



SB2179

Measure Title:	RELATING TO DRUG PARAPHERNALIA.
Report Title:	Drug Paraphernalia; Possession and Delivery; Civil Violations
Description:	Changes drug paraphernalia possession and delivery offenses from felonies to civil violations.
Companion:	HB1809
Package:	None
Current Referral:	PSM/JDL, WAM
Introducer(s):	ESPERO, ENGLISH, GREEN, RUDERMAN, Baker, Dela Cruz, Gabbard, Keith-Agaran



The Judiciary, State of Hawaii

**Testimony to the
Senate Committee on
Public Safety, Intergovernmental and Military Affairs**
Senator Clarenc K. Nishihara, Chair
Senator Will Espero, Vice Chair
and
Senate Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Wednesday, February 10, 2016, 8:30 a.m.
State Capitol, Conference Room 016

By
Calvin Ching
Deputy Chief Court Administrator, First Circuit

Bill No. and Title: Senate Bill No. 2179, Relating to Drug Paraphernalia

Purpose: Changes drug paraphernalia possession and delivery offenses from felonies to civil violations.

Judiciary's Position:

The Judiciary takes no position on the merits of Senate Bill No. 2179, however the Judiciary is concerned about how it will process a new and distinct case type called a "civil violation." Currently, the District Court processes certain traffic cases as civil in nature, and these "civil infractions" are adjudicated pursuant to Hawaii Revised Statutes (HRS), Chapter 291D. There is no similar court procedure for processing a criminal case as civil in nature. However, the purpose of this bill may be achieved without the necessity of creating a "civil violation." There is already a category of offense for which no jail can be imposed. HRS Section 701-107 (5) provides that:

(5) An offense defined by this Code or by any other statute of this State constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction or if it is defined by a statute other than this Code, which provides that the offense shall not constitute a crime. **A violation does not constitute a crime,**

and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense. (Emphasis added)

Although a violation does not constitute a crime, it constitutes a penal offense. These cases would be processed through the courts in the same manner as a crime. A defendant would be required to appear in court, be arraigned, enter a plea, and if found guilty, be sentenced. The District Courts would prefer to process these cases as violations with its current procedures.

If the Legislature decides to create a "civil violation"-- as opposed to a violation under the Hawaii Penal Code-- and envisions that it be processed in the same manner as a civil traffic infraction under Hawaii Revised Statutes Chapter 291D, it will be necessary to enact a statutory framework for the processing of such cases. As it did when Chapter 291D was implemented, the District Courts would be required to create new forms, schedule civil violation calendar sessions and train staff to process these cases. The Judiciary would also need to create a new case type, change codes in the Judiciary Information Management System (JIMS) and create new processing requirements. It is estimated that this undertaking would take approximately 6-7 months for design, development and testing at a cost of about \$850,000. Considering all these things, the Judiciary requests that the effective date be changed to no earlier than January 1, 2018 to accommodate the need for these changes.

Thank you for the opportunity to testify on Senate Bill No. 2179.

TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT

SENATE BILL 2179

RELATING TO DRUG PARAPHERNALIA

BEFORE THE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS

And

BEFORE THE COMMITTEE ON JUDICIARY AND LABOR

DATE : Wednesday, February 10, 2016

TIME : 8:30 A.M.

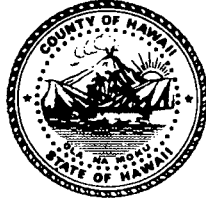
PLACE : Conference Room 016
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Police Chief Harry S. Kubojiri
Hawai`i Police Department
County of Hawai`i

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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

February 8, 2016

Senator Clarence K. Nishihara
Chairperson and Committee Members
Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Gilbert S.C. Keith-Agaran
Chairperson and Committee Members
Committee on Judiciary and Labor

415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Re: Senate Bill 2179 Relating To Drug Paraphernalia

Dear Senators Nishihara and Keith-Agaran:

The Hawai'i Police Department strongly opposes the passage of Senate Bill 2179, relating to Drug Paraphernalia. The purpose of this Bill is to reduce the offense of possession and delivery of drug paraphernalia from a felony to a civil violation.

First of all, the establishment of the felony drug paraphernalia statute was to remove/reduce the means of facilitation of use and supply by an illicit drug user **as well as** illicit drug manufacturers and illicit drug dealers/suppliers. The newspaper article which is mentioned as background information for this proposed legislation does not mention how many of the 167 of those cited as incarcerated for drug paraphernalia are in fact manufacturers and/or dealers/suppliers. We are hard-pressed to understand how the threat of a \$100 civil fine will stop manufacturers and dealers/suppliers from continuing to prey upon our society.

Secondly, the Bill proposes that this law in its current state serves as a double jeopardy treatment of immigrants who are convicted for possession of drug paraphernalia, as they could be exposed to deportation. This proposed Bill fails to take into consideration that the only immigrants exposed to deportation are in fact illegal immigrants. Further, here in Hawai'i we in law enforcement have on many occasions investigated illegal immigrants who entered the state for the sole purpose of illicit drug distribution, and the proposed legislation may in fact remove a tool currently used to remove such individuals from our state.


Senator Clarence K. Nishihara
Senator Gilbert S.C. Keith-Agaran
Re: Senate Bill 2179 Relating To Drug Paraphernalia
February 8, 2016
Page 2

Thirdly, this Bill fails to take into account that law enforcement will not, for all intents and purposes, initiate cases where paraphernalia is not present without an attendant illicit drug and that the possession of both may be subject to plea negotiations whereby a higher level drug case is reduced to the drug paraphernalia charge. The currently existing drug courts and other judicial diversion remedies are available to aid those who seek or need treatment. Without remaining within the "system" due to the existing law, many of those individuals will neither be forced nor will they actively seek the assistance of community programs and rehabilitation and thus resulting in the loss of another law enforcement "tool".

Lastly, the newspaper article took great pains to calculate the incarceration costs. We are also concerned about the other costs to society at the hands of those who willingly choose the drug lifestyle. The even greater cost is steeped in the loss of stolen property, and the loss of safety and security that are posed by those who prey upon the community at large to be able to afford the use of illicit drugs.

