a

report entitled *The Budgetary Implications of Marijuana Decriminalization and Legalization for Hawai'i*, dated March 2007, (decriminalization study) by Lawrence W. Boyd, Ph.D, an economist from the University of Hawaii West Oahu, state and county law enforcement agencies spend \$4,100,000 per year to enforce marijuana possession laws, and an additional \$2,100,000 is spent by the courts each year to process marijuana possession cases. The decriminalization study indicates that less than two per cent of all arrests in Hawaii between the years of 1997 and 2004 were for marijuana possession. Furthermore, of the misdemeanor marijuana drug cases brought in district court, approximately sixty-five per cent are dismissed, stricken, or not prosecuted. A relatively small proportion, approximately twenty-five per cent, result in convictions. As the decriminalization study concludes: "Few [of those arrested for marijuana possession] are actually prosecuted under the law, fewer convicted, and virtually none serve jail time. Of those convicted, probation is the usual sentence for first time offenders." Clearly, although the cost to enforce marijuana possession laws is substantial, the resulting conviction rate is low.

The legislature finds that the low conviction and arrest rates do not act as a deterrent to marijuana users. The decriminalization study compared the findings of a study

surveying the number of households engaged in the regular use of marijuana with actual arrest rates. The results of this comparison indicate that the risk of arrest is between 1.54 per cent and 2.16 per cent in any given year for members of households in which there is regular marijuana use. According to the decriminalization study, the chance of a marijuana user being arrested and convicted is approximately 0.4 per cent. It is clear that the arrest and conviction risks associated with marijuana use do not act as a deterrent to marijuana use, and few of those who use marijuana on a regular basis experience the consequences of these risks, notwithstanding the costs to enforce the criminal statutes prohibiting such conduct.

Some form of marijuana possession decriminalization has been passed in eighteen other states, whether statewide or in cities or municipalities. Studies evaluating the effects on states that have reduced the penalties imposed for marijuana possession have shown that those states have not suffered negative consequences. According to a report prepared by the Connecticut Law Revision Commission for the Judiciary Committee of the Connecticut General Assembly, studies of states that have reduced penalties for possession of small amounts of marijuana have found that:

- (1) Expenses for arrests and prosecution of marijuana possession offenses were significantly reduced;

- (2) If marijuana use increased, it increased less in states with reduced penalties when compared to states that did not reduce their penalties, and "the largest proportionate increase occurred in those states with the most severe penalties"; and
- (3) Reducing the penalties for marijuana possession has virtually no effect on either the choice or frequency of use of alcohol or illegal "harder" drugs such as cocaine.

Additionally, studies discussed in a report prepared in 2003 by Jeffrey A. Miron, an economics professor at Boston University, suggest that "decriminalization has little impact on marijuana use[.]" As noted by Professor Miron, if enforcement of marijuana laws already provides little disincentive to use, there is no reason to expect a substantial increase in marijuana use if decriminalization occurs. Further, minor non-violent criminal offenses utilize scarce state and county resources and clog our overburdened court system.

Clearly, the cost of enforcing laws criminalizing the possession of one ounce or less of marijuana greatly outweighs the benefits of doing so. Recently, the federal Department of Justice released new guidelines addressing the enforcement of marijuana and medical marijuana laws. The guidelines reverse federal policy by instructing federal officers not to go after

marijuana users or suppliers who comply with their states' medical marijuana laws. In Hawaii county, a voter initiative was passed in 2008 by a majority of 35,000 voters that directs county law enforcement officials to treat the "adult personal use" of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for the marijuana eradication program and for enforcing potential offenses for the adult personal use of marijuana. Eleven other cities in the United States have passed similar voter initiatives or ordinances instructing local law enforcement to make enforcement of marijuana prohibitions their lowest police priority.

By making possession of one ounce or less of marijuana a civil violation, the legislature does not intend to imply that such possession is acceptable. Possession of one ounce or less of marijuana is still prohibited conduct under this Act; it will simply be handled in a different, more appropriate manner. Moreover, this Act does not amend laws regarding driving under the influence of marijuana or other criminal infractions committed under the influence or infractions pertaining to sales or manufacturing. This Act also does not amend laws regarding the use of marijuana for medical purposes.

SECTION 2. Hawaii Revised Statutes, is amended by adding ten new sections to be appropriately designated and to read as follows:

"§ -1 **Definitions.** As used in this part, unless the context requires otherwise:

"Court" means the district court.

"Notice of violation" means a notice of violation of section 329-A.

§ -2 **Notice; form; determination final unless contested.** (a) A notice of violation shall include the summons for the purposes of this section. Whenever a notice of violation is issued to a person, the person's signature and current address shall be noted on the notice. If the person refuses to sign the notice of violation, the officer shall record this refusal on the notice and issue the notice to the person. Individuals to whom a notice of violation is issued under this section need not be arraigned before the court, unless required by rule of the supreme court.

(b) The form for the notice of violation shall be prescribed by rules of the district court which shall be uniform throughout the State.

(c) The notice of violation shall include the following:

- (1) A statement of the total amount for the violation established pursuant to section 329-A, to be paid by the person;
- (2) A statement of the options provided in section -3(b) for answering the notice and the procedures necessary to exercise the options;
- (3) A statement that the person to whom the notice is issued must answer, choosing one of the options specified in section -3(b), within twenty-one days of issuance of the notice;
- (4) A statement that failure to answer the notice of violation within twenty-one days of issuance shall result in the entry of judgment by default for the State and may result in the assessment of a late penalty and that if the person to whom the notice was issued fails to pay the total amount specified in the default judgment within an additional thirty days or to otherwise take action to set aside the default, the person shall be subject to the provisions of section 706-647;
- (5) A statement that, at a hearing conducted pursuant to section -5 to contest the notice of violation, no officer shall be present unless the person timely requests the court to have the officer present, and

that the standard of proof to be applied by the court is whether a preponderance of the evidence proves that the specified violation was committed;

- (6) A space in which the signature of the person to whom the notice was issued may be affixed; and
- (7) The date, time, and place at which the person to whom the notice was issued must appear in court, if the person is required by the notice to appear in person at the hearing.

§ -3 **Answer required.** (a) A person who receives a notice of violation shall answer the notice within twenty-one days of the date of issuance of the notice. There shall be included with the notice of violation a preaddressed envelope directed to the clerk of the applicable district court.

(b) Provided that the notice of violation does not require an appearance in person at a hearing as set forth in section

-2(c)(7), in answering a notice of violation, a person shall have the following options:

- (1) Admit the commission of the violation in one of the following ways:

- (A) By mail or in person, by completing the appropriate portion of the notice of violation or preaddressed envelope and submitting it to the authority specified on the notice together with

payment of the total amount stated on the notice of violation; provided that payment by mail shall be in the form of a check, money order, or by an approved credit or debit card; provided further that payment in person shall be in the form of United States currency, check, money order, or by an approved credit or debit card; or

(B) Via the Internet or by telephone, by submitting payment of the total amount stated on the notice of violation; provided that payment via the Internet or by telephone shall be by an approved credit or debit card; or

(2) Deny the commission of the violation and request a hearing to contest the violation by completing the appropriate portion of the notice of violation or preaddressed envelope and submitting it, either by mail or in person, to the authority specified on the notice. A denial may include assertion of affirmative defenses, including that the person is duly registered with the department of public safety pursuant to section 329-123 and asserts the medical use of marijuana as an affirmative defense pursuant to section 329-125. In lieu of appearing in person at a hearing, the person may submit a written statement of

grounds on which the person contests the notice of violation, which shall be considered by the court as a statement given in court pursuant to section -5(a).

(c) When answering the notice of violation, the person shall affix the person's signature to the answer and shall state the address at which the person will accept future mailings from the court. No other response shall constitute an answer for purposes of this chapter.

§ -4 Court action after answer or failure to answer.

(a) When an admitting answer is received, the court shall enter judgment in favor of the State in the total amount specified in the notice of violation. If the total amount is not submitted with the answer, the court may take action as provided in section -6.

(b) When a denying answer is received, the court shall notify the person in writing of the date, time, and place of hearing to contest the notice of violation. The notice of hearing shall be mailed to the address stated in the denying answer, or if none is given, to the address stated on the notice of violation. The notification also shall advise the person that, if the person fails to appear at the hearing, the court shall enter judgment by default in favor of the State, as of the date of the scheduled hearing, that the total amount specified in the default judgment must be paid within thirty days of entry

of default judgment, and if it is not paid, that the court shall take action as provided in section -6.

(c) If the person fails to answer within twenty-one days of issuance of the notice of violation, the court shall take action as provided in subsection (d).

(d) Whenever judgment by default in favor of the State is entered, the court shall mail a notice of entry of default judgment to the address provided by the person when the notice of violation was issued. The notice of entry of default judgment shall advise the person that the total amount specified in the default judgment shall be paid within thirty days of entry of default judgment and shall explain the procedure for setting aside a default judgment. The notice of entry of default judgment shall also inform the person that if the total amount is not paid within thirty days, the court shall take action as provided in section -6.

Judgment by default for the State entered pursuant to this section may be set aside pending final disposition of the violation upon written application of the person and posting of an appearance bond equal to the amount of the total amount specified in the default judgment. The application shall show good cause or excusable neglect for the person's failure to take action necessary to prevent entry of judgment by default.

Upon receipt of the application and required appearance bond, the court shall take action pursuant to section -6. Thereafter, the court shall determine whether good cause or excusable neglect exists for the person's failure to take action necessary to prevent entry of judgment by default. If so, the application to set aside default judgment shall be granted, the default judgment shall be set aside, and the notice of violation shall be disposed of pursuant to this chapter. If not, the application to set aside default judgment shall be denied, the appearance bond shall be forfeited and applied to satisfy amounts due under the default judgment, and the notice of violation shall be finally disposed. In either case, the court shall determine the existence of good cause or excusable neglect and notify the person of its decision on the application in writing.

