

# LATE TESTIMONY

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 04, 2011 10:23 AM  
**To:** JDLEstimony  
**Cc:** Framodda@yahoo.com  
**Subject:** Testimony for SB1460 on 2/4/2011 3:00:00 PM

Testimony for JDL/HTH 2/4/2011 3:00:00 PM SB1460

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ramoda Anand  
Organization: Individual  
Address:  
Phone:  
E-mail: [Framodda@yahoo.com](mailto:Framodda@yahoo.com)  
Submitted on: 2/4/2011

Comments:  
I support this bill

# LATE TESTIMONY

---

**From:** Bugarin, Patrick [pbugarin@honolulu.gov]  
**Sent:** Friday, February 04, 2011 8:29 AM  
**To:** JDLTestimony  
**Subject:** Testimony for Senate Bill 1460, Relating to Marijuana  
**Attachments:** Testimony **SB1460**, Relating to Marijuana, Oppose.pdf

Please refer to the attached testimony for Senate Bill 1460, Relating to Marijuana, scheduled for Friday, February 4, 2011 at 3:00 p.m. in Conference Room 229.

With Integrity, Respect and Fairness

Officer Patrick Bugarin  
for Major Carlton S. Nishimura  
Honolulu Police Department  
Legislative Liaison Office  
Phone: 529-3876  
Fax: 529-3910  
[pbugarin@honolulu.gov](mailto:pbugarin@honolulu.gov)

# LATE TESTIMONY

POLICE DEPARTMENT

## CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DELBERT T. TATSUYAMA  
RANDAL K. MACADANGDANG  
DEPUTY CHIEFS

OUR REFERENCE SD-TA

February 4, 2011

The Honorable Clayton Hee, Chair  
and Members  
Committee on Judiciary and Labor  
The Honorable Josh Green, M.D., Chair  
and Members  
Committee on Health  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Hee and Green and Members:

Subject: Senate Bill No. 1460, Relating to Marijuana

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

The Honolulu Police Department **opposes** Senate Bill No. 1460, Relating to Marijuana.

Passage of this bill will increase the amount and availability of marijuana in our communities. Marijuana has a high potential for abuse and can result in addiction. According to the Alcohol and Drug Abuse Division of the State of Hawaii, Department of Health, 31.3 percent of those admitted for treatment (adults and juveniles) in 2009 stated that marijuana was their primary substance of abuse. Keeping the possession of drugs illegal reduces their availability and lessens the willingness to use them. We oppose any measure that would change the current law to make the possession of marijuana a violation.

The Honolulu Police Department urges you to oppose Senate Bill No. 1460, Relating to Marijuana.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

*pc RL magy*  
\_\_\_\_\_  
**LOUIS M. KEALOHA**  
Chief of Police

*[Signature]*  
SUSAN DOWSETT, Major  
Narcotics/Vice Division

*Serving and Protecting With Aloha*

**From:** robert petricci [nimo1767@gmail.com]  
**Sent:** Thursday, February 03, 2011 8:08 PM  
**To:** JDLEstimony  
**Subject:** RE: SB 1460 Relating to Marijuana.....Testimony for Friends 4 Justice

To: The Joint Senate Committees on Judiciary and Labor and Health

From: Robert Petricci

13-430 Pohoiki Road

Po-Box 2011

Pahoa, HI 96778

Testimony for Friends 4 Justice

RE: SB 1460 Relating to Marijuana

Hearing: Friday, February 04, 2011, 3:00 p.m., Room 229

Position: Strong Support

Aloha from the Big Island,

I am writing you today to ask you to pass Senate Bill 1460. For too long we have been criminalizing possession of even minuscule amounts of the cannabis plant, creating a whole class of citizens who now can't qualify for decent jobs, student loans, housing and other discriminatory practices. Not to mention it clogs the courts with people being persecuted for a victimless crime. Current policy has failed, it has not reduced marijuana use, particularly among adolescents, it has caused more harm to people arrested than marijuana by leaving even casual users with a drug conviction that many times follow them for life. Imagine if president Obama had been arrested and convicted for his admitted use of marijuana. Would he be president? Marijuana is a health issue the current law simply manufactures criminals while not reducing the problem at all. We can no longer afford this economically or socially. This has gone on long enough all one need do is ask any teen, they will tell you marijuana is easier to get than beer. Why? Beer is regulated and marijuana is not. You do not have to like marijuana to understand current policy has failed and we must change course, this bill is a step in that direction.