For these reasons and based upon our firsthand experience with this matter, we strongly urge this committee to **oppose** this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to Senate Bill 2179.

Sincerely,



HARRY S. KUBOJIRI
POLICE CHIEF

DEPARTMENT OF THE PROSECUTING ATTORNEY
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 CLARENCE K. NISHIHARA CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS**

**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai`i**

February 10, 2016

RE: SB 2179; RELATING TO DRUG PARAPHERNALIA.

Chair Nishihara, Chair Keith-Agaran, Vice-Chair Espero, Vice-Chair Shimabukuro and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs and Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition of S.B. 2179.

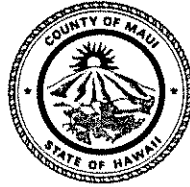
The purpose of S.B. 2179 is to reduce the prison population and re-divert state funds to community-based programs by reducing the penalty of §329-43.5, H.R.S., Prohibited Acts Related to Drug Paraphernalia from a class C felony offense to a violation. This offense encompasses any item which would be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce in to the human body a controlled substance. For at least the past two (2) years, our Department, has not come across an instance where we have charged §329-43.5, H.R.S. as the sole offense without a concurrent drug type offense. Most frequently §329-43.5, H.R.S will be charged concurrently with §712-1243, H.R.S., Promoting a Dangerous Drug in the Third Degree but not exclusively. For this reason, the implementation of this bill would have little or no positive effect on the prison population, and a reduction to a violation for §329-43.5, H.R.S offenses would be ineffective.

“Isn’t it the definition of insanity – you try the same solution and expect a different result.” This commentary published in the article on the Civil Beat website on November 5, 2015 attempts to imply that a sentence of incarceration creates or perpetuates the problem of substance abuse. However, this bill fails to take into account the fact that defendants charged with drug

paraphernalia in conjunction with other drug type offenses have already been given numerous chances and opportunities to participate in and seek community-based help.

Although relapse is a common occurrence for drug offenders, defendants are routinely partnered with a probation officer who understands the intricacies of drug use and makes continuous attempts to steer defendants to programs that will help in their rehabilitation process. Courts also understand that relapse is part of the rehabilitation process, and thus, defendants are given many opportunities to seek the help that is required. Early on, a defendant will generally take advantage of first time drug offender provisions and plea deferrals. If that fails, a revocation of a defendant's deferral and a term of probation may be imposed. If a defendant consistently has difficulties complying with probation, courts will often turn to HOPE probation as a last ditch attempt to provide more oversight of the defendant's actions while on probation. It is only when all of these tools have been thoroughly exhausted that a court has no choice but to impose incarceration. Therefore, incarceration is not and has never been the go-to solution for low-level drug offenders but rather it is the last resort for repeat offenders who have not been accountable for their actions.

For these reasons, the Department of the Prosecuting Attorney opposes S.B. 2179. Thank you for this opportunity to testify.



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: PETER HANANO
Deputy Prosecuting Attorney
Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
SB 2179 - RELATING TO DRUG PARAPHERNALIA

February 10, 2016

The Honorable Clarence K. Nishihara
Chair
The Honorable Will Espero
Vice Chair
and Members
Senate Committee on Public Safety, Intergovernmental and Military Affairs

The Honorable Gilbert S.C. Keith-Agaran
Chair
The Honorable Maile L. Shimabukuro
Vice Chair
and Members
Senate Committee on Judiciary and Labor

Chairs Nishihara and Keith-Agaran, Vice Chairs Espero and Shimabukuro, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY OPPOSES** SB 2179 - Relating to Drug Paraphernalia. SB 2179 seeks to decriminalize the use or possession of drug paraphernalia.

Our Department strongly opposes this measure. Typically, drug paraphernalia offenses are committed in conjunction with other more serious felony level drug offenses. Decriminalizing the use or possession of drug paraphernalia will send the wrong message to defendants in that it will detract from the seriousness of other felony drug crimes.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, **STRONGLY OPPOSES** the passage of this bill. Thank you very much for the opportunity to provide testimony on this bill.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKĪ'I ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION OF SENATE BILL 2179

A BILL FOR AN ACT RELATING TO DRUG
PARAPHERNALIA

COMMITTEE ON JUDICIARY AND LABOR

Sen. Gilbert S.C. Keith-Agaran, Chair
Sen. Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Sen. Clarence K. Nishihara, Chair
Sen. Will Espero, Vice Chair

Wednesday, February 10, 2016, 8:30 AM
State Capitol, Conference Room 016

Honorable Chairs, Keith-Agaran and Nishihara, Honorable Vice-Chairs Shimabukuro and Espero, and members of the Committee on Judiciary and Labor, and the Committee on Public Safety, Intergovernmental and Military Affairs, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in opposition of Senate Bill No. 2179.

This measure changes drug paraphernalia possession and delivery offenses from felonies to civil violations.

This measure would decriminalize a serious criminal act, comparing it to a traffic violation with a minimal fine, which an offender can pay over and over again with no increase or fear of repercussion. It will not ease the court system as believed because there will still be offenders who will not pay the fine, which will result more time and effort placed on the court system to issue a warrant for arrest, on law enforcement to track down the offender and service/process the warrant, then back to the courts again in an attempt to resolve the warrant.

We are also extremely concerned about the message that this measure will send to our impressionable youth. There will be no fear of a criminal conviction if they knowingly deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under the circumstances should know that it will be used to inject a dangerous drug like methamphetamine into the human body.

The offense of Prohibited Acts Relating to Drug Paraphernalia is mostly charged for dangerous drugs like methamphetamine, cocaine and heroin. For a majority of offenders charged with this offense, by the time they are law enforcement target, they are repeat offenders who have had numerous opportunities to seek treatment. Decriminalization of this offense will take away the consequences for a serious crime.

For the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai'i OPPOSES the passage of Senate Bill No. 2179. Thank you for the opportunity to testify on this matter.



