

JAN 18 2013

A BILL FOR AN ACT

RELATING TO MARIJUANA.

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

1 SECTION 1. The legislature finds that the benefits of
2 establishing a civil violation for the possession of small
3 amounts of marijuana far outweigh the benefits of the current
4 criminal treatment of this offense.

5 The legislature finds that the costs to enforce criminal
6 marijuana possession statutes are substantial. According to an
7 update to the report entitled *Budgetary Implications of*
8 *Marijuana Decriminalization and Legalization for Hawai'i*, which
9 was completed in December of 2012 by David C. Nixon, an
10 economist from the University of Hawaii, state and county law
11 enforcement agencies spent \$9,300,000 in 2011 to enforce
12 marijuana possession laws. Meanwhile, a recent scientific
13 survey of registered voters in the State conducted by Qmark
14 Research found that fifty-eight per cent of those surveyed
15 favored making marijuana possession and personal use a violation
16 instead of a crime, and fifty-one per cent favored making the
17 personal adult use of marijuana the State's lowest law
18 enforcement priority.



1 Possession of one ounce or less of marijuana is still
2 prohibited conduct under this Act; it will simply be handled in
3 a different, more appropriate manner. Moreover, this Act does
4 not amend laws regarding driving under the influence of
5 marijuana or other criminal infractions committed under the
6 influence or infractions pertaining to sales or manufacturing.
7 This Act also does not amend laws regarding the use of marijuana
8 for medical purposes.

9 SECTION 2. The Hawaii Revised Statutes is amended by
10 adding a new chapter to be appropriately designated and to read
11 as follows:

12 "CHAPTER

13 MARIJUANA

14 § -1 **Definitions.** As used in this part, unless the
15 context requires otherwise:

16 "Court" means the district court.

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

19 § -2 **Notice; form; determination final unless contested.**

20 (a) A notice of violation shall include the summons for the
21 purposes of this section. Whenever a notice of violation is
22 issued to a person, the person's signature and current address



1 shall be noted on the notice. If the person refuses to sign the
2 notice of violation, the officer shall record this refusal on
3 the notice and issue the notice to the person. Individuals to
4 whom a notice of violation is issued under this section need not
5 be arraigned before the court, unless required by rule of the
6 supreme court.

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

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

11 (1) A statement of the total amount for the violation
12 established pursuant to section 329-A, to be paid by
13 the person;

14 (2) A statement of the options provided in section
15 -3(b) for answering the notice and the procedures
16 necessary to exercise the options;

17 (3) A statement that the person to whom the notice is
18 issued must answer, choosing one of the options
19 specified in section -3(b), within twenty-one days
20 of issuance of the notice;

21 (4) A statement that failure to answer the notice of
22 violation within twenty-one days of issuance shall



1 result in the entry of judgment by default for the
2 State and may result in the assessment of a late
3 penalty and that if the person to whom the notice was
4 issued fails to pay the total amount specified in the
5 default judgment within an additional thirty days or
6 to otherwise take action to set aside the default, the
7 person shall be subject to the provisions of section
8 706-647;

9 (5) A statement that, at a hearing conducted pursuant to
10 section -5 to contest the notice of violation, no
11 officer shall be present unless the person timely
12 requests the court to have the officer present, and
13 that the standard of proof to be applied by the court
14 is whether a preponderance of the evidence proves that
15 the specified violation was committed;

16 (6) A space in which the signature of the person to whom
17 the notice was issued may be affixed; and

18 (7) The date, time, and place at which the person to whom
19 the notice was issued must appear in court, if the
20 person is required by the notice to appear in person
21 at the hearing.



1 § -3 **Answer required.** (a) A person who receives a
2 notice of violation shall answer the notice within twenty-one
3 days of the date of issuance of the notice. There shall be
4 included with the notice of violation a preaddressed envelope
5 directed to the clerk of the applicable district court.