§ -5 **Hearings.** (a) In proceedings to contest a notice of violation where the person to whom the notice was issued has timely requested a hearing and appears at such hearing:

- (1) In lieu of the personal appearance by the officer who issued the notice of violation, the court shall consider the notice of violation and any other written report made by the officer, if provided to the court by the officer, together with any oral or written

statement by the person to whom the notice of violation was issued;

- (2) The court may compel by subpoena the attendance of the officer who issued the notice of violation and other witnesses from whom it may wish to hear;
- (3) The standard of proof to be applied by the court shall be whether, by a preponderance of the evidence, the court finds that the violation was committed; and
- (4) After due consideration of the evidence and arguments, if any, the court shall determine whether commission of the violation has been established. Where the commission of the violation has not been established, judgment in favor of the defendant, dismissing the notice of violation or any count therein with prejudice, shall be entered in the record. Where it has been established that the violation was committed, the court shall enter judgment in favor of the State and shall assess a monetary assessment pursuant to section 329-A. The court also shall inform the person of the right to request a trial pursuant to section

-8. If the person requests a trial at the time of the hearing, the court shall provide the person with a trial date as soon as practicable.

(b) If a person for whom a hearing has been scheduled to contest the notice of violation or to assert affirmative defenses fails to appear at the hearing, the court shall enter judgment by default for the State and take action as provided in section -4(d). If the total amount of the monetary assessment, fees, surcharges, or costs is not paid within thirty days of entry of default judgment, the court shall take action as provided in section -6.

§ -6 **Failure to pay fine.** When the person issued a notice of violation fails to pay the total amount of the fine, the fine may be collected in the same manner as a judgment in a civil action. The State may collect the fee or fine, including costs, interest, and attorney's fees pursuant to section 706-647.

§ -7 **Time computation.** In computing any period of time prescribed or allowed by sections -1 through -9, the day of the act, event, or default from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included. Whenever an act required to be performed under this chapter may be accomplished by mail, the act shall be deemed to

have been performed on the date of the postmark on the mailed article.

§ -8 **Trial and concurrent trial.** (a) There shall be no right to trial unless the defendant contests the notice of violation pursuant to section -5. If, after proceedings to contest the notice of violation, a determination is made that the defendant committed the violation, judgment shall enter in favor of the State. The defendant may request a trial pursuant to the Hawaii rules of evidence and the rules of the district court; provided that any request for trial shall be made within thirty days of entry of judgment. If, after appearing in person at a hearing to contest the notice of violation, the person requests a trial at the conclusion of the hearing, the court shall provide the person with a trial date as soon as practicable.

(b) At the time of trial, the State shall be represented by a prosecuting attorney of the county in which the violation occurred. The prosecuting attorney shall orally recite the charged civil violation in court prior to commencement of the trial. Proof of the defendant's commission of the violation shall be by a preponderance of the evidence.

(c) If trial on the violation is held prior to trial on any related criminal offense, the following shall be

inadmissible in the subsequent prosecution or trial of the related criminal offense:

- (1) Any written or oral statement made by the defendant in proceedings conducted pursuant to section -4(b);
and
- (2) Any testimony given by the defendant in the violation trial.

The statement or testimony, or both, shall not be deemed a waiver of the defendant's privilege against self-incrimination in connection with any related criminal offense.

(d) In any concurrent trial, the State shall be represented by a prosecuting attorney of the county in which the violation and related crime occurred. Proof of the defendant's commission of the violation shall be by a preponderance of the evidence, and proof of the related criminal offense shall be by proof beyond a reasonable doubt. The concurrent trial shall be conducted pursuant to the rules of the appropriate court, the Hawaii rules of evidence, and the Hawaii rules of penal procedure.

§ -9 Rules. (a) The supreme court may adopt rules of procedure for the conduct of all proceedings pursuant to this chapter.

(b) Chapter 626 shall not apply in proceedings conducted pursuant to this chapter, except for the rules governing

privileged communications, and proceedings conducted under section -8.

(c) Notwithstanding section 604-17, while the court is sitting in any matter pursuant to this chapter, the court shall not be required to preserve the testimony or proceedings, except proceedings conducted pursuant to section -8 and proceedings in which the violation is heard on the same date and time as any related criminal offense.

(d) The prosecuting attorney shall not participate in violation proceedings conducted pursuant to this chapter, except proceedings pursuant to section -8 and proceedings in which a related criminal offense is scheduled for arraignment, hearing, or concurrent trial.

(e) Chapter 91 shall not apply in proceedings before the court.

(f) Chapter 571 and the Hawaii family court rules shall not apply in any proceedings conducted pursuant to this chapter."

SECTION 3. Chapter 329, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§329-A Possession of marijuana. (a) Intentional or knowing possession of one ounce or less of marijuana shall

constitute a civil violation subject to a fine not to exceed \$100.

(b) Civil fines and penalties for violations under this section shall be deposited into the general fund."

SECTION 4. Chapter 604, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§604- Enforcement of civil violations for marijuana possession. Jurisdiction is conferred upon the district courts to try all cases arising from the violation of section 329-A and to impose the penalties prescribed for a violation under 329-A. Jurisdiction is in the district court of the circuit where the alleged violation occurred."

SECTION 5. Section 302A-1002, Hawaii Revised Statutes, is amended to read as follows:

"[+]§302A-1002[+] Reporting of crime-related incidents.

The board shall adopt rules pursuant to chapter 91 to:

- (1) Require a report to appropriate authorities from a teacher, official, or other employee of the department who knows or has reason to believe that an act has been committed or will be committed, which:
 - (A) Occurred or will occur on school property during school hours or during activities supervised by the school; and

- (B) Involves crimes relating to arson, assault, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment, intoxicating drugs, [~~marijuana~~] marijuana concentrate[~~7~~] or more than one ounce of marijuana, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terroristic threatening, theft, or trespass;
- (2) Establish procedures for disposing of any incident reported; and
- (3) Impose, in addition to any other powers or authority the department may have to discipline school officials, appropriate disciplinary action for failure to report these incidents, including probation, suspension, demotion, and discharge of school officials."

SECTION 6. Section 329-125, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A qualifying patient or the primary caregiver may assert the medical use of marijuana as an affirmative defense to any prosecution, criminal or civil, involving marijuana under this ~~[+]part[+]~~, section 329-A, or chapter 712; provided that

the qualifying patient or the primary caregiver strictly complied with the requirements of this part."

SECTION 7. Section 353-66, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The Hawaii paroling authority may require a paroled prisoner to undergo and complete a substance abuse treatment program when the paroled prisoner has committed a violation of the terms and conditions of parole involving possession or use, not including to distribute or manufacture as defined in section 712-1240, of any dangerous drug, detrimental drug, harmful drug, intoxicating compound, more than one ounce of marijuana, or marijuana concentrate, as defined in section 712-1240, unlawful methamphetamine trafficking in the first degree as provided in section [~~712-1240.6,~~] 712-1240.7 or in the second degree as provided in section 712-1240.8, or involving possession or use of drug paraphernalia under section 329-43.5. If the paroled prisoner fails to complete the substance abuse treatment program or the Hawaii paroling authority determines that the paroled prisoner cannot benefit from any substance abuse treatment program, the paroled prisoner shall be subject to revocation of parole and return to incarceration. As a condition of parole, the Hawaii paroling authority may require the paroled prisoner to:

- (1) Be assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the applicable Diagnostic and Statistical Manual of Mental Disorders and Addiction Severity Index;
- (2) Present a proposal to receive substance abuse treatment in accordance with the treatment plan prepared by a certified substance abuse counselor through a substance abuse treatment program that includes an identified source of payment for the treatment program;
- (3) Contribute to the cost of the substance abuse treatment program; and
- (4) Comply with any other terms and conditions for parole.

As used in this subsection, "substance abuse treatment program" means drug or substance abuse treatment services provided outside a correctional facility by a public, private, or nonprofit entity that specializes in treating persons who are diagnosed with having substance abuse or dependency and preferably employs licensed professionals or certified substance abuse counselors.

Nothing in this subsection shall be construed to give rise to a cause of action against the State, a state employee, or a treatment provider."

SECTION 8. Section 706-625, Hawaii Revised Statutes, is amended by amending subsection (7) to read as follows:

"(7) The court may require a defendant to undergo and complete a substance abuse treatment program when the defendant has committed a violation of the terms and conditions of probation involving possession or use, not including to distribute or manufacture as defined in section 712-1240, of any dangerous drug, detrimental drug, harmful drug, intoxicating compound, more than one ounce of marijuana, or marijuana concentrate, as defined in section 712-1240, unlawful methamphetamine trafficking in the first degree as provided in section [~~712-1240.6,~~] 712-1240.7 or in the second degree as provided in section 712-1240.8, or involving possession or use of drug paraphernalia under section 329-43.5. If the defendant fails to complete the substance abuse treatment program or the court determines that the defendant cannot benefit from any other suitable substance abuse treatment program, the defendant shall be subject to revocation of probation and incarceration. The court may require the defendant to:

- (a) Be assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the applicable Diagnostic and Statistical Manual of Mental Disorders and Addiction Severity Index;

- (b) Present a proposal to receive substance abuse treatment in accordance with the treatment plan prepared by a certified substance abuse counselor through a substance abuse treatment program that includes an identified source of payment for the treatment program;
- (c) Contribute to the cost of the substance abuse treatment program; and
- (d) Comply with any other terms and conditions of probation.

