

Honolulu, Hawaii

FEB 14 2014

RE: S.B. No. 2358
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 2358 entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Decriminalize the intentional or knowing possession of one ounce or less of marijuana; and
- (2) Establish a civil violation for possession of one ounce or less of marijuana that is subject to a fine of not more than \$100.

Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawaii; Community Alliance on Prisons; Religion of Jesus Church; and twenty-nine individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General; Department of the Prosecuting Attorney of the City and County of Honolulu; Honolulu Police Department; Hawaii Police Department; Maui Police Department; Coalition for a Drug-Free Hawaii; and eight individuals. Your Committee received comments on this measure from the Judiciary and three individuals.

Your Committee finds that there is increasing public and federal support for the decriminalization of marijuana. On August 29, 2013, a United States Department of Justice Memorandum



for United States Attorneys deemphasized federal enforcement of federal drug laws concerning marijuana as long as marijuana activity does not threaten the federal government's enforcement priorities and stresses that enforcement of state laws by local law enforcement authority should be the "primary means of addressing marijuana-related activity." Your Committee further finds that studies indicate that stricter drug policies might actually lead to an increase in crime. In accordance with the current science and attitude toward marijuana, this measure decriminalizes the intentional or knowing possession of one ounce or less of marijuana.

Your Committee has amended this measure by:

- (1) Amending a first time violation for possession of one ounce or less of marijuana from no more than \$100 to exactly \$100;
- (2) Establishing a fine of \$250 for a second violation for possession of one ounce or less of marijuana;
- (3) Establishing a fine of \$500 for a third or subsequent violation for possession of one ounce or less of marijuana; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2358, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2358, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,

Will Espero

WILL ESPERO, Chair