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII
DIOCESE OF HONOLULU
Witness to Jesus



Submitted: Online
Hearing on: Wednesday, 02/10/16
Conference Room: 016

SUBMITTED: February 8, 2016

TO: Senate Committee on Judiciary
Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Opposition to SB 2179 Relating to Drug Paraphernalia

Senate Committee PSM
Senator Clarence Nishihara, Chair
Senator Will Espero, Vice Chair

Honorable Chairs and members of the Senate Committees of PSM/JDL, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in Hawaii. We oppose this bill that would change the possession of drug paraphernalia from a Class C Felony to a civil violation.

Across the nation, implications to public health that come with decriminalization or legalization are being reported. State health departments and scientific research are doing everything they can to provide solid information on the issue. This seemingly innocuous bill would put crystal meth dealers back on the street after being slapped with a small fine of \$100. Sending a message to the community that drug possession or drug dealing is simply a misdemeanor, is not what we want for our children.

The American Medical Association's 527-member House of Delegates decided during its interim meeting in 2013 (National Harbor, Md.), to retain the long-standing position that "cannabis is a dangerous drug and as such is a public health concern." So even if one takes a more nuanced position on medical use of marijuana, any expansion in recreational use of marijuana should be avoided by this legislature and that includes any attempts to decriminalize it.

Long-term health effects of chronic use, and marijuana's role as a gateway to the use of other illegal drugs, are serious issues surrounding its use and decriminalization. The Catholic Church cares too much about the family to support this endeavor. Priority legislation should include efforts that strengthen and promote the family, not provide tools to ultimately destroy it.

The Catechism offers useful guidance: "The use of drugs inflicts very grave damage on human health and life" (no. 2291). In 2001, the Vatican's Pontifical Council for Health Care Ministry issued a pastoral handbook entitled "Church, Drugs, and Drug Addiction." It extols the virtue of temperance which "disposes us to avoid every kind of excess: the abuse of food, alcohol, tobacco, or medicine" (no. 2290).

Mahalo for the opportunity to submit our strong opposition to any attempts to decriminalize marijuana.

HAWAII CATHOLIC CONFERENCE

(The public policy voice for the Roman Catholic Church in the State of Hawaii)

6301 Pali Highway, Kaneohe, Hawaii 96744-5224 Phone: (808) 203.6735 | www.catholicahawaii.org hcc@rcchawaii.org

In Opposition To SB-2179

SB-2179 in its writing lowers penalties for drug paraphernalia without clarifying the type of paraphernalia being targeted.

Certainly anything to do with heroin or ice or any other detrimental narcotic to the individual and society must continue to be targeted.

The rush to drug lenience/legalization for either economic gain or law enforcement savings has to be measured against the long term interest of All of Hawaii citizens.

Drug use sale or promotion is not in the best interest of any of the following:

Families

Students

Employers

Law Enforcement/First Responders

Or Any of the Following Employees:

union workers, non- union workers, equipment operators, medical/dental professionals, teachers, construction workers, legal and office professional, entry level employees, low skilled/semi-skilled workers, air, land and marine navigators, public and private transportation workers, etc.

Society has a very small group of people for whom self- medication “may have” more benefit than the known negative side effects of intoxication but that is not addressed in SB-2179

Hawaii Future Project

SafeStreetOhana.Org

PO Box 43

Kailua HI. 96734

dmh.hawaiifutureproject@gmail.com



ONLINE TESTIMONY SUBMITTAL

Senate Committees on PSM/JDL

Hearing on Wednesday, February 10, 2016 @ 8:30 a.m.

Conference Room #016

DATE: February 9, 2016

TO: Senate Committee on PSM Senate Committee on JDL
Senator Clarence Nishihara, Chair Senator Gilbert S.C. Keith-Agaran
Senator Will Espero, Vice Chair Senator Maile Shimabukuro, Vice Chair

FROM: Eva Andrade, President

RE: Opposition to SB 2179 Relating to Drug Paraphernalia

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We oppose this bill because drug paraphernalia promotes drugs, and most of the advertising on these items are done to attract youth.

Drug paraphernalia, can be divided into two main categories: “those used to distribute drugs and those used to ingest drugs.”ⁱ The National Drug Intelligence Center defines drug paraphernalia as “any equipment that is used to produce, conceal, and consume illicit drugs. It includes but is not limited to items such as bongos, roach clips, miniature spoons, and various types of pipes.”ⁱⁱ One need not be an expert to know what these items are used for.

Repealing criminal penalties for possession of and delivery of drug paraphernalia is only a first step in drug proponents plan to reform marijuana laws. The next step will most likely be full legalization of recreational marijuana.

A major concern of the faith-based community is that no one really knows the specifics of how changes in the current law will affect the wider community, most especially our youth. Eliminate that criminal penalty (and social disapproval), and more youth may use the drugs that these items were created to promote.

Mahalo for the opportunity to submit our concerns.

ⁱ <http://criminal.findlaw.com/criminal-charges/drug-paraphernalia-charges.html>

ⁱⁱ <http://www.justice.gov/archive/ndic/pubs6/6445/6445p.pdf>

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Wednesday, February 03, 2016 9:39:57 PM

SB2179

Submitted on: 2/3/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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TESTIMONY IN SUPPORT OF
SB 2179 – RELATING TO DRUG PARAPHERNALIA

Khara Jabola-Carolus, Lead Organizer
Faith Action for Community Equity

Senate Committee on Judiciary and Labor
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
February 10, 2016, 8:30 a.m., Conference Room 016

Dear Chair Nishihara, Chair Keith-Agaran, and Members of the Committee:

On behalf of the Hawai‘i Coalition for Immigrant Rights, the immigration arm of Faith Action for Community Equity (FACE), I would like to thank the Committee for this opportunity to testify. The Coalition **strongly supports** S.B. 2179, which would reclassify drug paraphernalia possession and delivery offenses from felonies to civil violations.