6 (b) Provided that the notice of violation does not require
7 an appearance in person at a hearing as set forth in section
8 -2(c)(7), in answering a notice of violation, a person shall
9 have the following options:

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

12 (A) By mail or in person, by completing the
13 appropriate portion of the notice of violation or
14 preaddressed envelope and submitting it to the
15 authority specified on the notice together with
16 payment of the total amount stated on the notice
17 of violation; provided that payment by mail shall
18 be in the form of a check, money order, or by an
19 approved credit or debit card; provided further
20 that payment in person shall be in the form of
21 United States currency, check, money order, or by
22 an approved credit or debit card; or



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

6 (2) Deny the commission of the violation and request a
7 hearing to contest the violation by completing the
8 appropriate portion of the notice of violation or
9 preaddressed envelope and submitting it, either by
10 mail or in person, to the authority specified on the
11 notice. A denial may include assertion of affirmative
12 defenses, including that the person is duly registered
13 with the department of public safety pursuant to
14 section 329-123 and asserts the medical use of
15 marijuana as an affirmative defense pursuant to
16 section 329-125. In lieu of appearing in person at a
17 hearing, the person may submit a written statement of
18 grounds on which the person contests the notice of
19 violation, which shall be considered by the court as a
20 statement given in court pursuant to section -5(a).

21 (c) When answering the notice of violation, the person
22 shall affix the person's signature to the answer and shall state



1 the address at which the person will accept future mailings from
2 the court. No other response shall constitute an answer for
3 purposes of this chapter.

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

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

10 (b) When a denying answer is received, the court shall
11 notify the person in writing of the date, time, and place of
12 hearing to contest the notice of violation. The notice of
13 hearing shall be mailed to the address stated in the denying
14 answer, or if none is given, to the address stated on the notice
15 of violation. The notification also shall advise the person
16 that, if the person fails to appear at the hearing, the court
17 shall enter judgment by default in favor of the State, as of the
18 date of the scheduled hearing, that the total amount specified
19 in the default judgment must be paid within thirty days of entry
20 of default judgment, and if it is not paid, that the court shall
21 take action as provided in section -6.



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

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

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



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

16 § -5 **Hearings.** (a) In proceedings to contest a notice
17 of violation where the person to whom the notice was issued has
18 timely requested a hearing and appears at such hearing:

19 (1) In lieu of the personal appearance by the officer who
20 issued the notice of violation, the court shall
21 consider the notice of violation and any other written
22 report made by the officer, if provided to the court



1 by the officer, together with any oral or written
2 statement by the person to whom the notice of
3 violation was issued;

4 (2) The court may compel by subpoena the attendance of the
5 officer who issued the notice of violation and other
6 witnesses from whom it may wish to hear;

7 (3) The standard of proof to be applied by the court shall
8 be whether, by a preponderance of the evidence, the
9 court finds that the violation was committed; and

10 (4) After due consideration of the evidence and arguments,
11 if any, the court shall determine whether commission
12 of the violation has been established. Where the
13 commission of the violation has not been established,
14 judgment in favor of the defendant, dismissing the
15 notice of violation or any count therein with
16 prejudice, shall be entered in the record. Where it
17 has been established that the violation was committed,
18 the court shall enter judgment in favor of the State
19 and shall assess a monetary assessment pursuant to
20 section 329-A. The court also shall inform the person
21 of the right to request a trial pursuant to section

22 -8. If the person requests a trial at the time of



1 the hearing, the court shall provide the person with a
2 trial date as soon as practicable.

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

11 § -6 **Failure to pay fine.** When the person issued a
12 notice of violation fails to pay the total amount of the fine,
13 the fine may be collected in the same manner as a judgment in a
14 civil action. The State may collect the fee or fine, including
15 costs, interest, and attorney's fees pursuant to section
16 706-647.

17 § -7 **Time computation.** In computing any period of time
18 prescribed or allowed by sections -1 through -9, the day
19 of the act, event, or default from which the period of time
20 begins to run shall not be included. The last day of the period
21 so computed shall be included, unless it is a Saturday, Sunday,
22 or legal holiday in which event the period runs until the end of



1 the next day that is not a Saturday, Sunday, or legal holiday.
2 Intermediate Saturdays, Sundays, and legal holidays shall be
3 included. Whenever an act required to be performed under this
4 chapter may be accomplished by mail, the act shall be deemed to
5 have been performed on the date of the postmark on the mailed
6 article.

7 § -8 **Trial and concurrent trial.** (a) There shall be no
8 right to trial unless the defendant contests the notice of
9 violation pursuant to section -5. If, after proceedings to
10 contest the notice of violation, a determination is made that
11 the defendant committed the violation, judgment shall enter in
12 favor of the State. The defendant may request a trial pursuant
13 to the Hawaii rules of evidence and the rules of the district
14 court; provided that any request for trial shall be made within
15 thirty days of entry of judgment. If, after appearing in person
16 at a hearing to contest the notice of violation, the person
17 requests a trial at the conclusion of the hearing, the court
18 shall provide the person with a trial date as soon as
19 practicable.

