
A BILL FOR AN ACT

RELATING TO MARIJUANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii and thirty-
2 two other states, the United States territories of Guam, Puerto
3 Rico, and the Northern Mariana Islands, and the District of
4 Columbia have legalized the use of marijuana for medicinal
5 purposes. Twenty-two states and the District of Columbia have
6 decriminalized offenses pertaining to certain amounts of
7 marijuana, and ten states and the District of Columbia have
8 legalized certain amounts of marijuana for non-medical use.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Change statutory references from "marijuana" to
11 "cannabis";
- 12 (2) Decriminalize certain offenses relating to cannabis
13 and make them violations punishable by monetary fines;
- 14 (3) Establish an adjudicatory process for non-criminal
15 cannabis violations;



- 1 (4) Provide for the dismissal of criminal charges, and
2 expungement of criminal records, pertaining solely to
3 cannabis; and
- 4 (5) Make conforming statutory amendments relating to
5 cannabis and cannabis concentrates.

6 SECTION 2. The Hawaii Revised Statutes is amended by
7 adding a new chapter to be appropriately designated and to read
8 as follows:

9 "CHAPTER

10 PART I

11 ADJUDICATORY PROCESS FOR CANNABIS VIOLATIONS

12 § -1 Definitions. As used in this chapter, unless the
13 context requires otherwise:

14 "Cannabis" means all parts of the plant (genus) Cannabis
15 whether growing or not; the seeds thereof, the resin extracted
16 from any part of the plant; and every compound, manufacture,
17 salt, derivative, mixture, or preparation of the plant, its
18 seeds, or resin. It does not include the mature stalks of the
19 plant, fiber produced from the stalks, oil, or cake made from
20 the seeds of the plant, any other compound, manufacture, salt,
21 derivative, mixture, or preparation of the mature stalks (except



1 the resin extracted therefrom), fiber, oil, or cake, or the
2 sterilized seed of the plant which is incapable of germination.

3 "Cannabis concentrate" means hashish, tetrahydrocannabinol,
4 or any alkaloid, salt, derivative, preparation, compound, or
5 mixture, whether natural or synthesized, of
6 tetrahydrocannabinol.

7 "Court" means the district court.

8 "Notice of violation" means a notice of violation of a
9 section in part II of this chapter.

10 **§ -2 Notice; form; determination final unless contested.**

11 (a) A notice of violation shall include the summons for the
12 purposes of this section. Whenever a notice of violation is
13 issued to a person, the person's signature and current address
14 shall be noted on the notice. If the person refuses to sign the
15 notice of violation, the officer shall record the refusal on the
16 notice and issue the notice to the person. An individual to
17 whom a notice of violation is issued under this section shall
18 not be arraigned before the court, unless required by rule of
19 the supreme court.



1 (b) The form for the notice of violation shall be
2 prescribed by rules of the district court and shall be uniform
3 throughout the State.

4 (c) The notice of violation shall include the following:

5 (1) A statement of the specific violation for which the
6 notice was issued;

7 (2) A brief statement of facts;

8 (3) A statement of the total amount for the violation
9 established pursuant to section -17, to be paid by
10 the person;

11 (4) A statement of the options provided in section -
12 3(b) for answering the notice and the procedures
13 necessary to exercise the options;

14 (5) A statement that the person to whom the notice is
15 issued shall answer, choosing one of the options
16 specified in section -3(b), within twenty-one days
17 of the issuance of the notice;

18 (6) A statement that failure to answer the notice of
19 violation within twenty-one days of the issuance shall
20 result in an entry of judgment by default for the
21 State and may result in the assessment of a late



1 penalty and that failure to pay the total amount
2 specified in the default judgment within an additional
3 thirty days or to otherwise take action to set aside
4 the default judgment shall subject the person to
5 section 706-647;

6 (7) A statement that, at a hearing conducted pursuant to
7 section -5 to contest the notice of violation, no
8 officer shall be present unless the person timely
9 requests the court to have the officer present, and
10 that the standard of proof to be applied by the court
11 is whether a preponderance of the evidence proves that
12 the specified violation was committed;

13 (8) A space in which the signature of the person to whom
14 the notice was issued may be affixed; and

15 (9) The date, time, and place at which the person to whom
16 the notice was issued shall appear in court, if the
17 person is required by the notice to appear in person
18 at the hearing.