As used in this subsection, "substance abuse treatment program" means drug or substance abuse treatment services provided outside a correctional facility by a public, private, or nonprofit entity that specializes in treating persons who are diagnosed with substance abuse or dependency and preferably employs licensed professionals or certified substance abuse counselors.

Nothing in this subsection shall be construed to give rise to a cause of action against the State, a state employee, or a treatment provider."

SECTION 9. Section 712-1240, Hawaii Revised Statutes, is amended by amending the definition of "detrimental drug" to read as follows:

"Detrimental drug" means any substance or immediate precursor defined or specified as a "Schedule V substance" by chapter 329, or any marijuana[-]; provided that one ounce or less of marijuana shall not be deemed a detrimental drug under sections 712-1251 or 712-1255."

SECTION 10. Section 712-1248, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of promoting a detrimental drug in the second degree if the person knowingly:

- (a) Possesses fifty or more capsules or tablets containing one or more of the Schedule V substances; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one-eighth ounce or more, containing one or more of the Schedule V substances; or
- (c) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one ounce or more, containing ~~any~~ more than one ounce of marijuana; or
- (d) Distributes any marijuana or any Schedule V substance in any amount."

SECTION 11. Section 712-1249, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of promoting a detrimental drug in the third degree if the person knowingly possesses [~~any~~] more than one ounce of marijuana or any Schedule V substance in any amount."

SECTION 12. Section 712-1255, Hawaii Revised Statutes, is amended to read as follows:

"§712-1255 **Conditional discharge.** (1) Whenever any person who has not previously been convicted of any offense under this chapter or chapter 329, except for a civil violation under section 329-A, or under any statute of the United States or of any state relating to a dangerous drug, harmful drug, detrimental drug, or an intoxicating compound, pleads guilty to or is found guilty of promoting a dangerous drug, harmful drug, detrimental drug, or an intoxicating compound under section 712-1243, 712-1245, 712-1246, 712-1248, 712-1249, or 712-1250, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

(2) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person.

(3) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(4) There may be only one discharge and dismissal under this section with respect to any person.

(5) After conviction^[7] for any offense under this chapter or chapter 329, except for a conviction of a civil violation under section 329-A, but prior to sentencing, the court shall be advised by the prosecutor whether the conviction is the defendant's first or a subsequent offense. If it is not a first offense, the prosecutor shall file an information setting forth the prior convictions. The defendant shall have the opportunity in open court to affirm or deny that the defendant is identical with the person previously convicted. If the defendant denies the identity, sentence shall be postponed for such time as to permit the trial, before a jury if the defendant has a right to trial by jury and demands a jury, on the sole issue of the defendant's identity with the person previously convicted.

(6) For purposes of this section, a conviction for one or more civil violations under section 329-A shall not constitute a prior offense that would make a conditional discharge described in this section unavailable to the defendant."

SECTION 13. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect on July 1, 2050.

Report Title:

Marijuana; Civil Penalties for Possession of One Ounce or Less

Description:

Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100, and establishes an adjudicatory structure for its enforcement. Deletes reporting requirements of board of education for students possessing one ounce or less of marijuana. Clarifies that medical marijuana patients and primary caregiver may assert affirmative defense to prosecution, criminal or civil, involving possession of one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of courts to require a defendant to undergo and complete substance abuse treatment for probation violation. Clarifies definition of detrimental drug to exclude one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from offenses of promoting a detrimental drug in the second degree and third degree. Clarifies a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

- (B) Involves crimes relating to arson, assault, burglary, disorderly conduct, dangerous weapons, dangerous drugs, harmful drugs, extortion, firearms, gambling, harassment, intoxicating drugs, [~~marijuana or~~] marijuana concentrate [7] or more than one ounce of marijuana, murder, attempted murder, sexual offenses, rendering a false alarm, criminal property damage, robbery, terroristic threatening, theft, or trespass;
- (2) Establish procedures for disposing of any incident reported; and
- (3) Impose, in addition to any other powers or authority the department may have to discipline school officials, appropriate disciplinary action for failure to report these incidents, including probation, suspension, demotion, and discharge of school officials."

SECTION 6. Section 329-125, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A qualifying patient or the primary caregiver may assert the medical use of marijuana as an affirmative defense to any prosecution, criminal or civil, involving marijuana under this [f]part [f], section 329-A, or chapter 712; provided that

the qualifying patient or the primary caregiver strictly complied with the requirements of this part."

SECTION 7. Section 353-66, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The Hawaii paroling authority may require a paroled prisoner to undergo and complete a substance abuse treatment program when the paroled prisoner has committed a violation of the terms and conditions of parole involving possession or use, not including to distribute or manufacture as defined in section 712-1240, of any dangerous drug, detrimental drug, harmful drug, intoxicating compound, more than one ounce of marijuana, or marijuana concentrate, as defined in section 712-1240, unlawful methamphetamine trafficking in the first degree as provided in section [~~712-1240.6,~~] 712-1240.7 or in the second degree as provided in section 712-1240.8, or involving possession or use of drug paraphernalia under section 329-43.5. If the paroled prisoner fails to complete the substance abuse treatment program or the Hawaii paroling authority determines that the paroled prisoner cannot benefit from any substance abuse treatment program, the paroled prisoner shall be subject to revocation of parole and return to incarceration. As a condition of parole, the Hawaii paroling authority may require the paroled prisoner to:

- (1) Be assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the applicable Diagnostic and Statistical Manual of Mental Disorders and Addiction Severity Index;
- (2) Present a proposal to receive substance abuse treatment in accordance with the treatment plan prepared by a certified substance abuse counselor through a substance abuse treatment program that includes an identified source of payment for the treatment program;
- (3) Contribute to the cost of the substance abuse treatment program; and
- (4) Comply with any other terms and conditions for parole.

As used in this subsection, "substance abuse treatment program" means drug or substance abuse treatment services provided outside a correctional facility by a public, private, or nonprofit entity that specializes in treating persons who are diagnosed with having substance abuse or dependency and preferably employs licensed professionals or certified substance abuse counselors.

Nothing in this subsection shall be construed to give rise to a cause of action against the State, a state employee, or a treatment provider."

SECTION 8. Section 706-625, Hawaii Revised Statutes, is amended by amending subsection (7) to read as follows:

"(7) The court may require a defendant to undergo and complete a substance abuse treatment program when the defendant has committed a violation of the terms and conditions of probation involving possession or use, not including to distribute or manufacture as defined in section 712-1240, of any dangerous drug, detrimental drug, harmful drug, intoxicating compound, more than one ounce of marijuana, or marijuana concentrate, as defined in section 712-1240, unlawful methamphetamine trafficking in the first degree as provided in section [~~712-1240.6,~~] 712-1240.7 or in the second degree as provided in section 712-1240.8, or involving possession or use of drug paraphernalia under section 329-43.5. If the defendant fails to complete the substance abuse treatment program or the court determines that the defendant cannot benefit from any other suitable substance abuse treatment program, the defendant shall be subject to revocation of probation and incarceration. The court may require the defendant to:

- (a) Be assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the applicable Diagnostic and Statistical Manual of Mental Disorders and Addiction Severity Index;

- (b) Present a proposal to receive substance abuse treatment in accordance with the treatment plan prepared by a certified substance abuse counselor through a substance abuse treatment program that includes an identified source of payment for the treatment program;
- (c) Contribute to the cost of the substance abuse treatment program; and
- (d) Comply with any other terms and conditions of probation.

As used in this subsection, "substance abuse treatment program" means drug or substance abuse treatment services provided outside a correctional facility by a public, private, or nonprofit entity that specializes in treating persons who are diagnosed with substance abuse or dependency and preferably employs licensed professionals or certified substance abuse counselors.

Nothing in this subsection shall be construed to give rise to a cause of action against the State, a state employee, or a treatment provider."

SECTION 9. Section 712-1240, Hawaii Revised Statutes, is amended by amending the definition of "detrimental drug" to read as follows:

"Detrimental drug" means any substance or immediate precursor defined or specified as a "Schedule V substance" by chapter 329, or any marijuana[-]; provided that one ounce or less of marijuana shall not be deemed a detrimental drug under sections 712-1251 or 712-1255."

SECTION 10. Section 712-1248, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of promoting a detrimental drug in the second degree if the person knowingly:

- (a) Possesses fifty or more capsules or tablets containing one or more of the Schedule V substances; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one-eighth ounce or more, containing one or more of the Schedule V substances; or
- (c) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one ounce or more, containing [~~any~~] more than one ounce of marijuana; or
- (d) Distributes any marijuana or any Schedule V substance in any amount."

SECTION 11. Section 712-1249, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of promoting a detrimental drug in the third degree if the person knowingly possesses [any] more than one ounce of marijuana or any Schedule V substance in any amount."

SECTION 12. Section 712-1255, Hawaii Revised Statutes, is amended to read as follows:

"§712-1255 **Conditional discharge.** (1) Whenever any person who has not previously been convicted of any offense under this chapter or chapter 329, except for a civil violation under section 329-A, or under any statute of the United States or of any state relating to a dangerous drug, harmful drug, detrimental drug, or an intoxicating compound, pleads guilty to or is found guilty of promoting a dangerous drug, harmful drug, detrimental drug, or an intoxicating compound under section 712-1243, 712-1245, 712-1246, 712-1248, 712-1249, or 712-1250, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

(2) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person.

(3) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(4) There may be only one discharge and dismissal under this section with respect to any person.

