



LATE

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



SB2179
RELATING TO DRUG PARAPHERNALIA

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

February 10, 2016

8:30 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) Administration will recommend that the Board of Trustees **SUPPORT** SB2179. This measure may save the state millions of taxpayer dollars and mitigate the disproportionate impacts of the criminal justice system on Native Hawaiians, by reducing drug paraphernalia possession offenses to civil violations.

The War on Drugs and decades of a traditional criminal justice approach have led to the highest prison population in Hawai‘i’s history. Between 1977 and 2008, the number of people incarcerated in Hawai‘i has increased by more than 900%,¹ and by 1,400% between 1977 and the present. The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our prison population today.² Moreover, Native Hawaiians are disproportionately penalized with imprisonment for drug-related offenses.³

OHA has long advocated for criminal justice reform that examines and implements evidence-based incarceration alternatives, which could improve public safety, effectively rehabilitate pa‘ahao, reduce recidivism, and save taxpayer dollars. Reducing the penalty for the mere possession of drug paraphernalia from a felony to a civil violation is a step in the right direction, and will reduce prison overcrowding, save state resources, and mitigate the life-long harms that could otherwise result from the commission of a non-violent and relatively harmless act.

Therefore, OHA urges the Committees to **PASS** SB2179. Mahalo nui for the opportunity to testify on this measure.

¹ THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf.

² In contrast, Native Hawaiians only represent 24% of the general public in Hawai‘i. *Id.* at 36. OHA’s 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage noting that Native Hawaiians made up “24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population.” *Id.* at 10. Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

³ *Id.* at 45.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: kjtagon19@gmail.com
Subject: Submitted testimony for SB2179 on Feb 10, 2016 08:30AM
Date: Wednesday, February 10, 2016 1:32:00 PM

SB2179

Submitted on: 2/10/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Judy Taggerty-Onaga	Individual	Oppose	No

Comments: Drug Dealers and those that posses drugs have hurt society. Drugs destroys people, families, businesses,etc. Think of the children! To lower the penalty to that of Jay Walking seems very foolish,and asking for more Drug problems for Hawai'i Nei. Mahalo

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Date: Wednesday, February 10, 2016 8:17:24 AM

SB2179

Submitted on: 2/10/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Cates	Individual	Oppose	No

Comments: Aloha Chair Keith-Agaran, Chair Nishihara, Vice Chair Espero, Vice Chair Shimabukuro, and committee members, By decriminalizing the offense of possession or delivery of drug paraphernalia and making it a civil penalty, a person facing drug addiction will have no record of their drug related criminal activity. This will prevent the State from being able to offer meaningful drug treatment services or programs which could help the offender. Simply giving them a \$100 fine will only enable the offender to continue to abuse drugs and likely commit property crimes to feed their addiction. Please do not pass this measure.

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Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB2179 on Feb 16, 2016 10:00AM*
Date: Thursday, February 11, 2016 9:36:33 AM

SB2179

Submitted on: 2/11/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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Cc: theresaducret@yahoo.com
Subject: Submitted testimony for SB2179 on Feb 16, 2016 10:00AM
Date: Thursday, February 11, 2016 12:13:16 PM

SB2179

Submitted on: 2/11/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Ducret	Individual	Oppose	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 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,

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Cc: NuWayveUnl@gmail.com
Subject: *Submitted testimony for SB2179 on Feb 16, 2016 10:00AM*
Date: Tuesday, February 16, 2016 12:56:23 AM

SB2179

Submitted on: 2/16/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Terrell Trice	NuWayve Unlimited	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: jmasuda6@hawaii.edu
Subject: Submitted testimony for SB2179 on Feb 16, 2016 10:00AM
Date: Saturday, February 13, 2016 4:19:28 PM

SB2179

Submitted on: 2/13/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
John Masuda	Individual	Support	No

Comments: A large number of drug users that are charged with drug possession will have drug paraphernalia on them. This could change a simple misdemeanor marijuana possession into the person being charged with an additional felony because that person also had a pipe to smoke it out of. Other than the goal to save the taxpayer millions, lately the country has been changing and the government is finally treating addiction as a health problem and not a criminal one. The government should not be trying to stack charges upon charges of people with addiction, that is counterintuitive to helping the rehabilitation of these non-violent drug offenders. This bill could help so many in the future being charged with an additional unnecessary crime, that in my opinion, shouldn't have been a felony in the first place. I strongly encourage you to take in consideration passing this bill. Mahalo, John Masuda

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Subject: Submitted testimony for SB2179 on Feb 16, 2016 10:00AM
Date: Saturday, February 13, 2016 8:47:31 AM

SB2179

Submitted on: 2/13/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kathi Wahed	Individual	Oppose	No

Comments: Please defeat this bill, as is. It decriminalizes not just marijuana but meth, cocaine, heroin, too -- making them civil violations vs. criminal. This is outrageous. Hawaii already has a horrible record for the number of young kids' lives that have been destroyed by meth, in particular, but the other drugs as well. Do you want to make it easier for more kids' lives to be destroyed by these incredibly addictive drugs? No, I'm sure you don't. Please oppose this bill and do whatever you can to make it harder, not easier, to buy and possess these horrible drugs. Thank you for your consideration.

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Cc: j.bobich@tcu.edu
Subject: Submitted testimony for SB2179 on Feb 16, 2016 10:00AM
Date: Tuesday, February 16, 2016 4:04:07 PM

SB2179

Submitted on: 2/16/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

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

Comments: Please vote this out of committee and send it forward. Thank you.