Please make the fine as small as you possibly can, or else we will end up clogging the courts again with people who cannot pay their fines, which leads to contempt of court, larger fines, probation, etc... We are trying to make good law here, let's be fair and reasonable about the fine, please.

Mahalo,

*Robert Petricci*

Representing Friends 4 Justice

808-936-5239

# LATE TESTIMONY

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 7:33 PM  
**To:** JDLTestimony  
**Cc:** lt@acluhawaii.org  
**Subject:** Testimony for SB1460 on 2/4/2011 3:00:00 PM  
**Attachments:** SB 1460 Marijuana Decrim.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for JDL/HTH 2/4/2011 3:00:00 PM SB1460

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Laurie Temple  
Organization: ACLU of Hawaii  
Address:  
Phone:  
E-mail: [lt@acluhawaii.org](mailto:lt@acluhawaii.org)  
Submitted on: 2/3/2011

Comments:



Committee: Committees on Judiciary and Labor and Health  
Hearing Date/Time: Friday, February 4, 2011, 3:00 p.m.  
Place: Conference Room 229  
Re: Testimony of the ACLU of Hawaii in Support of S.B. 1460

Dear Chairs Hee and Green and Members of the Committees on Judiciary and Labor and Health:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.B. 1460.

The ACLU of Hawaii supports measures like S.B. 1460 that seek to end punitive drug policies that cause widespread violations of constitutional and human rights and lead to unprecedented levels of incarceration.

Voters on the Big Island have already indicated that they do not want to spend their limited law enforcement dollars enforcing outdated and ineffective drug laws. It is time to use our limited resources more wisely, and S.B. 1460 is a step towards that goal.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,  
Laurie Temple  
Staff Attorney  
ACLU of Hawaii

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 7:02 PM  
**To:** JDLTestimony  
**Cc:** ktaggart@hawaii.rr.com  
**Subject:** Testimony for SB1460 on 2/4/2011 3:00:00 PM  
**Attachments:** testimony for SB 1460 (decrim) Feb 2011.doc

Testimony for JDL/HTH 2/4/2011 3:00:00 PM SB1460

Conference room: 229  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Kerry Taggart  
Organization: Individual  
Address: 2656 Aaliamanu Pl Honolulu, Hawaii 96813  
Phone: 521-4825  
E-mail: [ktaggart@hawaii.rr.com](mailto:ktaggart@hawaii.rr.com)  
Submitted on: 2/3/2011

Comments:



SB 1460

Relating to Marijuana  
Civil Penalties for Possession of One Ounce or Less

Hearing: Friday, February 4, 2011, 3:00 p.m., conference room 229

Senator Josh Green, M.D., Chair  
Senator Clarence Nishihara, Vice-Chair  
and Members of the Committee on Health

plus

Senator Clayton Hee, Chair  
Senator Maile Shimabukuro, Vice-Chair  
and Members of the Committee on Judiciary and Labor

Aloha, Dr. Green, Senator Hee, and Members of the Committees:

To quote the astoundingly successful former hedge-fund manager, Andrew Lahde, “...marijuana—it gets you high, it makes you laugh, it does not produce a hangover. Unlike alcohol, it does not result in bar fights or wife-beating. So why is this plant illegal?”

As far back as 1972, President Nixon's own commission recommended it be decriminalized. Evidence keeps mounting as to its non-toxic, even beneficial nature.

Not everyone can tolerate alcohol. So why shouldn't responsible adults be allowed to smoke a little marijuana in their own homes after a stressful day at work? I'd like to add that it can also be a uniquely effective aphrodisiac, especially for older women who might otherwise have a low libido after menopause.

These days state governments urgently need to find ways to both spend less and create new sources of income, both of which decriminalizing marijuana can do. This measure would save time and money for the entire criminal justice system, freeing up law enforcement to focus more on serious, violent crime, such as clearing the backlog on rape and robbery cases. And this measure would raise revenue through the collection of civil fines.