The Hawai‘i Coalition for Immigrant Rights is the only organization in the state that coordinates policy advocacy to advance immigrant rights. Our Coalition is composed of over 100 immigration attorneys, faith leaders, non-profit organizations and community organizations. We know that non-citizens are more severely affected by the criminalization of non-violent drug offenses because they are exposed to detention and deportation in state that impose criminal penalties on drug offenses. Non-citizens, including legal permanent residents (green card holders), are deportable for having been convicted of violating almost any drug-related state or federal law other than simple possession of marijuana. Further, immigration judges and the Board of Immigration Appeals face unique hurdles in exercising judicial discretion over drug-based deportation matters due to the strong and explicit nature of the deportation statutes, specifically 8 U.S.C. § 1227(a) (2) (B)(i). As the SB 2179 preamble rightly describes, drug-based deportation represents a form of double jeopardy for immigrants.

Accordingly, we SUPPORT SB 2179. We request that your Committee PASS the Bill. Thank you for the opportunity to provide testimony.

Sincerely,

Khara Jabola-Carolus

TESTIMONY

**The Libertarian Party of Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822**

RE: SB 2179 to be heard Wednesday February 10, at 8:30 AM in conference room 016

SUPPORT

To the Members of the Senate Committee on Judiciary”

These acts should not be crimes of any kind. Reducing them to civil violations is a step in the right direction.

Sincerely:

A handwritten signature in black ink, appearing to read 'Tracy Ryan', with a long horizontal flourish extending to the right.

Tracy Ryan, Chair

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Will Espero, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Sen. Gil Keith-Agaran, Chair

Sen. Maile Shimabukuro, Vice Chair

Wednesday, February 10, 2016

8:30 a.m.

Room 016

SUPPORT for SB 2179 - DECRIMINALIZING DRUG PARAPHERNALIA

Aloha Chairs Nishihara and Keith-Agaran and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,400 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 2179 changes drug paraphernalia possession and delivery offenses from felonies to civil violations.

Community Alliance on Prisons supports this bill.

As Jeremy Travis, president of the John Jay College of Criminal Justice at the City University of New York said, "*As a society we've become more and more punitive even though crime is at its lowest rate ever. We put people in prison for offenses that would have received a light sanction in former times.*"

This is a common-sense bill and we ask that you support it too!

Mahalo for this opportunity to testify.



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

TO: Senate Committees on Public Safety, Intergovernmental, and Military Affairs; Judiciary and Labor
FROM: Carl Bergquist, Executive Director
HEARING DATE: 10 February 2016, 8:30AM
RE: SB2179, Relating to Property Forfeiture, **STRONG SUPPORT**

Dear Chairs Nishihara & Keith-Agaran, Vice Chairs Espero & Shimabukuro, Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **strongly supports** this measure to help turn the tide of the War on Drugs' criminalization and incarceration regime. Across the country and at the federal level, we are seeing the beginnings of a humane drug policy that does not lock up non-violent offenders for years on end. Hawaii's drug laws in general, and in drug paraphernalia laws, in particular are harsh, punitive and costly. Reducing the sentences for use or possession of drug paraphernalia from a class C felony to a civil violation would help hundreds of people, save the state millions of dollars and showcase Hawaii's sense of fair justice for the nation.

As [the Office of Hawaiian Affairs \(OHA\) has demonstrated](#), native Hawaiians are the community of color who, like other minorities groups on the mainland, most disparately impacted by these laws. Yet, their drug use is not drastically different than that of other groups. The effects of incarceration on families and the community are well-documented, and as a society, we need to ask if the use of a pipe or possession of a spoon justifies a multi-year sentence with such consequences. We submit that it does not. As President Obama recently said upon ordering the release of hundreds of non-violent drug offenders, "their punishments did not fit the crime".

Another disparately impacted community are immigrants, who face the double jeopardy of dealing with both the broken immigration system and the anachronistic War on Drugs. Recently the Supreme Court ruled in [Mellouli v. Lynch \(2015\)](#) that [an immigrant was wrongly deported](#) for a Kansas drug paraphernalia offense involving prescription pills stored in a sock. Unfortunately, it was too late for this immigrant, and the government continues to be able to ignore the spirit of this type of ruling due to the existence and enforcement of drug laws like Hawaii's paraphernalia law. Children are just as traumatized by the deportation as by the incarceration of a parent. Changing this law can also keep those families together.

Mahalo for the opportunity to testify.

TESTIMONY IN SUPPORT OF
SB 2179 – RELATING TO DRUG PARAPHERNALIA

by

Shaun Campbell and Joyce Charles, Honolulu Council of MoveOn.org

Senate Committee on Judiciary and Labor
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Wednesday, February 10, 2016, 8:30 a.m., Conference Room 016

Dear Chair Nishihara, Chair Keith-Agaran, and Members of the Committee:

The Honolulu Council of MoveOn.org strongly *supports* S.B. 2179, which would reclassify drug paraphernalia possession and delivery offenses from felonies to civil violations.

We think that this bill strengthens sound public policy and law surrounding drug use in our State. We do not believe that it is in our society's interest to penalize those suffering with a brain disorder such as addiction with felony charges for non-violent drug offenses such as possession of drug paraphernalia. Jail and prison are not treatments for addiction.

We are further aware of the double jeopardy that criminalizing possession and delivery of drug paraphernalia poses for non-citizens (including legal "green card" holders) who may be detained and deported for conviction of most any drug-related offense.

In view of the foregoing, we *SUPPORT* SB 2179. Thank you for the opportunity to provide testimony.