(5) After conviction[7] for any offense under this chapter or chapter 329, except for a conviction of a civil violation under section 329-A, but prior to sentencing, the court shall be advised by the prosecutor whether the conviction is the defendant's first or a subsequent offense. If it is not a first offense, the prosecutor shall file an information setting forth the prior convictions. The defendant shall have the opportunity in open court to affirm or deny that the defendant is identical with the person previously convicted. If the defendant denies the identity, sentence shall be postponed for such time as to permit the trial, before a jury if the defendant has a right to trial by jury and demands a jury, on the sole issue of the defendant's identity with the person previously convicted.

(6) For purposes of this section, a conviction for one or more civil violations under section 329-A shall not constitute a prior offense that would make a conditional discharge described in this section unavailable to the defendant."

SECTION 13. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect on July 1, 2050.

Report Title:

Marijuana; Civil Penalties for Possession of One Ounce or Less

Description:

Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100, and establishes an adjudicatory structure for its enforcement. Deletes reporting requirements of board of education for students possessing one ounce or less of marijuana. Clarifies that medical marijuana patients and primary caregiver may assert affirmative defense to prosecution, criminal or civil, involving possession of one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of courts to require a defendant to undergo and complete substance abuse treatment for probation violation. Clarifies definition of detrimental drug to exclude one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from offenses of promoting a detrimental drug in the second degree and third degree. Clarifies a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 22, 2011 10:47 PM
To: WAM Testimony
Cc: konagold@starband.net
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Dennis Shields
Organization: Individual
Address:
Phone:
E-mail: konagold@starband.net
Submitted on: 2/22/2011

Comments:

Cannabis prohibition is a Jim Crow law which violates the 1st 4th 5th 9th 10th 13th and 14th amendments; there has NEVER been an amendment prohibiting pot thus destroying both due process and equal protection

the "M" word is a piece of Mexican Military slang implying it takes two women Mary and Jane to satisfy the supposed lust created by Cannabis consumption thus ONE word becomes both a sexist and racist slur

Blacks and Hispanics are arrested for so called pot crimes at rates far in excess of their percentages of the population showing that these laws are enforced in a discriminatory manner and are used to subjugate minorities

Decriminalization is a step in the right direction which will free scarce judicial and law enforcement resources

through the war on SOME drugs America with only 5% of the worlds population has 25% of the world prisoners we have become the land of the not so free and the home of the barely brave

please help return freedom to the folks

Aloha

Rev. Dennis Shields
The Religion of Jesus Church

To: Senator David Ige, Chair

Senator Michelle Kidani, Vice Chair and

Members of the Committee on Ways and Means

From: Rebecca Azar

RE: "SB 1460 SD1 Relating to marijuana" Hearing: Thursday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

- This measure will save money by reducing the number of cases that go to court and the police time spent investigating and booking individuals suspected of possessing a small amount of marijuana. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.
- In addition to saving money, this measure would raise revenue through collection of the civil fines.
- This measure would free up law enforcement to focus on more serious, violent crime. In 2007, the clearance rate for both rape and robbery in Hawaii was an alarmingly low 34%.
- Maintaining criminalization of marijuana possession has had no effect on usage rates. A report by Lawrence Boyd analysis shows that the \$10 million spent in enforcement has failed to reduce the availability of marijuana in Hawaii; in fact, marijuana prices have dropped, indicating efforts to restrict supply through law enforcement have failed.
- Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.
- California and twelve other states have already passed laws that punish the possession of small amounts of marijuana without jail time. Along with Hawaii, Arizona, Connecticut, Illinois, Rhode Island, and Vermont are also considering decriminalization measures.

From: firestopr [firestopr@hawaiiintel.net]
Sent: Wednesday, February 23, 2011 9:35 AM
To: WAM Testimony
Subject: SB 1460 – a bill that would decriminalize possession of up to an ounce of marijuana

Categories: Yellow Category

To whom it may concern: I am writing today to express my strong support for SB1460. Here are my main reasons why:

- This measure will save money by reducing the number of cases that go to court and the police time spent investigating and booking individuals suspected of possessing a small amount of marijuana. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.
- In addition to saving money, this measure would raise revenue through collection of the civil fines.
- This measure would free up law enforcement to focus on more serious, violent crime. In 2007, the clearance rate for both rape and robbery in Hawaii was an alarmingly low 34%.
- Maintaining criminalization of marijuana possession has had no effect on usage rates. A report by Lawrence Boyd analysis shows that the \$10 million spent in enforcement has failed to reduce the availability of marijuana in Hawaii; in fact, marijuana prices have dropped, indicating efforts to restrict supply through law enforcement have failed.
- Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.
- California and twelve other states have already passed laws that punish the possession of small amounts of marijuana without jail time. Along with Hawaii, Arizona, Connecticut, Illinois, Rhode Island, and Vermont are also considering decriminalization measures.

Please disregard Law enforcement's ancient propaganda...get the real facts by simply doing a google search of why marijuana was made illegal. Hearst was involved--he wanted to out law hemp so he could continue to make money of of wood pulp used to make paper products like his news papers. His newspaper were used to desiminate lies and scare tactics regarding mexican migrant workers and marijuana. money, politics and racism..thats why pot is illegal today. President Nixon commisioned a study on it in the hopes of uncovering evidence of how detrimental it is. When his own expert panel came back stating that weed had little or no detrimental effects on society, he disregarded it and wnet ahead on his witch hunt.

look at the science. not the drama. do the right thing. aloha, stan koga

From: Vicki Vierra [vickiv@hawaii.rr.com]
Sent: Wednesday, February 23, 2011 9:38 AM
To: WAM Testimony
Subject: "SB 1460 SD1 Relating to marijuana" Hearing: Thursday, February 24, 2011, 9:00 a.m., Room 211

To: David Ige, Chair, Michele Kidani, Vice Chair, and Members of the Committee on Ways and Means
From: Vicki Vierra

Re: "SB 1460 SD1 Relating to marijuana" Hearing: Thursday, February 24, 2011, 9:00 a.m., Room 211

Our jails are full of people whose one big crime was preferring to indulge in a recreational substance that is safer than alcohol. For this they are arrested, lose their assets, get a criminal record, their families are broken, and further opportunities for success are lessened. Then the taxpayers of Hawaii are paying their room and board for years. This is an untenable situation.

This bill would ease crowding in jails, and save money and generate income, while freeing police for violent crimes.

The majority of people in Hawaii favor decriminalization, but this, at least, is a step in the right direction.

Sincerely,
Vicki Vierra

HC 1 Box 5077
Keaau Hawaii 96749
808 966 6333

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 12:11 PM
To: WAM Testimony
Cc: patempl@yahoo.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Scott Temple
Organization: Individual
Address:
Phone:
E-mail: patempl@yahoo.com
Submitted on: 2/23/2011

Comments:

* This measure will save money by reducing the number of cases that go to court and the police time spent investigating and booking individuals suspected of possessing a small amount of marijuana. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

* In addition to saving money, this measure would raise revenue through collection of the civil fines.

* This measure would free up law enforcement to focus on more serious, violent crime. In 2007, the clearance rate for both rape and robbery in Hawaii was an alarmingly low 34%.

* Maintaining criminalization of marijuana possession has had no effect on usage rates. A report by Lawrence Boyd analysis shows that the \$10 million spent in enforcement has failed to reduce the availability of marijuana in Hawaii; in fact, marijuana prices have dropped, indicating efforts to restrict supply through law enforcement have failed.

* Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.

* California and twelve other states have already passed laws that punish the possession of small amounts of marijuana without jail time. Along with Hawaii, Arizona, Connecticut, Illinois, Rhode Island, and Vermont are also considering decriminalization measures.

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Heidi Zucker

RE: SB 1460 SD1 Relating to Marijuana

I am a strong supporter of decriminalizing less than one ounce of marijuana. I believe spending time and hard earned tax dollar money on prosecuting those with amounts greater than one ounce is wasteful and unproductive. The money could be more wisely spent on social welfare programs, educational programs / supports, public parks, and improvements to programs and places already in existence.

How sad I am when I read the daily paper and see repeat offenders getting away with crimes such as: robbery, domestic violence, assault, stealing, etc. These people are doing harm to our communities; not a person with less than an ounce of plant matter. Repeat offenders need to be punished more severely; they need intensive services and a police record.

You are aware that many other states have decriminalized marijuana. I see no problem with that; do you? How much money Hawaii could save if we stopped punishing and ruining lives of herbal smokers and how much safer and happier families could be if they knew real trouble makers were behind bars.

Why do judges let repeat drunk drivers out on the street to just get back in the car and do more harm? I feel very unsafe on the roads; so much that I do not go out at night.

Please think about what I have said and consider taking the path of decriminalization. It can only save tax dollar money and give more time back to the police, courts, and drug programs to focus on the real threats to society.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 6:10 PM
To: WAM Testimony
Cc: naturadoc@gmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Dr. Bonnie Marsh
Organization: Individual
Address:
Phone:
E-mail: naturadoc@gmail.com
Submitted on: 2/23/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 6:22 PM
To: WAM Testimony
Cc: johnhayeser@yahoo.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: john dennis hayes jr
Organization: Individual
Address:
Phone:
E-mail: johnhayeser@yahoo.com
Submitted on: 2/23/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 7:30 PM
To: WAM Testimony
Cc: paulminar@mac.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Paul Minar
Organization: Individual
Address:
Phone:
E-mail: paulminar@mac.com
Submitted on: 2/23/2011

Comments:
Strong Support.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 7:33 PM
To: WAM Testimony
Cc: gerald.hicks@hotmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Gerald Hicks
Organization: Individual
Address:
Phone:
E-mail: gerald.hicks@hotmail.com
Submitted on: 2/23/2011

Comments:
I support this 100%

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 7:33 PM
To: WAM Testimony
Cc: phllps_dwn@yahoo.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Dawn Hampton-Phillips
Organization: Individual
Address:
Phone:
E-mail: phllps_dwn@yahoo.com
Submitted on: 2/23/2011

Comments:
i support this bill 100%

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

I am a resident of the Big Island.

