

---

---

# 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 certain state  
2 policies should be revised in response to our current economic  
3 climate. One of these policies relates to criminal offenses  
4 that prohibit the possession of one ounce or less of marijuana.  
5 The legislature further finds that nineteen states and the  
6 District of Columbia have decriminalized small amounts of  
7 marijuana. Of these states, six – Minnesota, Missouri, Nevada,  
8 North Carolina, Ohio and Oregon – have made possession of  
9 marijuana a low-level misdemeanor, with no possibility of jail  
10 for qualifying offenses. Most recently, in 2014, Maryland  
11 approved decriminalization of marijuana, making possession of  
12 less than ten grams of marijuana a civil offense subject to a  
13 fine. The District of Columbia also passed legislation last  
14 year to make possession or transfer without remuneration of one  
15 ounce or less of marijuana a civil violation subject to a fine.  
16 The legislature finds that in Hawai‘i, as in these other areas,  
17 the benefits of establishing a civil violation for the



1 possession of small amounts of marijuana far outweigh the  
2 benefits of the current criminal treatment of this offense.

3 The legislature further finds that the costs to enforce  
4 criminal marijuana possession statutes are substantial.

5 According to a report entitled *Update to: Budgetary*  
6 *Implications of Marijuana Decriminalization and Legalization for*  
7 *Hawai'i*, dated January 2013, by David C. Nixon, an associate  
8 professor at the University of Hawai'i public policy center,  
9 Hawai'i's enforcement of marijuana laws is relatively muted.

10 However, since 2004, marijuana possession arrests have increased  
11 almost 50 per cent and distribution arrests have almost doubled.

12 The report also notes that there has been a statistically  
13 significant increase between 2002/2003 and 2008/2009 in the  
14 percentage of Hawai'i's population who reported having consumed  
15 marijuana within the last thirty days. The report suggests that  
16 although it is clear that enforcement of marijuana laws has  
17 become marginally stricter and reported use of marijuana has  
18 increased in tandem, it is possible to argue that marijuana  
19 enforcement has no impact or perhaps even a counterproductive  
20 impact on marijuana consumption. Furthermore, the report notes  
21 that the enforcement costs for misdemeanor marijuana costs have



1 skyrocketed in the State. The cost of arrest in Hawai'i for  
2 simple marijuana possession is now approximately \$9,300,000 a  
3 year, with marijuana distribution enforcement costing the State  
4 an additional \$3,100,000 a year.

5 The legislature additionally finds that evidence evaluated  
6 in a report prepared in 2008 by Jeffrey A. Miron, an economics  
7 professor at Harvard University, "provides no indication that  
8 decriminalization [of marijuana] leads to a measurable increase  
9 in marijuana use." Another report in 2014, from the Center on  
10 Juvenile and Criminal Justice, analyzed five states that  
11 implemented major marijuana reforms over the last five years.  
12 The 2014 report found that all five states experienced  
13 substantial declines in marijuana possession arrests. The four  
14 states with available data also showed unexpected drops in  
15 marijuana felony arrests. Furthermore, states that  
16 decriminalized marijuana for all ages experienced the largest  
17 decreases in marijuana arrests or cases, led by drops among  
18 young people and for low-level possession.

19 Finally, it is clear to the legislature that the cost of  
20 enforcing laws criminalizing the possession of one ounce or less  
21 of marijuana greatly outweighs the benefits of doing so. By



1 making possession of one ounce or less of marijuana a civil  
2 violation, the legislature does not intend to imply that such  
3 possession is acceptable. The legislature notes that possession  
4 of one ounce or less of marijuana is still prohibited conduct  
5 under this Act; it will simply be handled in a manner  
6 commensurate with the offense.

7 The purpose of this Act is to establish a civil violation  
8 subject to a fine of \$100 for intentional or knowing possession  
9 of one ounce or less of marijuana.

10 SECTION 2. Chapter 329, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§329- Possession of marijuana. (a) Intentional or  
14 knowing possession of one ounce or less of marijuana shall  
15 constitute a civil violation subject to a fine of \$100.

16 (b) Civil fines and penalties for violations of this  
17 section shall be deposited by the director of finance to the  
18 credit of the state general fund."

19 SECTION 3. Section 712-1249, Hawaii Revised Statutes, is  
20 amended by amending subsection (1) to read as follows:



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

5           SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8           SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10          SECTION 6. This Act shall take effect on January 7, 2059.



**Report Title:**

Marijuana; Possession of Marijuana; Civil Penalties

**Description:**

Establishes a civil violation subject to a fine of \$100 for intentional or knowing possession of one ounce or less of marijuana. Amends the offense of promoting a detrimental drug in the third degree to clarify that the offense applies to the knowing possession of more than one ounce of marijuana. Effective 01/07/2059. (SD1)

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