Sincerely,

Shaun Campbell, Co-Organizer

Joyce Charles, Co-Organizer

Honolulu Council of MoveOn.org

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: hiloprosocial@hotmail.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Tuesday, February 09, 2016 8:13:56 AM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Brittain, LCSW	Effective Change, LLC	Support	No

Comments: "Paraphernalia" is not a defined term. A plastic ziplock bag could be considered to be paraphernalia, and a single gram of cannabis, which is a petty misdemeanor, is then transformed by the paraphernalia law to then be a Class C Felony because of the plastic bag. Paraphernalia laws were originally created as part of the regressive, oppressive and discriminatory war on citizens and functional society via onerous drug laws. Most of the drugs that are found in association with paraphernalia are of much less consequence than a Class C Felony. What the paraphernalia laws do, in fact, is amplify an otherwise mild offense into a much more serious sentence. The paraphernalia law is in direct conflict with the needle exchange program. Needle exchange has been established through many studies to reduce the transmission of HIV and Hepatitis C, and is broadly supported in many jurisdictions throughout the country, including here in Hawaii. Policy as it stands states that it is illegal to distribute needles with the intention of using them for illicit drug use; following this logic, the officially authorized needle exchange program workers should be charged with Class C felonies and imprisoned. As you can see, the old, outdated logic of paraphernalia laws are a relic of a passing era. Help support progressive movement forward. Let police and the courts use their limited resources on more serious cases, such as prosecution of violent criminals. It is exactly this kind of unreasonable and overly punitive laws that have made the "war on drugs" be seen by the population in general as a "war on citizens", with an overwhelmingly racist and otherwise discriminatory application. The effect of these laws has zero preventative effect, and adds tremendously to the burden of the criminal justice system. Please join the movement of popular culture, reasonable application of sane laws, and the overwhelming majority of voters by abolishing the insane paraphernalia laws. Thank you.

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Committee: Committees on Public Safety, Intergovernmental, and Military Affairs and
Judiciary and Labor
Hearing Date/Time: Wednesday, February 10, 2016, 8:30 a.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in Support of S.B. 2179, Relating to Drug
Paraphernalia

Dear Chair Nishihara, Chair Keith-Agaran and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2179, which would change drug paraphernalia possession and delivery offenses from felonies to civil violations.

Decriminalization of drug paraphernalia possession and delivery is a safe and smart alternative approach to address the use of drugs in Hawaii. Hawaii’s drug laws, especially Hawaii’s marijuana laws, have damaged civil liberties in many ways – eroding protections against searches and seizures, putting large numbers of non-violent individuals behind bars, and targeting people of color. Eliminating criminal penalties for low-level drug-related offenses will prevent thousands of people from becoming entangled needlessly in the criminal justice system, eliminate many collateral consequences that flow from drug paraphernalia arrests and allow Hawaii to reinvest the money it saves for important community needs.

Thank you for this opportunity to testify.

Sincerely,

Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

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 50 years

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



Community Health Outreach Work

677 Ala Moana Blvd., Suite 226
Honolulu, HI 96813
Phone (808) 853-3292 • Fax (808) 853-3274

TESTIMONY in STRONG SUPPORT of SB2179: RELATING TO DRUG PARAPHANELIA

TO: Senate Committees on Public Safety, Intergovernmental, and Military Affairs; Judiciary and Labor

FROM: Leilani Maxera, Program Manager, The CHOW Project

HEARING DATE: 10 February 2016, 8:30AM

Dear Chairs Nishihara & Keith-Agaran, Vice Chairs Espero & Shimabukuro, Committee Members:

The CHOW Project is in strong support of SB 2179.

Across the country and at the federal level, we are seeing the beginnings of a humane drug policy that does not lock up non-violent offenders for years on end. President Obama has recently released numerous non-violent drug offenders from federal prisons, stating that the "punishments simply didn't fit the crimes." Hawai'i should learn a lesson from his actions. Changing this law is a beginning.

Hawai'i's drug laws are punitive and expensive. The costs of enforcing drug paraphernalia offenses as felonies are astronomical. Locking up the current 167 nonviolent offenders is costing the State more than \$20,000,000. These tax dollars are better spent on community programs and rehabilitation of nonviolent, low-risk drug offenders.

The effects of incarceration on families and the community are devastating, and well-documented. Possession of paraphernalia does not justify a multi-year sentence with such consequences.

Thank you for the opportunity to provide testimony.

Leilani Maxera, CHOW Program Manager

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: nhpuna2@hawaiiantel.net
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Thursday, February 04, 2016 3:07:34 PM

SB2179

Submitted on: 2/4/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Colliene Armitage	Individual	Comments Only	No

Comments: Subject: Testimony in Opposition to SB2179 Decriminalization of Drug Possession and Delivery I am writing in opposition to the proposed SB2179 that would change Drug Possession and Delivery from felonies to civil violations. Nothing has done more damage to our communities than recreational drugs especially drugs such as crystal methamphetamine. According to the Office of National Drug Control in Washington, "Methamphetamine production and abuse causes legal, medical environmental and social problems....The many societal consequences also include a disturbing number of methamphetamine arrests in which children are found living in appalling conditions. These children are often the victims of neglect and abuse, while some have also been exposed to the toxic chemicals used in the production process as well as the finished product. Methamphetamine labs also pose a significant danger to the environment, the community, and public service respondents." They also state that there are numerous crimes that are directly associated with methamphetamine distribution and abuse. Crimes such as robbery, burglary, identity theft, domestic violence, rape and assault significantly increase as a direct result of Methamphetamine distribution and use. They even go on to say that not only methamphetamine, but all distribution and use of recreational drugs directly affects crime rates. Why then would we send a message to drug dealers that what they are doing is not that bad? Why would we lessen the punishment for drug possession and distribution when we know the horrible and lasting effects that it has on our communities? Lessening the punishment will ultimately increase drug activity as offenders just receive a slap on the wrist and then are allowed back into the community to continue doing what they were doing. For these reasons, I humbly request that you VOTE IN OPPOSITION to SB2179. Sincerely, Colliene Armitage

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From: [E. Funakoshi](#)
To: [PSMTestimony](#); [JDLTestimony](#)
Subject: sb2179
Date: Sunday, February 07, 2016 8:09:37 PM

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
Senator Clarence K. Nishihara, Chair
Senator Will Espero, Vice Chair
COMMITTEE ON JUDICIARY AND LABOR
Sen. Gil Keith-Agaran, Chair
Sen. Maile Shimabukuro, Vice Chair Wednesday, February 10, 2016 8:30 a.m.
Room 016

SUPPORT for SB 2179 – DECRIMINALIZING DRUG PARAPHERNALIA

Aloha Chairs Nishihara and Keith-Agaran and Members of the Committees:

I am e. Ileana funakoshi writing to support SB2179.