Possession of small amounts of marijuana for personal use by adults is not something that warrants jail time, and all its repercussions.

Whether they consume marijuana or not, all the taxpayers of Hawaii can benefit from this legislation.

Thank you for your time,

Kerry Taggart

**From:** sara steiner [saralegal@live.com]  
**Sent:** Thursday, February 03, 2011 5:28 PM  
**To:** JDLEstimony  
**Subject:** SB 1460 Relating to Marijuana

To: The Joint Senate Committees on Judiciary and Labor and Health

From: Sara Steiner

13-430 Pohoiki Road

Po-Box 1965

Pahoa, HI 96778

RE: SB 1460 Relating to Marijuana

Hearing: Friday, February 04, 2011, 3:00 p.m., Room 229

Position: Strong Support

Aloha from the Big Island,

I am writing you today to ask you to pass Senate Bill 1460. For too long we have been criminalizing possession of even miniscule amounts of the cannabis plant, creating a whole class of citizens who now can't qualify for decent jobs, student loans, housing and other discriminatory practices. Not to mention it clogs the courts with people being persecuted for a victimless crime.

Please make the fine as small as you possibly can, or else we will end up clogging the courts again with people who cannot pay their fines, which leads to contempt of court, larger fines, probation, etc... We are trying to make good law here, let's be fair and reasonable about the fine, please.

Mahalo,

*Sara Steiner*

Sara Steiner

808-936-9546

# LATE TESTIMONY

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 5:22 PM  
**To:** JDLTestimony  
**Cc:** jyohta@hawaii.rr.com  
**Subject:** Testimony for SB1460 on 2/4/2011 3:00:00 PM  
**Attachments:** DPFH SB 1460 Decrim MJ.doc

Testimony for JDL/HTH 2/4/2011 3:00:00 PM SB1460

Conference room: 229  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Jeanne Ohta  
Organization: Drug Policy Forum of Hawaii  
Address:  
Phone: 373-3186  
E-mail: [jyohta@hawaii.rr.com](mailto:jyohta@hawaii.rr.com)  
Submitted on: 2/3/2011

Comments:



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

February 4, 2011

To: Members of the Committee on Judiciary and Labor and  
Members of the Committee on Health

From: **Jeanne Y. Ohta**, Executive Director

RE: **SB 1460** Relating to Marijuana  
Hearing: Friday, February 4, 2011, 3:00 p.m., Room 229

Position: **Strong Support**

Chair Hee, Vice Chair Shimabukuro, Chair Green, Vice Chair Nishihara, and members of the committees, thank you for hearing this measure. **The Drug Policy Forum** of Hawai'i writes in strong support of SB 1460 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.

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.

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.

**Board of Directors**

Pamela Lichy, M.P.H.  
*President*

Kat Brady  
*Vice President*

Heather Lusk  
*Treasurer*

Katherine Irwin, Ph.D.  
*Secretary*

Michael Kelley, D.Phil.

Richard S. Miller, Prof. of  
Law Emer.

Robert Perkinson, Ph.D.

*Donald Topping, Ph.D.*  
*Founder 1929-2003*

P.O. Box 61233  
Honolulu, HI 96839

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

Email: [info@dpfhi.org](mailto:info@dpfhi.org)  
Website: [www.dpfhi.org](http://www.dpfhi.org)

## 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](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](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>

**From:** Paul K. Ferreira [pferreira@co.hawaii.hi.us]  
**Sent:** Thursday, February 03, 2011 4:38 PM  
**To:** JDLTestimony  
**Subject:** Hawaii Police Testimony for SB 1460  
**Attachments:** Hawaii Police Testimony Senate Bill 1460.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aloha,

Attached is the written testimony from the Hawai'i Police Department for:

Senate Bill 1460, Relating to Marijuana  
Before the Committee on Judiciary and Labor

Before The Committee On Health

Date : Friday, February 4, 2011  
Time : 3:00 P.M.  
Place : Conference Room 229  
State Capitol

Person Testifying:

Police Chief Harry S. Kubojiri  
Hawai'i Police Department  
County of Hawai'i  
(Written Testimony Only)

Mahalo,

Paul K. Ferreira  
Deputy Police Chief  
Hawai'i Police Department  
349 Kapiolani Street  
Hilo, Hawai'i 96720  
Ph: (808)961-2244  
Fax: (808)961-2389

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) or entity to whom/which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any review, dissemination, distribution or copying of this communication is strictly prohibited. If you think you have received this communication in error, please notify us immediately by reply e-mail or by telephone (808)961-2244, and delete the original message. Thank you.