20 (b) At the time of trial, the State shall be represented
21 by a prosecuting attorney of the county in which the violation
22 occurred. The prosecuting attorney shall orally recite the



1 charged civil violation in court prior to commencement of the
2 trial. Proof of the defendant's commission of the violation
3 shall be by a preponderance of the evidence.

4 (c) If trial on the violation is held prior to trial on
5 any related criminal offense, the following shall be
6 inadmissible in the subsequent prosecution or trial of the
7 related criminal offense:

8 (1) Any written or oral statement made by the defendant in
9 proceedings conducted pursuant to section -4(b);
10 and

11 (2) Any testimony given by the defendant in the violation
12 trial.

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

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



1 Hawaii rules of evidence, and the Hawaii rules of penal
2 procedure.

3 § -9 Rules. (a) The supreme court may adopt rules of
4 procedure for the conduct of all proceedings pursuant to this
5 chapter.

6 (b) Chapter 626 shall not apply in proceedings conducted
7 pursuant to this chapter, except for the rules governing
8 privileged communications, and proceedings conducted under
9 section -8.

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

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

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



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

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

7 "§329-A Possession of marijuana. (a) Intentional or
8 knowing possession of one ounce or less of marijuana shall
9 constitute a civil violation subject to a fine not to exceed
10 \$100.

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

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

16 "§604- Enforcement of civil violations for marijuana
17 possession. Jurisdiction is conferred upon the district courts
18 to try all cases arising from the violation of section 329-A and
19 to impose the penalties prescribed for a violation under 329-A.
20 Jurisdiction is in the district court of the circuit where the
21 alleged violation occurred."



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

3 "[+]§302A-1002[+] Reporting of crime-related incidents.

4 The board shall adopt rules pursuant to chapter 91 to:

5 (1) Require a report to appropriate authorities from a
6 teacher, official, or other employee of the department
7 who knows or has reason to believe that an act has
8 been committed or will be committed, which:

9 (A) Occurred or will occur on school property during
10 school hours or during activities supervised by
11 the school; and

12 (B) Involves crimes relating to arson, assault,
13 burglary, disorderly conduct, dangerous weapons,
14 dangerous drugs, harmful drugs, extortion,
15 firearms, gambling, harassment, intoxicating
16 drugs, [~~marijuana~~] marijuana concentrate[~~]~~ or
17 more than one ounce of marijuana, murder,
18 attempted murder, sexual offenses, rendering a
19 false alarm, criminal property damage, robbery,
20 terroristic threatening, theft, or trespass;

21 (2) Establish procedures for disposing of any incident
22 reported; and



1 (3) Impose, in addition to any other powers or authority
2 the department may have to discipline school
3 officials, appropriate disciplinary action for failure
4 to report these incidents, including probation,
5 suspension, demotion, and discharge of school
6 officials."

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

9 "(a) A qualifying patient or the primary caregiver may
10 assert the medical use of marijuana as an affirmative defense to
11 any prosecution, criminal or civil, involving marijuana under
12 this [{}part{}], section 329-A, or chapter 712; provided that
13 the qualifying patient or the primary caregiver strictly
14 complied with the requirements of this part."

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

17 "(f) The Hawaii paroling authority may require a paroled
18 prisoner to undergo and complete a substance abuse treatment
19 program when the paroled prisoner has committed a violation of
20 the terms and conditions of parole involving possession or use,
21 not including to distribute or manufacture as defined in section
22 712-1240, of any dangerous drug, detrimental drug, harmful drug,



1 intoxicating compound, more than one ounce of marijuana, or
2 marijuana concentrate, as defined in section 712-1240, unlawful
3 methamphetamine trafficking in the first degree as provided in
4 section [~~712-1240.6,~~] 712-1240.7 or in the second degree as
5 provided in section 712-1240.8, or involving possession or use
6 of drug paraphernalia under section 329-43.5. If the paroled
7 prisoner fails to complete the substance abuse treatment program
8 or the Hawaii paroling authority determines that the paroled
9 prisoner cannot benefit from any substance abuse treatment
10 program, the paroled prisoner shall be subject to revocation of
11 parole and return to incarceration. As a condition of parole,
12 the Hawaii paroling authority may require the paroled prisoner
13 to:

- 14 (1) Be assessed by a certified substance abuse counselor
15 for substance abuse dependency or abuse under the
16 applicable Diagnostic and Statistical Manual of Mental
17 Disorders and Addiction Severity Index;
- 18 (2) Present a proposal to receive substance abuse
19 treatment in accordance with the treatment plan
20 prepared by a certified substance abuse counselor
21 through a substance abuse treatment program that



1 includes an identified source of payment for the
2 treatment program;

3 (3) Contribute to the cost of the substance abuse
4 treatment program; and

5 (4) Comply with any other terms and conditions for parole.