I was not aware that possessing drug paraphernalia and delivery were considered felony offenses.

I fully support decriminalizing these offenses as the bill proposes.

Thank you for the opportunity to submit my testimony in support of this bill.

Mahalo and Aloha,
e. Ileana funakoshi

JOINT HEARING
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS,
COMMITTEE ON JUDICIARY AND LABOR

Dear Chairs Nishihara and Keith-Agaran,
Vice Chairs Espero and Shimabukuro:

Aloha,

My name is Jean L. Mooney. In 2005, I received a **5 year sentence** for a “Crack” pipe that ran *concurrent* with **another five year “Promotion in the 3rd Degree” drug charge and sentence**, for the *cocaine residue* in the crack pipe. On paper, the wording appears to one whom is not educated on the laws in Hawaii, to be somewhat of a monster who is “pushing” drugs, maybe to small children, even.

Imagine my dismay, as a full-blown addict being charged and sentenced for **2 felonies**, instead of receiving a ticketable offense as Washington State, Oregon or Maine’s addicted citizens do. Perhaps in Hawaii, drug treatment **instead of these felonies** that put people behind bars for 5 years of their lives, would be the sane, humane choice rather than creating felons and imprisoning folks because they have what the AMA has deemed a “medical” issue, not a moral or criminal one.

The amount of money spent to house one inmate per day in Hawaii was **\$128 in 2010**; most likely more now in 2016. The taxpayers should not have to be burdened with something that could be fixed by a different approach and a forward way of thinking.

In fact, even President Obama has just recently released numerous non-violent drug offenders from federal prisons, stating that the "punishments simply didn't fit the crimes". Hawai'i should heed lessons from this, and stop punishing people in this manner. Changing this law is a beginning.

I have lived in Hawaii all my life and have seen felony charges for minor amounts of drugs and drug paraphernalia ruin countless families and lives. Please do the humane, sane and forward-thinking “right” thing to do; make paraphernalia a ticketable and treatable offense, NOT a felony.

Mahalo,

Jean L. Mooney

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: kalawaiag@hotmail.com
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Monday, February 08, 2016 4:08:46 PM

SB2179

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kalawai'a Goo	Individual	Support	No

Comments:

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From: [Alan Yoshimoto](#)
To: [PSMTestimony](#)
Subject: SB2179 support
Date: Monday, February 08, 2016 4:25:51 PM

I support SB2179

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: lady.flach@gmail.com
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Monday, February 08, 2016 4:32:43 PM

SB2179

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: smuggpuppy@aol.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Monday, February 08, 2016 7:55:48 PM

SB2179

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Stacy	Individual	Support	No

Comments: No punishment has ever diminished societies appetite for mind altering substances. Deny someone their freedom to choose, and they will choose to fight your will, regardless of your intentions. Make intoxicants difficult to obtain and their rarity makes them more precious to the users. Prohibition has failed society. Prisons are factories where monsters are made. The greatest challenge a man can face in this life is to leave prison a better man. Nothing resembling rehabilitation remains in the criminal justice system. They have become societies septic tank. Weigh the nature and degree of a mans transgressions very carefully before you start him down the path. What may begin in the spirit of guidance and a sense of shared humanity, can end with the loss of a soul, and rip love from a heart by its roots. However noble or principled your actions may seem to you when you consider voting against reduced penalties, remember that your opinion is your own to defend, and the political climate is VOLATILE. These items you consider contraband are for sale, legally, all over this state. Laws exist prohibiting sales to minors. What existing legislation truly prohibits is the choice to use mind altering substances. Possession of "paraphernalia" is meaningless, and penalizes citizens for a victim-less crime. Enforcement wastes state funds and erodes personal liberties in an increasingly liberal society. I urge all parties to work for the day when drug use is considered as boring and pointless as it TRULY is. Prohibitions and penalties only serve to prolong this sad sickness. The drug war has been lost, by BOTH sides. Time for a cease fire. How about a gesture of good faith from the legislature? Intelligent dialog is ongoing, and reduced penalties will be the eventual outcome. This is a very effective place to begin. Thank you for the opportunity to participate. I wish all involved good health, and happiness worth sharing.

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: j.bobich@tcu.edu
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Monday, February 08, 2016 8:06:33 PM

SB2179

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph A. Bobich	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: eublalock@hotmail.com
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Tuesday, February 09, 2016 2:50:35 AM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
elizabeth blalock	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: mguardino@hotmail.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Tuesday, February 09, 2016 6:17:16 AM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Guardino	Individual	Support	No

Comments: Good day, Please reduce Drug Paraphernalia Use & Possession Sentence from Class C Felony to Civil Violation. The costs of enforcing these drug paraphernalia offenses as felonies are using valuable tax dollars. Locking up the current 167 nonviolent offenders is costing the State more than \$20,000,000. - These tax dollars are better spent on community programs and rehabilitation of nonviolent, low-risk drug offenders. Please support SB2179. Thank you, Maria Guardino

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: hnb1hnb@hotmail.com
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Tuesday, February 09, 2016 7:23:26 AM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Heather N Blodgett	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: milesw@hawaii.edu
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Tuesday, February 09, 2016 7:40:18 AM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Miles W. Tuttle	Individual	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: georgina808@gmail.com
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Tuesday, February 09, 2016 8:09:45 AM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Georgina Mckinley	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: gladys.baisa@mauicounty.us
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Tuesday, February 09, 2016 2:21:41 PM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: tabraham08@gmail.com
Subject: *Submitted testimony for SB2179 on Feb 10, 2016 08:30AM*
Date: Tuesday, February 09, 2016 4:01:39 PM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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February 10, 8:30a
Senate Committee on Public Safety and Military Affairs
Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Subject: Testimony in **Opposition** to **SB2179** Decriminalization of Drug Possession and Delivery

I am writing in opposition to the proposed SB2179 that would change Drug Possession and Delivery from felonies to civil violations.