**LATE TESTIMONY**

William P. Kenoi  
Mayor



Harry S. Kubojiri  
Police Chief

Paul K. Ferreira  
Deputy Police Chief

February 3, 2011

**County of Hawai'i**

**POLICE DEPARTMENT**

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

Senator Clayton Hee  
Chair and Members  
Committee on Judiciary and Labor  
State Capitol  
415 South Beretania Street, Room 229  
Honolulu, Hawai'i 96813

**Re: Senate Bill 1460, Relating To Marijuana**

Dear Senator Hee and Members:

The Hawai'i Police Department strongly **opposes** the passage of Senate Bill 1460, Relating to Marijuana, which seeks to essentially decriminalize the possession of one ounce or less of marijuana and instill civil penalties instead. Additionally, it would exempt students and parolees and seeks to remove the authority of the courts as it pertains to this crime.

In 1975, the Alaskan Supreme Court ruled that the state could not interfere with an adult's personal use of marijuana in the home. Although this ruling was intended for persons 19 years and older, a 1988 study by the University of Alaska reported that Alaskan youths, age 12 to 17, used marijuana more than twice the national average. In 1990, Alaskan residents voted to recriminalize possession of marijuana.

In 1979, the Carter administration considered federal decriminalization after 11 states had decriminalized marijuana locally. That same year, marijuana use shot up among teenagers. Almost 51% of 12<sup>th</sup> graders reported using marijuana in the last 12 months. By 1992, because of tougher laws and increased attention to education regarding drug abuse, that figure had been reduced to 22%, nearly a 57% decline.

Not only does this legislation seek to eliminate the criminal elements of possession of one ounce or less of marijuana, it also seeks to delete the requirement of the board of education to report a **student who possesses one ounce or less of marijuana**. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), in 2005, of the 142,646 juveniles aged 12-17 years being treated for drug dependency, 65.1% of those juveniles were being treated with marijuana being the primary substance of abuse. Realizing that juveniles have the most impressionable minds, we do not want to lessen the penalties of possession of marijuana, especially where juveniles are concerned.

The board of education is also required to report to appropriate authorities if there is reason to believe a student is involved in a variety of crimes to include marijuana possession. The board of education is charged with protecting our children while they are in the care of the educators. It is incumbent on the educators to continue to report to the proper authorities as required any criminal activity, including possession of marijuana, no matter how much or how little marijuana a student possesses.



**LATE TESTIMONY**

Senator Clayton Hee  
Chair and Members  
Committee on Judiciary and Labor  
February 3, 2011  
Page 2

**Re: Senate Bill 1460, Relating To Marijuana**

This act disregards the stringent reporting conditions placed upon the board of education and the stringent conditions given to parolees who have that status for a reason (convictions for felony offenses).

Decriminalization of marijuana, no matter the amount, sends the message to society that marijuana is harmless and should be treated as nothing more than a fine. That is not the case and marijuana possession should remain criminal offenses.

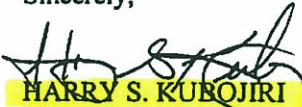
When dealing with our children, consider the following facts:

- Among people who begin smoking marijuana before age of 18, addiction rises to 17% <sup>(1)</sup>
- Research shows that the earlier people start using drugs, the more likely they are to go on to experiment with other drugs and research shows that students do not remember what they have learned when they are high. <sup>(2)</sup>
- The American Academy of Pediatrics believes that "any change in the legal status of marijuana, even if limited to adults, could affect the prevalence of use among adolescents."<sup>(3)</sup>

For the reasons above, we strongly urge this committee to reject Senate Bill 1460, Relating to Marijuana.