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

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

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

18 "(7) The court may require a defendant to undergo and
19 complete a substance abuse treatment program when the defendant
20 has committed a violation of the terms and conditions of
21 probation involving possession or use, not including to
22 distribute or manufacture as defined in section 712-1240, of any



1 dangerous drug, detrimental drug, harmful drug, intoxicating
2 compound, more than one ounce of marijuana, or marijuana
3 concentrate, as defined in section 712-1240, unlawful
4 methamphetamine trafficking in the first degree as provided in
5 section [~~712-1240.6,~~] 712-1240.7 or in the second degree as
6 provided in section 712-1240.8, or involving possession or use
7 of drug paraphernalia under section 329-43.5. If the defendant
8 fails to complete the substance abuse treatment program or the
9 court determines that the defendant cannot benefit from any
10 other suitable substance abuse treatment program, the defendant
11 shall be subject to revocation of probation and incarceration.
12 The court may require the defendant to:

- 13 (a) Be assessed by a certified substance abuse counselor
14 for substance abuse dependency or abuse under the
15 applicable Diagnostic and Statistical Manual of Mental
16 Disorders and Addiction Severity Index;
- 17 (b) Present a proposal to receive substance abuse
18 treatment in accordance with the treatment plan
19 prepared by a certified substance abuse counselor
20 through a substance abuse treatment program that
21 includes an identified source of payment for the
22 treatment program;



- 1 (c) Contribute to the cost of the substance abuse
- 2 treatment program; and
- 3 (d) Comply with any other terms and conditions of
- 4 probation.

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

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

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

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



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

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

5 (a) Possesses fifty or more capsules or tablets containing
6 one or more of the Schedule V substances; or

7 (b) Possesses one or more preparations, compounds,
8 mixtures, or substances, of an aggregate weight of
9 one-eighth ounce or more, containing one or more of
10 the Schedule V substances; or

11 (c) Possesses one or more preparations, compounds,
12 mixtures, or substances, of an aggregate weight of one
13 ounce or more, containing ~~any~~ more than one ounce of
14 marijuana; or

15 (d) Distributes any marijuana or any Schedule V substance
16 in any amount."

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

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



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

3 "§712-1255 Conditional discharge. (1) Whenever any
4 person who has not previously been convicted of any offense
5 under this chapter or chapter 329, except for a civil violation
6 under section 329-A, or under any statute of the United States
7 or of any state relating to a dangerous drug, harmful drug,
8 detrimental drug, or an intoxicating compound, pleads guilty to
9 or is found guilty of promoting a dangerous drug, harmful drug,
10 detrimental drug, or an intoxicating compound under section
11 712-1243, 712-1245, 712-1246, 712-1248, 712-1249, or 712-1250,
12 the court, without entering a judgment of guilt and with the
13 consent of the accused, may defer further proceedings and place
14 the accused on probation upon terms and conditions. Upon
15 violation of a term or condition, the court may enter an
16 adjudication of guilt and proceed as otherwise provided.

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

20 (3) Discharge and dismissal under this section shall be
21 without adjudication of guilt and is not a conviction for



1 purposes of this section or for purposes of disqualifications or
2 disabilities imposed by law upon conviction of a crime.

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

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

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



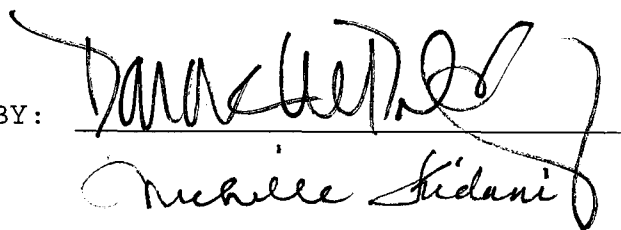
1 SECTION 13. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun, before its effective date.

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

6 SECTION 15. This Act shall take effect upon its approval.

7

INTRODUCED BY:


Mahesh Sidani



S.B. NO. 739

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.

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