Nothing has done more damage to our communities than recreational drugs especially drugs such as crystal methamphetamine. According to the Office of National Drug Control in Washington, "Methamphetamine production and abuse causes legal, medical environmental and social problems....The many societal consequences also include a disturbing number of methamphetamine arrests in which children are found living in appalling conditions. These children are often the victims of neglect and abuse, while some have also been exposed to the toxic chemicals used in the production process as well as the finished product. Methamphetamine labs also pose a significant danger to the environment, the community, and public service responders." They also state that there are numerous crimes that are directly associated with methamphetamine distribution and abuse. Crimes such as robbery, burglary, identity theft, domestic violence, rape and assault significantly increase as a direct result of Methamphetamine distribution and use. They even go on to say that not only methamphetamine, but all distribution and use of recreational drugs directly affects crime rates.

Why then would we send a message to drug dealers that what they are doing is not that bad? Why would we lessen the punishment for drug possession and distribution when we know the horrible and lasting effects that it has on our communities? Lessening the punishment will ultimately increase drug activity as offenders just receive a slap on the wrist and then are allowed back into the community to continue doing what they were doing.

For these reasons, I humbly request that you VOTE IN OPPOSITION to SB2179.

Sincerely,
Angela Woods
Pahoa, HI

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: ed7778@gmail.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Thursday, February 04, 2016 8:43:23 AM

SB2179

Submitted on: 2/4/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Stockton	Individual	Oppose	No

Comments: Subject: Testimony in Opposition to SB2179 Decriminalization of Drug Possession and Delivery I oppose the anarchy of the Democrat Party in allowing drug dealers freely to rule the streets of Hawaii.

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: donaghyj001@hawaii.rr.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Friday, February 05, 2016 10:38:43 AM

SB2179

Submitted on: 2/5/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
June Donaghy	Individual	Oppose	No

Comments: Senate Committee on Public Safety and Military Affairs Senate Committee on Judiciary and Labor Hawaii State Capitol 415 S. Beretania Street Honolulu, Hawaii 96813 Subject: Testimony in Opposition to SB2179
Decriminalization of Drug Possession and Delivery I am writing in opposition to the proposed SB2179 that would change Drug Possession and Delivery from felonies to civil violations. Nothing has done more damage to our communities than recreational drugs especially drugs such as crystal methamphetamine. According to the Office of National Drug Control in Washington, "Methamphetamine production and abuse causes legal, medical environmental and social problems....The many societal consequences also include a disturbing number of methamphetamine arrests in which children are found living in appalling conditions. These children are often the victims of neglect and abuse, while some have also been exposed to the toxic chemicals used in the production process as well as the finished product. Methamphetamine labs also pose a significant danger to the environment, the community, and public service responders." They also state that there are numerous crimes that are directly associated with methamphetamine distribution and abuse. Crimes such as robbery, burglary, identity theft, domestic violence, rape and assault significantly increase as a direct result of Methamphetamine distribution and use. They even go on to say that not only methamphetamine, but all distribution and use of recreational drugs directly affects crime rates. Why then would we send a message to drug dealers that what they are doing is not that bad? Why would we lessen the punishment for drug possession and distribution when we know the horrible and lasting effects that is has on our communities? Lessening the punishment will ultimately increase drug activity as offenders just receive a slap on the wrist and then are allowed back into the community to continue doing what they were doing. For these reasons, I humbly request that you VOTE IN OPPOSITION to SB2179. Sincerely, June Donaghy

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webmaster@capitol.hawaii.gov

SB 2179 - Drug Paraphernalia; Possession and **Delivery**; Civil Violations

(Changes drug paraphernalia possession and delivery offenses from felonies to civil violations)

<p><u>STRENGTHS:</u></p> <ul style="list-style-type: none">• Reduces/Eliminates the need for a police Narcotics Division• Does not unfairly penalize the casual user• Reduces cost of prosecution & incarceration	<p><u>WEAKNESSES:</u></p> <ul style="list-style-type: none">• Frees drug dealers to continue preying on our keiki• Increases competition between dealers resulting in aggressive dealing & increased gang violence• Conflicts with Federal Law• Equates drug dealing with speeding• Does nothing to address the health needs of the users since most dealers do not use their own product
<p><u>OPPORTUNITIES:</u></p> <ul style="list-style-type: none">• Reduces the incarcerated population• Unclogs & speeds up the judicial process	<p><u>THREATS:</u></p> <ul style="list-style-type: none">• Loss of Federal Law Enforcement \$\$\$\$• Increases appeal of Hawaii for the drug cartels• Diminishing quality of Hawaii's labor pool• Increased property crimes• Decreased property values• Increased probability of graft & payola• Loss of seized property revenue• Could create a scoff law in the mind of our youth• Decreases the need for an adequate pool of criminal defense attorneys

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: stoopse@gmail.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Monday, February 08, 2016 11:06:04 AM

SB2179

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Elen Stoops	Individual	Oppose	No

Comments: STRONGLY OPPOSE!! It is a shame to endorse a path for further proliferation of substance abuse in the community. The consequences of such a poor bill --- the state will ultimately suffer much higher financial consequences than those it has today involving incarceration of offenders. Methamphetamine, Heroin and Cocaine addiction are clearly increasing in their societal costs. One does not need to look very far, you can see it on the streets and in speaking with your police departments and drug abuse agencies. Additions to these substances contributes to homelessness and crime of many types, the destruction of the fabric of families and our culture. It will attract to Hawaii in increasing numbers those who do not share the values or the better interests of the residents. In California a similar and shameful initiative was irresponsibly titled and then passed under the title "The Safe Neighborhoods and School Act". This bill will do nothing to address the problem, which is drug addiction and resulting destruction of lives. Your role as legislators is to serve and to create legislation that betters the lives of citizens, and protects those who are vulnerable to harm, such as children. This bill as written will only provide a temporary and illusory short term relief relative to the State's financial burdens of incarceration. Please work harder to Find a Solution, and NOT this one! This intentions of this bill should not apply to Methamphetamine, Cocaine, Heroin or any drugs similarly destructive and addictive.