Thank you for allowing the Hawai'i Police Department to testify on this bill.

Sincerely,

  
**HARRY S. KUBOJIRI**  
POLICE CHIEF

**References**

- (1) California Society of Addiction Medicine (Honolulu Star Advertiser 10/07/10)
- (2) Missouri Department of Health, Division of Alcohol and Drug Abuse, [www.well.com/user/woa/fspot.htm](http://www.well.com/user/woa/fspot.htm)
- (3) Committee on Substance Abuse and Committee on Adolescence, "Legalization of Marijuana: Potential Impact on Youth." Pediatrics Vol. 113, No. 6 (June 6, 2004); 1825-1826. See also, Joffe, Alain, MD, MPH, and Yancy, Samuel, MD. "(Legalization of Marijuana: Potential Impact on Youth." Pediatrics Vol. 113, No. 6 (June 6, 2004): e632-e638h

Senator Josh Green, M.D.  
Chair and Members  
Committee on Health  
February 3, 2011  
Page 2

**Re: Senate Bill 1460, Relating To Marijuana**

This act disregards the stringent reporting conditions placed upon the board of education and the stringent conditions given to parolees who have that status for a reason (convictions for felony offenses).

Decriminalization of marijuana, no matter the amount, sends the message to society that marijuana is harmless and should be treated as nothing more than a fine. That is not the case and marijuana possession should remain criminal offenses.

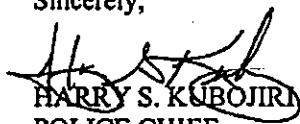
When dealing with our children, consider the following facts:

- Among people who begin smoking marijuana before age of 18, addiction rises to 17% <sup>(1)</sup>
- Research shows that the earlier people start using drugs, the more likely they are to go on to experiment with other drugs and research shows that students do not remember what they have learned when they are high. <sup>(2)</sup>
- The American Academy of Pediatrics believes that "any change in the legal status of marijuana, even if limited to adults, could affect the prevalence of use among adolescents."<sup>(3)</sup>

For the reasons above, we strongly urge this committee to reject Senate Bill 1460, Relating to Marijuana.

Thank you for allowing the Hawai'i Police Department to testify on this bill.

Sincerely,

  
HARRY S. KUBOJIRI  
POLICE CHIEF

**References**

- (1) California Society of Addiction Medicine (Honolulu Star Advertiser 10/07/10)
- (2) Missouri Department of Health, Division of Alcohol and Drug Abuse, [www.well.com/user/woa/fspot.htm](http://www.well.com/user/woa/fspot.htm)
- (3) Committee on Substance Abuse and Committee on Adolescence, "Legalization of Marijuana: Potential Impact on Youth." Pediatrics Vol. 113, No. 6 (June 6, 2004; 1825-1826. See also, Joffe, Alain, MD, MPH, and Yancy, Samuel, MD. "(Legalization of Marijuana: Potential Impact on Youth." Pediatrics Vol. 113, No. 6 (June 6, 2004): e632-e638h

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 4:33 PM  
**To:** JDLEstimony  
**Cc:** tnakamatsu@honolulu.gov  
**Subject:** Testimony for SB1460 on 2/4/2011 3:00:00 PM  
**Attachments:** sb1460.marijuana.regs.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for JDL/HTH 2/4/2011 3:00:00 PM SB1460

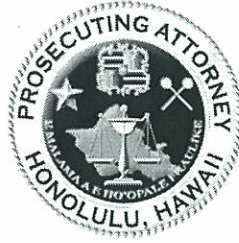
Conference room: 229  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Tricia Nakamatsu  
Organization: Dept of the Prosecuting Attorney (Honolulu)  
Address: 1060 Richards Street Honolulu, HI  
Phone: 808-768-7450  
E-mail: [tnakamatsu@honolulu.gov](mailto:tnakamatsu@honolulu.gov)  
Submitted on: 2/3/2011

Comments:  
Slight technical corrections (Health Chair's name, session year)

**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE CLAYTON HEE, CHAIR  
SENATE JUDICIARY AND LABOR COMMITTEE**

**THE HONORABLE JOSH GREEN, M.D., CHAIR  
SENATE HEALTH COMMITTEE**

**Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai`i**

February 4, 2011

**RE: S.B. 1460; 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.

The purpose of this bill is to change possession of one ounce or less of marijuana from a criminal offense to a civil violation, 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 more than one ounce of marijuana. Given the widespread abuse and negative impacts of marijuana, and its ongoing status as a controlled substance, this Department strongly maintains that marijuana should continue to be strictly regulated and enforced.