19 § -3 **Answer required.** (a) A person who receives a
20 notice of violation shall answer the notice within twenty-one
21 days of the date of issuance of the notice. There shall be



1 included with the notice of violation a preaddressed envelope
2 directed to the clerk of the applicable district court.

3 (b) Unless the notice of violation requires an appearance
4 in person at a hearing as set forth in section -2(c)(9), in
5 answering a notice of violation, a person shall have the
6 following options:

7 (1) Admit the commission of the violation in one of the
8 following ways:

9 (A) By mail or in person, by completing the
10 appropriate portion of the notice of violation or
11 preaddressed envelope and submitting it to the
12 district court specified on the notice together
13 with payment of the total amount stated on the
14 notice of violation; provided that payment by
15 mail shall be in the form of a check, money
16 order, or by an approved credit or debit card;
17 and provided further that payment in person shall
18 be in the form of United States currency, check,
19 money order, or by an approved credit or debit
20 card; or



- 1 (B) Via the Internet or by telephone, by submitting
2 payment of the total amount stated on the notice
3 of violation; provided that payment via the
4 Internet or by telephone shall be by an approved
5 credit or debit card; or
- 6 (2) Deny the commission of the violation and request a
7 hearing to contest the violation by completing the
8 appropriate portion of the notice of violation or
9 preaddressed envelope and submitting it, either by
10 mail or in person, to the district court specified on
11 the notice. A denial may include the assertion of
12 affirmative defenses, including the affirmative
13 defense accorded to the medical use of cannabis
14 pursuant to section 329-125. In lieu of appearing in
15 person at a hearing, the person may submit a written
16 statement of grounds on which the person contests the
17 notice of violation, which shall be considered by the
18 court as a statement given in court pursuant to
19 section -5(a).
- 20 (c) When answering the notice of violation, the person
21 shall affix the person's signature to the answer and shall state



1 the address at which the person will accept future mailings from
2 the court. No other response shall constitute an answer for
3 purposes of this chapter.

4 § -4 Court action after answer or failure to answer.

5 (a) When an admitting answer is received, the court shall enter
6 judgment in favor of the State in the total amount specified in
7 the notice of violation. If payment of the total amount is not
8 submitted with the answer, the court may take action as provided
9 in section -6.

10 (b) When a denying answer is received, the court shall
11 notify the person in writing of the date, time, and place of
12 hearing to contest the notice of violation. The notice of
13 hearing shall be mailed to the address stated in the denying
14 answer, or if none is given, to the address stated on the notice
15 of violation. The notification also shall advise the person
16 that, if the person fails to appear at the hearing, the court
17 shall enter judgment by default in favor of the State as of the
18 date of the scheduled hearing, that the total amount specified
19 in the notice of the violation and default judgment shall be
20 paid within thirty days of entry of default judgment, and if it



1 is not paid, that the court shall take action as provided in
2 section -6.

3 (c) If the person fails to answer within twenty-one days
4 of issuance of the notice of violation or fails to appear at the
5 hearing, the court shall take action as provided in subsection
6 (d).

7 (d) Whenever judgment by default in favor of the State is
8 entered, the court shall mail a notice of entry of default
9 judgment to the address provided by the person when the notice
10 of violation was issued. The notice of entry of default
11 judgment shall advise the person that the total amount specified
12 in the notice of violation and default judgment shall be paid
13 within thirty days of entry of default judgment and shall
14 explain the procedure for setting aside a default judgment. The
15 notice of entry of default judgment shall also inform the person
16 that if the total amount is not paid within thirty days, the
17 court shall take action as provided in section -6.

18 Judgment by default for the State entered pursuant to this
19 section may be set aside pending final disposition of the
20 violation upon written application of the person and posting of
21 an appearance bond equal to the amount of the total amount



1 specified in the default judgment. The application shall show
2 good cause or excusable neglect for the person's failure to take
3 action necessary to prevent entry of judgment by default.

4 Upon receipt of the application and required appearance
5 bond, the court shall determine whether good cause or excusable
6 neglect exists for the person's failure to take action necessary
7 to prevent entry of judgment by default. If the court
8 determines that good cause or excusable neglect exists, the
9 application to set aside default judgment shall be granted, the
10 default judgment shall be set aside, and the notice of violation
11 shall be disposed of pursuant to this chapter. If the court
12 determines that good cause and excusable neglect do not exist,
13 the application to set aside default judgment shall be denied,
14 the appearance bond shall be forfeited and applied to satisfy
15 amounts due under the default judgment, and the notice of
16 violation shall be finally disposed. In either case, the court
17 shall determine the existence of good cause or excusable neglect
18 and notify the person of its decision on the application in
19 writing.