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: SherlBlod@aol.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Monday, February 08, 2016 11:30:26 AM

SB2179

Submitted on: 2/8/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Sherley Blodgett	Individual	Oppose	No

Comments: Decriminalization is the same as legalization. This proposal will not stop such use/distribution, but encourages more to do so as the penalties are minor. If this bill is approved, there must be some distinction between marijuana versus more dangerous drugs such as crystal methamphetamine, cocaine, etc.

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To:	Chair Clarence Nishihara, Senate Committee on Public Safety, Intergovernmental and Military Affairs Chair Gilbert Keith-Agaran, Senate Committee on Judiciary and Labor Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs Members of the Senate Committee on Judiciary and Labor
From:	Jennifer D. Swearingen
RE:	Opposition to SB2179
Hearing Info:	Wednesday, February 10th, 2016 at 8:30 A.M. State Capitol, Rm. 016

Aloha and Good Morning Chair Nishihara, Chair Keith-Agaran and members of the Senate. I am testifying in opposition to SB2179. This bill would reduce the penalty for drug possession and drug trafficking (“delivery”) to civil violations. This in no way or manner enhances public safety, it does nothing to make drug users or dealers productive members of society, and most importantly these drug users are a threat to me and my family. Instead, this bill would treat the same drug users and drug traffickers the same as a jaywalker.

Penalizing drug users and drug traffickers with a \$100 fine does not cause any change in the drug user, it simply lets them back onto the street. Without any sort of conditionality, drug users and traffickers are free to go back to their old habits.

Drug use and trafficking are hardly victimless crimes like jaywalking. With drug traffickers and users free to walk the streets, they impact other lives through the proliferation of drug use. Crystal meth users, who would also be let off with the same slap-on-the-wrist, have been documented in the media to hurt, maim, or kill other people. Whether it is intentional or unintentional is beside the point.

As a person of faith, I am guided by love and compassion. I believe in forgiveness and I believe that drug users and traffickers deserve the treatment that they need. Rather than decriminalizing drug use and drug trafficking, the Legislature’s time would be better spent ensuring that these same individuals get treatment and get into homes.

Decriminalization of drug use and trafficking will not solve our prison population problems. Decriminalization of drug use and trafficking will not solve our homeless problem, it will only make it worse. Decriminalization of drug use and trafficking will not solve addiction, it instead deprives them of an intervention that is necessary for them to get past their addiction and become better members of society. The very fact that this committee feels that public safety is served when more of these drug users and traffickers roam the same streets and sidewalks as my children demonstrates how out of touch they are with reality.

I oppose any decriminalization of drug use or drug trafficking. I oppose SB2179.

Mahalo, Jennifer Swearingen

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: janetmgrace@gmail.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Tuesday, February 09, 2016 2:55:25 PM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Grace	Individual	Oppose	No

Comments: Aloha respective Chairs, Nishihara, Keith-Agaran and members of the Senate. I am urging that you oppose SB2179. For all the obvious reasons, 1. this puts the public in great danger - drug dealers, traffickers have one agenda and that is to get as many innocent people addicted to illegal drugs and make as much money doing it. 2. Gives them a slap on the wrist with a laughable \$100 fine - putting them quickly back on the streets to prey on our loved ones and those again, susceptible to be lured to drugs. 3. Drug users/traffickers leave many victims in their path/sometimes, to the point of senseless deaths. (I know this first hand) 4. I am a health care provider and person of a deeply held faith and believe compassion, love and the urgent need to rehab these individuals is the answer. 5. Legalizing drug use/trafficking will only make our already homeless epidemic worse and our prisons more problematic. These are only a few main points of why this is a backwards policy that will put us in harms way and many lives at risk. I don't understand the bizarre thinking of this legislation. Again, I urgently ask you to kill this bill. Mahalo.

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: jflex99@aol.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Tuesday, February 09, 2016 4:47:37 PM

SB2179

Submitted on: 2/9/2016

Testimony for PSM/JDL on Feb 10, 2016 08:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Fleigner	Individual	Oppose	No

Comments: This bill is a move in the wrong direction. Many of the addicts need to be arrested in order to obtain the help they need. If not, they fall by the wayside, and continue their behavior. Keep the law the way it is, and have the option to lessen the penalties. The taxpayers are tired of being the victims, take a stronger stance against drugs in Hawaii, and ALL crimes will decrease.

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TO:

Chair Clarence Nishihara, Senate Committee on Public Safety, Intergovernmental and Military Affairs
Chair Gilbert Keith-Agaran, Senate Committee on Judiciary and Labor
Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs
Members of the Senate Committee on Judiciary and Labor

FROM: Lois Young

RE: Opposition to SB 2179

WHERE: Wednesday, February 10th, 2016 at 8:30 A.M.
State Capitol, Rm. 016

I am writing in opposition to SB2179. This bill would reduce the penalty for drug possession and drug trafficking (“delivery”) to civil violations. This in no way or manner enhances public safety, it does nothing to make drug users or dealers productive members of society, and most importantly these drug users are a threat to me and my family. Instead, this bill would treat the same drug users and drug traffickers the same as a jaywalker.

Rather than decriminalizing drug use and drug trafficking as the proposed law reads, the Legislature’s time would be better spent ensuring that these same individuals get treatment and get into homes and off the streets.

Decriminalization will not solve the overcrowded prisons or homeless population, in fact it will worsen. The drug dealers will be let off the hook and invading our schools, homes and community free to roam and distribute in our own backyard!! Auwe!! This is a PUBLIC SAFETY matter when you decriminalize drug possession and trafficking.
DO NOT LET THIS BILL LEAVE COMMITTEE!!

I oppose SB 2179