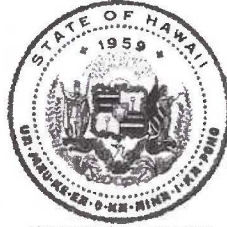


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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Honolulu, Hawaii 96814

NOLAN P. ESPINDA
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DEPUTY DIRECTOR
LAW ENFORCEMENT

No. _____

TESTIMONY ON SENATE BILL 879
RELATING TO MARIJUANA

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, February 26, 2015, 9:00 AM
State Capitol, Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** Senate Bill (SB) 879 which would establish a civil violation, subject to a \$100 fine for the "intentional or knowing" possession of one ounce or less of marijuana. SB 879 essentially proposes to substantially reduce the penalty for the possession of less than one ounce of marijuana, an illegal Schedule I drug under Federal law.

It is the PSD's belief that this measure would undermine the work of law enforcement agencies combatting illegal drug use in Hawaii and would have deleterious effects on the communities we serve.

Thank you for the opportunity to testify.



Committee: Committee on Judiciary and Labor
 Hearing Date/Time: Thursday, February 26, 2015, 9:00 a.m.
 Place: Room 016
 Re: Testimony of the ACLU of Hawaii in **Support of S.B. 879**, Relating to Marijuana

Dear Chair Keith-Agaran and Members of the Committee:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support of S.B. 879**, which seeks to decriminalize marijuana possession.

Decriminalization is a safe and smart alternative approach to address the use of marijuana in Hawaii. 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 marijuana possession will prevent thousands of people from becoming entangled needlessly in the criminal justice system, eliminate many collateral consequences that flow from marijuana arrests and allow Hawaii to reinvest the money it saves for important community needs.

Decriminalization takes a step towards ending Hawaii’s participation in the nation’s failed War on Drugs, which has cost taxpayers \$1 trillion but has produced little to no effect on the supply of or demand for drugs. Instead, the War on Drugs has resulted in our status as the world’s largest jailer: there are over 2.2 million people behind bars in this country — triple the amount of prisoners we had in 1987 and more than all of Europe combined — and 25 percent of those incarcerated are locked up for drug offenses.¹ It’s time to end the unjust and unsuccessful war on drugs and implement a more responsible drug policy in Hawaii by passing S.B. 596.

1. *Decriminalization will allow Hawaii to shift its resources towards more serious threats to public safety and direct savings and revenue towards health care, drug prevention and public health education and other community concerns.*

Decriminalizing possession of small amounts of marijuana will (1) redirect law enforcement resources to more serious threats to public safety; (2) direct savings and revenue

¹ See, e.g., Nation Behind Bars: A Human Rights Solution, *Human Rights Watch*, May 2014, available at http://www.hrw.org/sites/default/files/related_material/2014_US_Nation_Behind_Bars_0.pdf.

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towards health care, drug prevention and public health education and other community concerns; (3) reduce the number of unreasonable arrests for marijuana possession; and (4) reduce the targeting of communities disproportionately impacted by Hawaii's current marijuana laws.

David Nixon, an independent University of Hawaii economist, was commissioned to update a 2005 study on the state of marijuana law enforcement in Hawaii. Nixon was asked to examine the costs of current law enforcement policies, and to predict the economic impacts if Hawaii were to decriminalize or legalize, tax and regulate marijuana. According to Nixon, by decriminalizing marijuana, Hawaii could redirect over \$9 million annually in law enforcement costs.²

- 2. The decriminalization of small amounts of marijuana will reduce the number of unreasonable arrests for marijuana possession in our already bloated criminal justice system.*

Arrests for possession of marijuana in Hawaii have increased almost 50% since 2004.³ Arrests for possession of small amounts of marijuana constitute one of the most common points of entry into the criminal justice system. Removing criminal penalties for marijuana possession will keep people out of jail for probation and parole violations, and will eliminate the many collateral consequences that flow from marijuana arrests, thereby reducing the gross number of people entering or otherwise harmed by the criminal justice system.

- 3. Decriminalization will reduce the targeting of communities disproportionately impacted by Hawaii's current laws.*

Hawaii's marijuana laws disproportionately impact people of Hawaiian descent, who are arrested for marijuana possession **six times more often** than their share of Hawaii's population.⁴

² David Nixon, Update to: Budgetary Implications of Marijuana Decriminalization and Legalization for Hawai'i (2013), available at http://acluhawaii.files.wordpress.com/2013/01/econreptmarijuana1_2013.pdf.

³ *Id.*

⁴ *Id.*

Seventeen states and the District of Columbia have decriminalized the adult possession of marijuana.⁵ In November 2012, voters in Colorado and Washington made history when they took a stand for a safe and smart alternative to marijuana prohibition and chose to legalize small quantities of marijuana for persons over 21 years of age or older. We respectfully ask that the Committee pass this measure and implement sensible marijuana law reform in Hawaii.

Thank you for this opportunity to testify.

Sincerely,

Daniel Gluck
Legal Director
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.

⁵ Alaska, California, Colorado, Connecticut, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, Rhode Island, and Washington. See Marijuana Policy Project, State Laws with Alternatives to Incarceration for Marijuana Possession, *available at* <http://www.mpp.org/assets/pdfs/library/State-Decrim-Chart.pdf>.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB879 on Feb 26, 2015 09:00AM
Date: Wednesday, February 25, 2015 8:41:12 PM

SB879

Submitted on: 2/25/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

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

Comments: Please do not minimize the fine for drug use. Please do not change the fine.

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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Feb 25, 2015

Committee on Judiciary and Labor

Re: Bill #SB666, 708, 879

Hawaii State Capitol

415 S. Beretania Street

Honolulu, Hawaii 96813

Subject: Testimony in Opposition of only civil penalties for the possession of Marijuana under 1oz.

To the Committee on Judiciary and Labor,

I am writing in opposition to the proposed Civil penalties for possession of Marijuana under 1 oz. Although I support the use of medical marijuana (taken orally instead of smoked) I am firmly against recreational marijuana. I believe that any lessening of the penalties against recreational marijuana use will only promote recreational use.

The physical consequences of marijuana use, especially for children teens and adults under the age of 21 should in itself be reason enough to make harsher consequences. As we all know that marijuana use can affect brain development in children, teens, and adults under 21 and cause paranoia and psychosis.

Marijuana is not innocuous. It is harmful to individuals and to society.

I know of people whose use of marijuana has dulled their critical thinking skills and lessened their sense of ambitiousness and responsibility. I believe that marijuana does have some medical purposes but as with all medical drugs, it also has side effects that are not worth the trade just for recreational use. Again, I feel that lessening the consequences will only promote its use and am strongly opposed to civil penalties for Marijuana possession under 1 oz.

Sincerely,
Patricia Hubner
Mt View, HI

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: *Submitted testimony for SB879 on Feb 26, 2015 09:00AM*
Date: Thursday, February 26, 2015 8:51:25 AM

SB879

Submitted on: 2/26/2015

Testimony for JDL on Feb 26, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie J.	Individual	Oppose	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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