Giving people a criminal record over the small possession of marijuana is terrible. It is a terrible experience for the person arrested, who must then navigate the court and legal system, often without much support or guidance. It is also a terrible waste of tax payer money. How many thousands of dollars are spent to arrest, process, arraign and bring to court each person for possession one ounce or less? How many times a year does it happen? I say again, it is a waste of tax payer money.

The voters of Hawaii County passed the Lowest Law Enforcement in 2008. The police and prosecutor won't implement it. I hope they will be more responsive when SB1460 becomes law.

I do not have a computer and asked Friends for Justice to submit this for me.

Thank you

Kaipo Fernandez
Volcano, HI

From: Daniel Azar [danielazar@yahoo.com]
Sent: Wednesday, February 23, 2011 7:58 PM
To: WAM Testimony
Subject: "SB 1460 SD1 Relating to marijuana"

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair
and Members of the Committee on Ways and Means

From: Daniel Azar

POBox 779

Honolulu, HI 96726-0779

RE: "SB 1460 SD1 Relating to marijuana"

Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: **Strong Support**

This measure will save money by reducing the number of cases that go to court and the police time spent investigating and booking individuals suspected of possessing a small amount of marijuana. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

In addition to saving money, this measure would raise revenue through collection of the civil fines.

This measure would free up law enforcement to focus on more serious, violent crime. In 2007, the clearance rate for both rape and robbery in Hawaii was an alarmingly low 34%.

Maintaining criminalization of marijuana possession has had no effect on usage rates. A report by Lawrence Boyd analysis shows that the \$10 million spent in enforcement has failed to reduce the availability of marijuana in Hawaii; in fact, marijuana prices have dropped, indicating efforts to restrict supply through law enforcement have failed.

Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.

California and twelve other states have already passed laws that punish the possession of small amounts of marijuana without jail time. Along with Hawaii, Arizona, Connecticut, Illinois, Rhode Island, and Vermont are also considering decriminalization measures.

From: Lynn M. Azar [lynn_m_azar@yahoo.com]
Sent: Wednesday, February 23, 2011 8:02 PM
To: WAM Testimony
Subject: "SB 1460 SD1 Relating to Marijuana"

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair
and Members of the Committee on Ways and Means

From: Lynn Azar

POBox 779

Honaunau, HI 96726-0779

RE: "SB 1460 SD1 Relating to marijuana"

Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: **Strong Support**

This measure will save money by reducing the number of cases that go to court and the police time spent investigating and booking individuals suspected of possessing a small amount of marijuana. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

In addition to saving money, this measure would raise revenue through collection of the civil fines.

This measure would free up law enforcement to focus on more serious, violent crime. In 2007, the clearance rate for both rape and robbery in Hawaii was an alarmingly low 34%.

Maintaining criminalization of marijuana possession has had no effect on usage rates. A report by Lawrence Boyd analysis shows that the \$10 million spent in enforcement has failed to reduce the availability of marijuana in Hawaii; in fact, marijuana prices have dropped, indicating efforts to restrict supply through law enforcement have failed.

Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.

California and twelve other states have already passed laws that punish the possession of small amounts of marijuana without jail time. Along with Hawaii, Arizona, Connecticut, Illinois, Rhode Island, and Vermont are also considering decriminalization measures.

From: Parick A [bamboo_irl@yahoo.com]
Sent: Wednesday, February 23, 2011 8:09 PM
To: WAM Testimony
Subject: "SB 1460 SD1 Relating to marijuana"

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair
and Members of the Committee on Ways and Means

From: Daniel Patrick Azar

POBox 779

Honaunau, HI 96726-0779

RE: "SB 1460 SD1 Relating to marijuana"

Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

This measure will save money by reducing the number of cases that go to court and the police time spent investigating and booking individuals suspected of possessing a small amount of marijuana. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

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Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.

California and twelve other states have already passed laws that punish the possession of small amounts of marijuana without jail time. Along with Hawaii, Arizona, Connecticut, Illinois, Rhode Island, and Vermont are also considering decriminalization measures.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 9:19 PM
To: WAM Testimony
Cc: ricketyr@sbcglobal.net
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: comments only
Testifier will be present: No
Submitted by: Marie Fontana
Organization: Individual
Address:
Phone:
E-mail: ricketyr@sbcglobal.net
Submitted on: 2/23/2011

Comments:

I am for the de-criminalization of Marijuana, and trust that this truly miraculous plant will be studied and used for the benefit of humanity, starting in Hawaii. The classification of pot as a No. 1 controlled substance (no redeeming value) is nonsense. By the same token, hemp should be grown as fuel, food and many other proven uses.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 9:30 PM
To: WAM Testimony
Cc: aaronzeeman@yahoo.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: aaron zeeman
Organization: Individual
Address:
Phone:
E-mail: aaronzeeman@yahoo.com
Submitted on: 2/23/2011

Comments:

I strongly support this bill, the time for this is LONG overdue! Cannabis is is not a crime.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 9:34 PM
To: WAM Testimony
Cc: noriner@hawaii.edu
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: norine fitzgerald
Organization: Individual
Address:
Phone:
E-mail: noriner@hawaii.edu
Submitted on: 2/23/2011

Comments:

PLEASE vote for this bill!
Enough peoples lives have been adversely affected from the criminalization of cannabis.
NOW is the time for change.

From: Robert Bacher [bacher.robert@gmail.com]
Sent: Wednesday, February 23, 2011 4:54 PM
To: WAM Testimony
Subject: Strong Support for SB 1460

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Robert Bacher

RE: SB 1460

Hearing: Thursday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

This is a small step in the right direction. It changes the way we deal with people found to possess small amounts of Cannabis, to reflect the way that police usually end up treating them anyways.

As the previous committees observed, the way laws exist currently, violators cost the state more money and typically end up paying fines equal to or less than the proposed \$100. Although I believe that this bill falls short of realizing lost tax revenues and regulating the re-growth of the Cannabis industry, SB1460 is still long overdue, because it will help to save the state and its citizens much needed resources during very hard times. Each person, not wrongly convicted or felonies and misdemeanors, will be free to learn and grow without facing penalties that are not currently equivalent to their "crimes".

Below I have included some insight from well studied author and activist, Jon Gettman. SB1460 would help Hawaii save some of its portion of the \$10.7 spent annually by taxpayers to arrest people for Cannabis.

Lost Taxes and Other Costs of Marijuana Laws

In 2007 Gettman authored, *Lost Taxes and Other Costs of Marijuana Laws*, a special report for the Bulletin of Cannabis Reform. The study takes a look at drug prohibition from an economic perspective, one that costs taxpayers approximately \$42 billion in enforcement costs and lost tax revenues. [2]

From the report: [3]

- "Government reports from the Office of National Drug Control Policy, the Library of Congress, and other sources indicate that the supply of marijuana in the United States is 14,349 metric tons, or 31.1 million pounds. Various price indexes from public and private sources produce a retail price of \$7.87/gr or \$3,570/lb, setting the overall retail value of the illicit marijuana market at \$113 billion."

- "The diversion of \$113 billion from the taxable economy into the illicit economy deprives taxpayers of \$31.1 billion annually."
- "Marijuana arrests cost taxpayers \$10.7 billion annually."

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 9:54 AM
To: WAM Testimony
Cc: kotonk544@yahoo.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Categories: Yellow Category

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Stuart Hirotsu
Organization: Individual
Address:
Phone:
E-mail: kotonk544@yahoo.com
Submitted on: 2/23/2011

Comments:
aloha

Thank you for allowing me to express my support for SB1460.

Albert Einstein once said that a definition of insanity is doing the same thing and expecting a different result. In light of the disaster of the prohibition against alcohol that ruined so many lives, this misguided prohibition against cannabis is, indeed, insane.

"Penalties against possession of a drug should not be more damaging to an individual that the use of the drug itself." - President Jimmy Carter

mahalo
Stuart Hirotsu

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 11:28 AM
To: WAM Testimony
Cc: mark@solights.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: mark nelson
Organization: Individual
Address:
Phone:
E-mail: mark@solights.com
Submitted on: 2/23/2011

Comments:
I fully support this bill

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 11:17 AM
To: WAM Testimony
Cc: rtemple@hotmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Robin Temple
Organization: Individual
Address:
Phone:
E-mail: rtemple@hotmail.com
Submitted on: 2/23/2011

Comments:

We need to reduce the burden on our justice system from dealing with users of small amounts of marijuana.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 11:16 AM
To: WAM Testimony
Cc: dwilsonjr@hawaii.rr.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: David L Wilson Jr
Organization: Individual
Address:
Phone:
E-mail: dwilsonjr@hawaii.rr.com
Submitted on: 2/23/2011

Comments:

We need a dispensary, I have a rare disease called addison's disease. I am in constant pain and medical marijuana saved my life.
I need it we need it, as a state and as a reminder to our locals that it is ok to have some where to purchase it. I don't have a big yard so i can't grow, Please help us live like every one else, without pain.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 10:37 AM
To: WAM Testimony
Cc: konaliberty@gmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Tom Liberty
Organization: Individual
Address:
Phone:
E-mail: konaliberty@gmail.com
Submitted on: 2/23/2011

Comments:

I believe that the violation should be lessened as proposed in SB1460.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 10:29 AM
To: WAM Testimony
Cc: elealoha@yahoo.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Erin Edmundson
Organization: Individual
Address:
Phone:
E-mail: elealoha@yahoo.com
Submitted on: 2/23/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 10:27 AM
To: WAM Testimony
Cc: cheryl@solights.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Cheryl Nelson
Organization: Individual
Address:
Phone:
E-mail: cheryl@solights.com
Submitted on: 2/23/2011

Comments:

From: Matt Binder [mattbinder@earthlink.net]
Sent: Wednesday, February 23, 2011 11:46 AM
To: WAM Testimony
Subject: SB 1460 Marijuana Decriminalization

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Matt Binder
81-901 Nape St.
Kealahou, HI 96750

Dear Senators,

Please support SB 1460 as a way to bring sanity to our drug laws. I understand that drugs can ruin lives, but I think it is not a good idea to try criminalize ALL drug use. Possessing small amounts of marijuana for personal use is not, in and of itself, something that should warrant jail time.