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

Committee: Joint Committee on Judiciary and Labor and Committee on Health

Location: Room 229

Date: Friday, February 4, 2011, 3:00 P.M.

RE: SB 1460 Relating to Marijuana

decriminalizes the possession of one ounce or less of marijuana to a fine of not more than \$100.

Aloha Chair and Committee Members!

I am sure that you agree with me and most of Hawai'i residents that possessing small amounts of marijuana for personal use is not, in and of itself, something that warrants jail time. This doesn't make our communities safer but rather by arresting people for small amounts of marijuana it can take a productive member of society and create lifelong problems for them.

Out of the 13 states that have decriminalized, no state has ever re-criminalized it. That is an important statistic. No one has decided after the fact that decriminalization was a bad idea.

Can you believe that Hawai'i would save at least \$5 million dollars just by taking this step in legislation. The public support for changing marijuana laws has clearly been voiced. 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. This legislation is the next logical step.

This is a good thing for the people and State of Hawai'i. Please do all you can to move this legislation forward successfully.

Mahalo Nui Loa for your time and consideration,

Teri Heede

92-994 Kanehoa Loop

Kapolei, Hawai'i 96707

808-672-6312

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 4:25 PM  
**To:** JDLTestimony  
**Cc:** theede@hawaii.rr.com  
**Subject:** Testimony for SB1460 on 2/4/2011 3:00:00 PM  
**Attachments:** sb1460.docx

Testimony for JDL/HTH 2/4/2011 3:00:00 PM SB1460

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Teri Heede  
Organization: Individual  
Address: 92-94 Kanehoa Loop  
Phone: 808-672-6312  
E-mail: [theede@hawaii.rr.com](mailto:theede@hawaii.rr.com)  
Submitted on: 2/3/2011

Comments:

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 03, 2011 4:05 PM  
**To:** JDLTestimony  
**Cc:** maguinger@hawaii.rr.com  
**Subject:** Testimony for SB1460 on 2/4/2011 3:00:00 PM

Testimony for JDL/HTH 2/4/2011 3:00:00 PM SB1460

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Mary A Guinger  
Organization: Individual  
Address: 926A Kaipii Kailua, Hi  
Phone: 808-261-9310  
E-mail: [maguinger@hawaii.rr.com](mailto:maguinger@hawaii.rr.com)  
Submitted on: 2/3/2011

Comments:

A crime is a behavior that causes harm.  
Grass is unlike meth, tobacco, or stiffing glue that causes biological harm even in small amounts.  
Grass, like a glass of wine, can enhance life, and reduce stress and pain.  
My friend uses grass to ward off the pain and stress of cancer.  
With criminalization, it is our legal system that causes harm by destroying lives and reducing our society's potential.  
Thank you for stopping this injustice.

---

**From:** JP [john.pena@yahoo.com]  
**Sent:** Thursday, February 03, 2011 4:01 PM  
**To:** JDLTestimony  
**Subject:** SB 1458

From: John M. Pena

RE: SB 1458 Relating to Marijuana  
Position: Strong Support

To The Joint Committee on Judiciary and Labor and Committee on Health

My name is John Pena, and I am submitting this letter of support on behalf of SB 1460 which decriminalizes the possession of one ounce or less of marijuana to a fine of not more than \$100.

I strongly support the legislature's approval of action which facilitates the creation of compassion centers, and licenses growers and infused products manufacturers. It is clear that the current process has a systemic failure to address these essential elements. Thus creating a system which actually places citizens in various manners of jeopardy in relation to the law.

Thank you for your consideration in this important matter.