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Subject: Submitted testimony for SB2179 on Feb 16, 2016 10:00AM
Date: Tuesday, February 16, 2016 1:27:06 PM

SB2179

Submitted on: 2/16/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Gordon	Individual	Support	No

Comments: Aloha All I would appreciate your SUPPORT of SB 2179. A class C Felony for this non-violent offense is not an appropriate punishment. This type of Penalty would be more attributable to possession of meth, heroin, cocaine, etc., not for simple possession and distribution of drug paraphernalia Costs of enforcing these drug paraphernalia offenses as felonies are astronomical. Information has shown it is costing the State more than \$20,000,000. Tax dollars are better spent on community education programs and rehabilitation of nonviolent, low-risk drug offenders. Educating individuals is the better approach, not imprisonment. President Obama has released numerous non-violent drug offenders from federal prisons, stating that the "punishments simply didn't fit the crimes". Hawai'i should follow this Executive Level decision, and stop punishing people in this manner. Thank you for allowing me to share my observations and comments. Respectfully submitted Mark Gordon Waikoloa, HI.

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SB2179 Support

Years ago Hawaii started the needle exchange program as a public health measure to prevent various viral infections such as Hepatitis B and AIDS.

The same issue applies to viral infections, epidemics and pandemic and Sexually Transmitted Diseases passed on through oral bodily fluids.

There is a great loss of work and life due to the flu which is epidemic in Hawaii all year long as sick tourists come from all parts of the world all year long.

Passing a joint or passing a pipe you are guaranteed to get sick and probably with incurable viral conditions.

And it is essentially DOUBLE JEPORDITY up front in the law enforcement scheme to violate citizens and put them in jail.

These products are legally sold in Hawaii in public view. So why arrest the buyer if you don't arrest the seller.

MARIJUANA ACTUALLY IS GOOD MEDICINE AND REDUCES VIOLENT CRIME.

MARIJUANA IS ACTUALLY KOSHER!

YOUR MARIJUANA LAWS ARE DESTROYING THE PUBLIC HEALTH AND THE PUBLIC SAFETY

YOU ARE SO INDOCTRINATED BY LAW ENFORCEMENT LIES THAT YOU CAN NOT KNOW THE TRUTH UNTIL YOU BREAK FREE OF THE LIES

The truth is that marijuana is a medicine and the so called paraphernalia are MEDICAL DEVICES.

The truth is that so called paraphernalia reduce the harmful effects and improve medical outcome.

It is strange that the so called paraphernalia is Legal for addicting dangerous drugs that kills people and increases morbidity in every known disease such as Tobacco and Alcohol but are illegal for legal medicine and for improving the public safety.

You are just wasting lives for you own bad reasons.

Since Marijuana has been declared **KOSHER** under Jewish Law, as a minimum, we would greatly appreciate inserting a **RELIGIOUS EXEMPTION** that would provide for the free exercise of the Jewish Faith in healthcare and keeping kosher.

Rabbi Menachem Genack said:

“Judaism prioritizes health and encourages the use of medicine designed to improve one’s health or reduce pain.

Using medical cannabis products recommended by a physician should not be regarded as a chet, a sinful act, but rather as a **mitzvah, an imperative, a commandment.**”

Medical Marijuana is a **MITZVAH**. Medical Marijuana is both **KOSHER** and a **COMMANDMENT FROM GOD**, a religious duty, an act of human kindness and the fulfillment of that religious duty.

The Primary meaning of mitzvah is "**commandment**", referring to precepts and commandments commanded by God. In its secondary meaning, Hebrew mitzvah, as with English "commandment", refers to **a moral deed performed as a religious duty**. As such, the term mitzvah has also come to express an **act of human kindness**. The tertiary meaning of mitzvah also refers to the fulfillment of a mitzvah.

Medical Marijuana is proven to be Good for the Public Health
Medical Marijuana is a safe and effective natural medicine that treats many diseases safer, more effectively and cheaper than standard prescription drugs. Side effects are minimal and easily treated. Marijuana feeds the endocannabinol system that maintains health and balance of the cells, tissues, organs and glands.

Recreational Marijuana is proven to be Good for the Public Safety.
After the Legalization of Recreational Marijuana is the State of Colorado the violent crime rate dropped for homicide and assault.

- 1. Protect the Public Health and Public Safety!**
- 2. Increase the General Fund by tens of millions of dollars!**
- 3. Put the Black Mark out of business by Capturing the Revenue Stream!**
- 4. Provide for a Blanket Religious Exemption for Jewish People from religious persecution and criminal prosecution under the marijuana laws.**

Recognizing Religious Freedoms
Freedom of Religion

Please insert the following language:

Notwithstanding any law to the contrary, the religious use of Cannabis, Marijuana, is hereby recognized and protected, from seed to salvation, including but not limited to, the cultivation, storage, possession, possession of paraphernalia, manufacture, compounding, augmentation, distribution and sales. The religious use of Cannabis shall not be infringed.

KOSHER



**MARIJUANA IS KOSHER
IN THE JEWISH BIBLE**





THANK GOD



**MARIJUANA IS
KOSHER**



MAZAL TOV

From: mailinglist@capitol.hawaii.gov
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Cc: saralegal@live.com
Subject: Submitted testimony for SB2179 on Feb 16, 2016 10:00AM
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SB2179

Submitted on: 2/16/2016

Testimony for PSM/JDL on Feb 16, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Steiner	Individual	Support	No

Comments: Dear Legislators, I think this is a very smart fiscal plus an all-around humanitarian bill - Congratulations! Please pass it, because it is very hypocritical of a government whose police (and courthouses) purchase tens of thousands of dollars of baggies every year but then turn around and charge the common man with a crime.

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