All arresting people for marijuana possession does is saddle them with a damaging criminal record that can make it impossible for an otherwise law abiding citizen to obtain a job, housing, or student loans. California, along with twelve other states, have already passed laws that make the possession of small amounts of marijuana a citable offense. I think this approach is proving to be more successful. It has the added benefit of being far less expensive.

Sincerely,

Matt Binder

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 12:01 PM
To: WAM Testimony
Cc: HawaiiVotingProject@gmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Dorothy Cornell
Organization: Individual
Address:
Phone:
E-mail: HawaiiVotingProject@gmail.com
Submitted on: 2/23/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 2:52 PM
To: WAM Testimony
Cc: msott@hawaii.rr.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Vanessa Ott
Organization: Individual
Address:
Phone:
E-mail: msott@hawaii.rr.com
Submitted on: 2/23/2011

Comments:

I am in favor of this bill. So many good arguments for it while all the arguments against it are not valid. Do not deny patients safe and easy access to their medication. Stop forcing patients and providers into being criminals.

From: kim cox [theedge@alohabroadband.net]
Sent: Wednesday, February 23, 2011 2:54 PM
To: WAM Testimony
Subject: SB 1460 SD1 relating to Marijuana

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Dan Edginton and Kim Cox

Re: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00am, Room 211

Position: Strong Support

Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.

All arresting people for marijuana possession does is saddle them with a damaging criminal record that can make it impossible for an otherwise law abiding citizen to obtain a job, housing or student loans.

California, along with twelve other states, have already passed laws that make the possession of small amounts of marijuana a citable offense. Along with Hawaii, Rhode Island is also considering a decriminalization measure.

This measure will save money by reducing the number of cases that go to court and by allowing law enforcement to focus their efforts on more serious crimes. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

Thank you for your time and attention to this matter.

Sincerely,

Dan Edginton and Kim Cox

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 3:46 PM
To: WAM Testimony
Cc: wh7xs@arrl.net
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Daryl Lemm
Organization: Individual
Address:
Phone:
E-mail: wh7xs@arrl.net
Submitted on: 2/23/2011

Comments:

USE THE FOLLOWING HEADER:

> To: Senator David Ige, Chair
> Senator Michelle Kidani, Vice Chair and > Members of the Committee on Ways and Means
> > From: Daryl Lemm > > RE: SB 1460 SD1 Relating to Marijuana > Hearing:
Friday, February 25, 2011, 9:00 a.m., Room 211
Position: Strong Support!

California, along with twelve other states, have already passed laws that make the possession of small amounts of marijuana a citable offense. Along with Hawaii, Rhode Island is also considering a decriminalization measure.

The following states have decriminalized the possession of marijuana:

Alaska
California
Colorado
Maine
Massachusetts
Minnesota
Mississippi
Nebraska
Nevada
New York
North Carolina
Ohio
Oregon

This measure will save money by reducing the number of cases that go to court and by allowing law enforcement to focus their efforts on more serious crimes. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

Public support for changing marijuana laws is growing. In November 2008, 53% of voters in Hawai'i County voted to make marijuana possession the "lowest law enforcement priority." That initiative directs law enforcement officials to treat the adult personal use of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for marijuana eradication and for enforcing potential offenses for adult personal use.

Also in November 2008 65% of Massachusetts voters approved a decriminalization initiative which makes possession of up to an ounce of marijuana a civil citation punishable by a \$100 fine.

Maintaining criminalization of marijuana possession has had no effect on usage rates. A report by Lawrence Boyd analysis shows that the \$10 million spent in enforcement has failed to reduce the availability of marijuana in Hawai'i; in fact, marijuana prices have dropped, indicating efforts to restrict supply through law enforcement have failed. Approximately 65 percent of marijuana cases are dismissed, not prosecuted, or stricken, making the risk of arrest or punishment for marijuana use low. Lastly, marijuana research after 6,000 years has shown not one person has ever died from marijuana use and it is one of the non-toxic plants listed without detrimental effects. The worst detrimental effect of marijuana is being treated as a criminal with a record, incarceration, fines, and the social ills and family disintegration from the stigmatization of law enforcement making this a bigger issue than it really is. It's hypocritical, backwards thinking, propaganda.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 3:46 PM
To: WAM Testimony
Cc: mary@mauivortex.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Mary Overbay
Organization: Individual
Address:
Phone:
E-mail: mary@mauivortex.com
Submitted on: 2/23/2011

Comments:

Aloha Senators,

I support SB 1460, with amendments that end the prejudice against citizens that enjoy consuming cannabis products.

Amendments should be adopted to tax and regulate recreational marijuana. It is common knowledge that marijuana is a major industry in Hawaii. Legislation and law enforcement cannot stop the marijuana industry from continuing to grow.

The best solution is to regulate and tax cannabis products, similar to alcohol or tobacco. Let recreational users pay fees, licenses, and taxes, instead of adding extra burdens to seriously ill medical cannabis patients.

Respectfully submitted,
Mary Overbay
Puunene, HI

From: Joseph Favalora [jfavalora@mac.com]
Sent: Wednesday, February 23, 2011 1:02 PM
To: WAM Testimony
Subject: > To: Senator David Ige, Chair > Senator Michelle Kidani, Vice Chair and > Members of the Committee on Ways and Means

To: Senator David Ige, Chair
> Senator Michelle Kidani, Vice Chair and > Members of the Committee on Ways and Means >
> From: Joseph Favalora > > RE: SB 1460 SD1 Relating to Marijuana > Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211 > > Position: Strong Support

I give my strong support to the decriminalization of Marijuana in the state of Hawaii.
In this time of financial crises it seems the state is wasting funds, filling the prison system with non-criminals, & we need to make it safe for people who use medical Marijuana.

Joseph Favalora

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Friday, February 25, 2011

9:00 a.m.

Room 211

SB 1460 SD1 - Civil violation for less than 1 ounce of marijuana/cannabis

STRONG SUPPORT

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chair Ige, Chair Kidani and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance the quality of justice, and promote public safety by supporting smart justice policies. We come today on behalf of the 6,000 individuals whose voices have been silenced by incarceration, always mindful that 1,750 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 1460 SD1 amends various statutes of Hawai'i Revised Statutes regarding marijuana. The SD1 sets up an adjudicatory process for enforcing violations and makes other amendments.

Community Alliance on Prisons is in strong support of this measure. Too many resources are used to arrest and incarcerate individuals for marijuana possession.

The 2009 *Crime in Hawai'i* report from the Crime Prevention & Justice Assistance Division of the Attorney General's office, which can be accessed at www.hawaii.gov/ag/cpja, contains data on arrests by offense (p.105). Marijuana is a Part II Offense and the data show that arrests for possession of marijuana have increased. In 2000, there were 597 statewide arrests for marijuana possession. By 2009, the statewide arrests for marijuana possession jumped 47%, to 873.

We cannot afford to continue arresting and incarcerating individuals we are mad at. Too many people are incarcerated for marijuana possession, wasting time and taxpayer dollars. Law enforcement's and the Judiciary's efforts should be spent on protecting the community from harm.

In these challenging economic times, we must use our resources mindfully. In our humble opinion, spending law enforcement time to arrest individuals for possessing marijuana and the court's time in adjudicating these cases does not appear to be worthy of the tremendous costs they incur.

Mahalo for this opportunity to testify.

From: fontana@juno.com
Sent: Wednesday, February 23, 2011 1:30 PM
To: WAM Testimony
Cc: fontana@juno.com
Subject: Support for SB#1460, SD1 relating to marijuana

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and Members of the Committee on Ways and Means

From: Robert Fontana

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

I wish to announce my support for this bill, as it addresses and corrects the defects in the current laws regarding the enforcement and classification of marijuana possession and use infractions. My reasons for supporting these proposed changes are as follows:

1. It provides for a punishment that is proportional to the offense, which is more just to the parties who are in violation and more economical to the system.

2. It will allow police enforcement efforts to be put to better use; i.e., for crimes of a more serious nature and importance to society as a whole.

3. It will have a much better resultant effect on those who violate the law by punishing them but not excessively, which could easily result in far more negative effects if left unchanged. A person who violates the law should be given the opportunity to change their behavior in a positive manner as a result of having been caught and punished. When the punishment is too severe, this desired result of rehabilitation does not occur. The current law over punishes the individual by allowing one minor infraction to carry into their future in a negative way by virtue of a police record and history that will have very damaging effects on the individual. The law should encourage a person to better themselves by having gone through the system, not to give up and become an enemy of the system.

I for one will welcome this shift in emphasis towards solving more severe crimes.

Sincerely,
Robert L. Fontana
(808)572-1212

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 2:39 PM
To: WAM Testimony
Cc: cdoyle2@hawaii.rr.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Chuck Doyle
Organization: Individual
Address:
Phone:
E-mail: cdoyle2@hawaii.rr.com
Submitted on: 2/23/2011

Comments:
This makes a lot of sense. No losers.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 8:10 AM
To: WAM Testimony
Cc: chargelarge808@live.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: isaac shimizu
Organization: Individual
Address:
Phone:
E-mail: chargelarge808@live.com
Submitted on: 2/24/2011

Comments:
i support this bill

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 6:49 AM
To: WAM Testimony
Cc: drkturnbull@gmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Kimberly Turnbull
Organization: Individual
Address:
Phone:
E-mail: drkturnbull@gmail.com
Submitted on: 2/24/2011

Comments:

It is time for us to join the enlightened nations of europe, and stop turning our young people into criminals. In these financial times, a strong argument can be made for decriminalization, as to continue our current system is a flagrant waste of resources. Resources which are very much needed in other applications. But my argument is for the simple humanity of it. I have lived in the Netherlands, where marijuana is no crime. The state decriminalized it when the Dutch mothers got together and said that they would not have their children made into criminals for the simple fact of childhood experimentation. And with true Dutch common sense, they set up "coffee shops" where use could be monitored and safeguarded. An enlightened people.
Please do what is best for all.
Kimberly Turnbull, RN, DC

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 7:37 AM
To: WAM Testimony
Cc: theede@hawaii.rr.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Teri Heede
Organization: Individual
Address:
Phone:
E-mail: theede@hawaii.rr.com
Submitted on: 2/24/2011

Comments:

Aloha Chair and Committee Members!

Please pass this important legislation. My particular interest is medicinal use but, this bill makes life a lot easier for law enforcement to prioritize their limited resources and focus on much more important criminal issues.

A small amount of marijuana in any person's pocket should not have catastrophic consequences.

Mahalo for your time and consideration!

From: Deborah Lockett [deblockett@hawaii.rr.com]
Sent: Thursday, February 24, 2011 7:51 AM
To: WAM Testimony
Cc: 'Jeanne Ohta'
Subject: SB 1460

Importance: High

Dear Distinguished Committee Members,

I write to you today and urge you to support SB 1460, Relating to Marijuana decriminalization of the possession of one ounce or less of marijuana to a fine of not more than \$100.

This year marks the 40th anniversary of President Richard Nixon's start of the war on drugs. We have spent a trillion dollars prosecuting the war on drugs. What do we have to show for it?

First we have increased the proportion of our population in prisons from 41,000 in 1980 to 500,000 today. Second, we have empowered criminals at home & terrorists abroad. Third we have squandered resources. Harvard economists Jeffrey Mirron states that federal, state & local governments spend \$44.1 billion annually enforcing drug prohibition. (New York Times, Sunday, June 14, 2009)

Today the U.S. accounts for 5% of the world's population, but 25% of the world's prisoners. We owe that distinction to the War on Drugs, which puts more nonviolent offenders behind bars each year. In the U.S. the number of people arrested for a marijuana law violation in 2010 was 847,864.

According to the Drug Policy Forum of Hawaii, it costs Hawaii's taxpayers an average of \$33,000 to lock up inmates for a year versus \$3400 for substance abuse treatment. In Hawaii 42% of all drug related arrests were for marijuana, 80% of those were for possession, not dealing. While our budgets for prisons continue to increase our schools, educational programs, and crumbling infrastructure remain under-funded.

National polling, from 1969-2010, by reputable organizations such as CBS news, ABC/Washington Post and the Gallup poll, show that support for ending prohibition is increasing at the rate of 1% annually. Recently, the ABC/Washington Post poll found that 47% of Americans favor decriminalizing less than one ounce for those 21 years or older.

Thank you for your consideration in this important matter.

Deborah A. Lockett, M.P.H.
The Lockett Group

Deborah A. Lockett, M.P.H.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 10:38 AM
To: WAM Testimony
Cc: tcburnett@gmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Dr. Thomas C Burnett
Organization: Individual
Address:
Phone:
E-mail: tcburnett@gmail.com
Submitted on: 2/24/2011

Comments:

Ladies and Gentlemen, it is time. Legalize and tax. The 'war on drugs' is a failure and has caused a repeat of prohibition, but thousands of times worse. Entire countries are destabilized because legislators do what they want rather than what their constituents want. I am not an advocate of marijuana - I am an advocate of freedom.

a hui hou

T

SB1460
I SUPPORT

Please pass this law so that the courts can be deal with much more serious crimes in Hawaii, such as prescription pill and Crystal Meth Abuse.

California, along with twelve other states, have already passed laws that make the possession of small amounts of marijuana a citable offense. Along with Hawaii, Rhode Island is also considering a decriminalization measure.

Millions will be saved by the state reducing the number of cases that go to court and by allowing law enforcement to focus their efforts on more serious crimes. It is estimated that Hawaii could save at least \$5 million a year by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana. As a taxpayer I sure would love to see vital funds freed up and used for much more pressing issues.

In November 2008, 53% of voters in Hawai'i County voted to make marijuana possession the "lowest law enforcement priority." That initiative directs law enforcement officials to treat the adult personal use of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for marijuana eradication and for enforcing potential offenses for adult personal use. The Peaceful Skies initiative is a great model for the entire state and will eliminate great suffering and loss of property for growing a useful plant that Science shows is one of the most safe and therapeutic substances there is..

Also eliminating the "Forbidden fruit" aura of pakalolo may actually reduce the use of this herb. The country of Portugal has proven that legalizing this plant does not increase the abuse of it.

I strongly urge the legislature to follow the lead of the 12 states who have passed decriminalization bills and VOTE YES.

Mahalo nui loa,
Victoria Latenser
Mountain View, HI
Registered Voter

SB 1460
SUPPORT

Possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time.

Arresting people for marijuana gives people criminal records that can make it impossible for an otherwise law abiding citizen to obtain a job, housing, or student loans. Other legal, over the counter inebriants do far more damage than pakalolo, yet it stubbornly remains illegal in spite of overwhelming scientific facts that it is anything but harmful.

California, along with twelve other states, have already passed laws that make the possession of small amounts of marijuana a citable offense. Along with Hawaii, Rhode Island is also considering a decriminalization measure.

Millions of dollars will be saved by reducing the number of cases that go to court and by allowing law enforcement to focus their efforts on more serious crimes, like Crystal Meth. Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

Public support for changing marijuana laws is growing. In November 2008, 53% of voters in Hawai'i County voted to make marijuana possession the "lowest law enforcement priority." That initiative directs law enforcement officials to treat the adult personal use of marijuana as its lowest law enforcement priority and prohibits the county from accepting or expending funds for marijuana eradication and for enforcing potential offenses for adult personal use.

Please vote yes on this timely bill and make it a law!

Mahalo nui loa,
Sherryanne St. Cyr
Pahoa, Hawaii'
Registered voter

From: Andrea Tischler [andreatischler@yahoo.com]
Sent: Thursday, February 24, 2011 10:35 AM
To: WAM Testimony
Subject: RE: SB 1460 SD1

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Andrea Tischler

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

It is time that Hawai'i government look objectively and honestly at the law prohibiting the use of cannabis, the criminalization of otherwise lawful citizens and the huge costs to taxpayers. The State can no longer afford to enforce harsh penalties with jail time for the possession of small quantities of cannabis. We need to use our police and courts more efficiently to focus efforts on serious crimes and save millions each year by doing so. Freeing up precious court space will improve the operation and efficiency of our court system with fewer back logs and result in additional cost savings. Decriminalization will save the taxpayers millions by treating cannabis use as its lowest law enforcement priority which the residents of the Big Island have already approved through the initiative process.

Many lives and particularly young lives and careers have been ruined because a person was caught with small quantities (often just a few grams) of cannabis. This can affect the ability of a person to obtain a student loan, be used as a reason to deny housing and negatively impact a person's ability to be hired for a job or get them fired. There is no reason why we should have law that is so punitive to a person's life (when no one else has been negatively impacted) that success in that life is substantially crippled.

As a 20 year activist and supporter for cannabis reform there is a mountain of data to show that cannabis prohibition does not work. It does not deter people from consuming cannabis but, rather, imbues the citizen with a disrespect and fear of law enforcement and manifests a disdain for government and the justice system.

Please let's make Hawai'i the 14th state to decriminalize one ounce or less of cannabis for adults. Mahalo.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 10:57 AM
To: WAM Testimony
Cc: ALOHATOYOU@LIVE.COM
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: PAUL SCHMITZ
Organization: Individual
Address:
Phone:
E-mail: ALOHATOYOU@LIVE.COM
Submitted on: 2/24/2011

Comments:
LETS MAKE LEGAL AND TAX

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 9:33 AM
To: WAM Testimony
Cc: aloysiousaloha@yahoo.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: nick stone
Organization: Individual
Address:
Phone:
E-mail: aloyiousaloha@yahoo.com
Submitted on: 2/24/2011

Comments:
USE THE FOLLOWING HEADER:
To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: (nick stone)

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

I got arrested for a joint so i couldnt get a job. now i get welfere.

From: Bill Emmerson [Aarts@Hawaii.rr.com]
Sent: Thursday, February 24, 2011 9:35 AM
To: WAM Testimony
Subject: I support SB 1460 SD1 Relating to Marijuana

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Bill Emerson

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

My Position: Strong Support

From: Vtrentals@aol.com
Sent: Thursday, February 24, 2011 3:08 AM
To: WAM Testimony
Subject: pls adopt these policies in the senate

medical marijuana patients and primary caregiver may assert affirmative defense to prosecution, criminal or civil, involving possession of one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of courts to require a defendant to undergo and complete substance abuse treatment for probation violation. Clarifies definition of detrimental drug to exclude one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from offenses of promoting a detrimental drug in the second degree and third degree. Clarifies a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law. Effective 7/1/2050. (SD1)

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

My wife and I are Big Island residents and we strongly support SB 1460.

We feel it is a smart thing to reduce the penalty for minor cannabis possession. We do not feel cannabis is dangerous, and the law needs to be changed. A person should not have a criminal record for having one ounce or less of cannabis.

We went to court in Kona and witnessed Hawaii County prosecute a medical cannabis patient over 2 grams (\$20) worth of medicine. In the end, the Judge found the man guilty, and the fine was \$50 and court fees were \$300. The man went to court three times. There were at least 10 Hawaii County employees involved (Judge, staff, lawyers, police). How much did it cost to collect the \$350? How many hours were wasted? Don't clog the court with minor cannabis cases. Don't waste taxpayer money. Is this about public safety for us or job security for those in the judicial and prison system?

Thank you

David and Wendy Tatum
Fern Acres, HI

PS: We do not have internet access, and we have asked Friends for Justice to type and submit this testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 1:16 PM
To: WAM Testimony
Cc: saralegal@live.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Sara Steiner submitting for Devaki Klare
Organization: Individual
Address:
Phone:
E-mail: saralegal@live.com
Submitted on: 2/24/2011

Comments:
We desperately need this bill to pass here in Hawaii.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 1:14 PM
To: WAM Testimony
Cc: saralegal@live.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Sara Steiner submitting for George Greywolf Klare
Organization: Individual
Address:
Phone:
E-mail: saralegal@live.com
Submitted on: 2/24/2011

Comments:
I strongly support this needed legislation.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 1:12 PM
To: WAM Testimony
Cc: saralegal@live.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Sara Steiner submitting for Barbara Lang
Organization: Individual
Address:
Phone:
E-mail: saralegal@live.com
Submitted on: 2/24/2011

Comments:

I would like to show my strong support for this important bill.

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

RE: SB 1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

It is time to fix the terrible drug laws, and decriminalizing personal possession of cannabis is an important first step.

I come from a family with many people who are (or have been) in law enforcement. Before the "War on Drugs" people respected, looked up to and trusted the police. But, when the police started enforcing these bad laws, and abusing their power, all trust was lost between the police and public.

The police were giving out fliers in Maui and Kauai against legislation such as SB1460. They did it in uniform. Aren't they lobbying for person gain? They get overtime, and paid to testify in court if the drug laws are harsh. Instead of fighting crime, they are lobbying while on the clock. This undermines the integrity of the police department.

I don't even think the drug laws are constitutional. So long as I am not hurting another person, I should be allowed to put into my body whatever I want.

There was a Hawaii County Fireman who was drunk, got behind the wheel of his car, and ended up killing a man (Dale Kanani Tim Sing). He was sentenced Wednesday to 90 days in jail. Someone died and that is all Mr. Mossman gets? Yet, people can be given much harsher penalties for just possessing cannabis. Where is the justice in that?

Cannabis is considered medicine in 15 states...it is not as dangerous as the laws are written...the schedule needs to be changed from I to III, but until that happens, it is certainly time to decriminalize the possession of cannabis. Much more needs to be done, but this is a start.

Thank you

Mike Ruggles
Mt. View, HI

PS: I don't have a computer and Peaceful Sky Alliance submitted this at my request.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 11:20 AM
To: WAM Testimony
Cc: buzzzed@msn.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Sandy Webb
Organization: Individual
Address:
Phone:
E-mail: buzzzed@msn.com
Submitted on: 2/24/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 11:25 AM
To: WAM Testimony
Cc: info@holympministry.org
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Brad Snow
Organization: Individual
Address:
Phone:
E-mail: info@holympministry.org
Submitted on: 2/24/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 1:30 PM
To: WAM Testimony
Cc: mcm@hawaii.rr.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: CAROL SHAND
Organization: Individual
Address:
Phone:
E-mail: mcm@hawaii.rr.com
Submitted on: 2/24/2011

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 11:06 AM
To: WAM Testimony
Cc: nimo1767@gmail.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: Robert Petricci
Organization: Friends 4 Justice
Address:
Phone:
E-mail: nimo1767@gmail.com
Submitted on: 2/24/2011

Comments:

Aloha from the big island

The prosecution of possession of small amounts of marijuana is both expensive and counter productive. Saddling young people in particularly with a drug conviction for something millions on Americans do every day. Arnold Schwarzenegger, Barack Obama, Carl Sagan, Bill Clinton, Ted Turner, Micheal Bloomberg, Micheal Phelps, Kareem Abdul Jabbar, Charles Barkley, Montel Williams, and millions of other professionals have used marijuana and gone on to lead productive lives. A drug conviction could have changed that, they can lose school scholarships, and grants and not be able to get a good job based on the drug conviction. We have and continue to spend millions of dollars to arrest, prosecute and incarcerate our people in a failed effort to prevent people from using marijuana. The results speak for them self. What have we got for our money? Nothing but more misery is the answer, marijuana is available any where in the state. Any policy that has failed so badly after 30 years needs to be changed. This is a health issue that manufactures criminals because it is treated as a criminal problem. We can not afford this economically or socially. The marijuana war has failed, fix it. More of the same will never work, look at the places that have changed this to a health issue policy, they have lower use , and crime than we do. You do not have to like marijuana to see the current policy has made things worse and at great cost. Surly we can do better and save money at the same time.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 24, 2011 3:01 PM
To: WAM Testimony
Cc: Bmurphy420@msn.com
Subject: Testimony for SB1460 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB1460

Conference room: 211
Testifier position: support
Testifier will be present: Yes
Submitted by: Brian Murphy
Organization: Individual
Address:
Phone:
E-mail: Bmurphy420@msn.com
Submitted on: 2/24/2011

Comments:
I support People Right to choose!
mahalo
BMurphy

From: sara steiner [saralegal@live.com]
Sent: Thursday, February 24, 2011 2:04 PM
To: WAM Testimony
Subject: SB 1469 SD1 Relating to Marijuana

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Sara Steiner
Po-Box 1965
Pahoa, HI 96778

Re: SB1460 SD1 Relating to Marijuana
Hearing: Friday, February 25, 2011, 9:00am, Room 211

Position: Strong Support

Aloha from the Big Island of Hawaii,

I am absolutely in strong support of the Senate Bill 1460. This state has been wasting taxpayer money for years prosecuting people for cannabis possession, in addition to wasting peoples lives with felony convictions, jail time and probation - all for a "crime with no victim". It is time to realize the benign nature of cannabis in relation to prescription drugs, and even alcohol and cigarettes.

The voters of the Big Island passed an ordinance in 2008, which called for the Lowest Law Enforcement Priority of Cannabis. This ordinance has been ignored by the police, prosecutors and judges of the Big Island, even though the intent of the law was perfectly clear - STOP WASTING TIME ARRESTING PEOPLE FOR CANNABIS. Our limited budget should be used for more important things like solving murders, missing persons, burglaries, rapes and enforcing restraining orders - crimes with actual victims.

Thank you for your vote for this important bill!

Sara Steiner
808-936-9546

support-sb-1460.txt

To: Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From:

Michael Aiello
HC 2 Box 9513
Keaau, HI 96749
808-352-6451

RE: SB 1460 SD1 Relating to Marijuana

Hearing: Friday, February 25, 2011, 9:00 a.m., Room 211

Position: Strong Support

I strongly support decriminalizing the possession of 1 ounce or less of marijuana.

Primum non nocere is a Latin phrase that means, "First do no harm." This was a maxim learned by Roman medical students so that as physicians they would always remember that the cure can sometimes be worse than the disease.

Please consider this Time magazine article:
<http://www.time.com/time/health/article/0,8599,1821697,00.html>

The article states that 42% of Americans have used marijuana. This represents nothing less than the largest single criminal class in our society! It is self-evident that the simple possession or use of marijuana is not something that warrants jail time or other drastic state intervention.

Arresting and convicting people for simple possession causes unreasonable harm to the lives of otherwise lawful and peaceful citizens. A citizen with a record of prosecution for possession of marijuana impairs their search for a student loan, a job, or a place to live.

These harmful arrests and convictions are costly for taxpayers, and benefit only those employed by the enforce and prosecute the law.

Hawaii could save an estimated \$5 million by instituting a system of civil fines rather than criminal prosecution for possession of less than one ounce of marijuana.

SB 1460 is a measure of decency that would allow law enforcement to focus their efforts on more serious crimes.

Thirteen states have already decriminalized the simple possession of marijuana:

Alaska
California
Colorado
Maine
Massachusetts
Minnesota
Mississippi
Nebraska
Nevada
New York
North Carolina
Ohio
Oregon

Hawaii must join with the other states and just stop the madness.

support-sb-1460.txt

The harm must stop! Please support SB 1460.

AMENDMENTS:

As he indicated in the hearing, Senator Clayton Hee, Chair of the Judiciary committee added an adjudicatory process for enforcing the violations that is similar to the enforcement of traffic violations; since the Attorney General and prosecutors offices testified that the bill didn't say how they were to be handled. (That is why the bill is a hefty 28 pages long, about 10 more than before.)

Adding in the purpose section that the creation of a civil violation does not imply that the legislature believes that such conduct is acceptable and that possession is still prohibited conduct.

Deleted section 10 regarding controlled substances near schools, which would have provided that mere possession of one ounce or less of marijuana would not constitute intent to distribute without other conduct.