1 § -5 Hearings. (a) In proceedings to contest a notice
2 of violation where the person to whom the notice was issued has
3 timely requested a hearing and appears at the hearing:

4 (1) In lieu of the personal appearance by the officer who
5 issued the notice of violation, the court shall
6 consider the notice of violation and any other written
7 report made by the officer, if provided to the court
8 by the officer, together with any oral or written
9 statement by the person to whom the notice of
10 violation was issued;

11 (2) The court may compel by subpoena the attendance of the
12 officer who issued the notice of violation and other
13 witnesses from whom it may wish to hear;

14 (3) The standard of proof to be applied by the court shall
15 be whether, by a preponderance of the evidence, the
16 court finds that the violation was committed; and

17 (4) After due consideration of the evidence and arguments,
18 if any, the court shall determine whether commission
19 of the violation has been established. Where the
20 commission of the violation has not been established,
21 judgment in favor of the defendant, dismissing the



1 notice of violation or any count therein with
2 prejudice, shall be entered in the record. Where it
3 has been established that the violation was committed,
4 the court shall enter judgment in favor of the State
5 and shall assess a monetary assessment pursuant to
6 section -17. The court also shall inform the
7 person of the right to request a trial pursuant to
8 section -8. If the person requests a trial at the
9 time of the hearing, the court shall provide the
10 person with a trial date as soon as practicable.

11 (b) If a person for whom a hearing has been scheduled to
12 contest the notice of violation or to assert affirmative
13 defenses fails to appear at the hearing, the court shall enter
14 judgment by default for the State and take action as provided in
15 section -4(d). If the total amount of the monetary
16 assessment, fees, interest, or costs is not paid within thirty
17 days of entry of default judgment, the court shall take action
18 as provided in section -6.

19 § -6 **Failure to pay fine.** When the person issued a
20 notice of violation or notice of entry of default judgment fails
21 to pay the total amount specified in the notice, the amount may



1 be collected in the same manner as a judgment in a civil action.
2 The State may collect the amount, including costs, interest, and
3 attorney's fees, pursuant to section 706-647.

4 **§ -7 Time computation.** In computing any period of time
5 prescribed or allowed by this chapter, the day of the act,
6 event, or default from which the period of time begins to run
7 shall not be included. The last day of the period so computed
8 shall be included, unless it is a Saturday, Sunday, or legal
9 holiday, in which event the period shall run until the end of
10 the next day that is not a Saturday, Sunday, or legal holiday.
11 Intermediate Saturdays, Sundays, and legal holidays shall be
12 included. Whenever an act required to be performed under this
13 chapter may be accomplished by mail, the act shall be deemed to
14 have been performed on the date of the postmark on the mailed
15 article.

16 **§ -8 Trial and concurrent trial.** (a) There shall be no
17 right to trial unless the defendant contests the notice of
18 violation pursuant to section -5. If, after proceedings to
19 contest the notice of violation, a determination is made that
20 the defendant committed the violation, judgment shall enter in
21 favor of the State. The defendant may request a trial in which



1 the Hawaii rules of evidence, as specified under section
2 -9(b), and the rules of the district court shall apply;
3 provided that any request for trial shall be made within thirty
4 days of entry of judgment. If, after appearing in person at a
5 hearing to contest the notice of violation, the person requests
6 a trial at the conclusion of the hearing, the court shall
7 provide the person with a trial date as soon as practicable.

8 (b) At the time of trial, the State shall be represented
9 by a prosecuting attorney of the county in which the violation
10 allegedly occurred. The prosecuting attorney shall orally
11 recite the charged civil violation in court prior to
12 commencement of the trial. Proof of the defendant's commission
13 of the violation shall be by a preponderance of the evidence.

14 (c) If trial on the violation is held prior to trial on
15 any related criminal offense, the following shall be
16 inadmissible in the subsequent prosecution or trial of the
17 related criminal offense:

- 18 (1) Any written or oral statement made by the defendant in
19 proceedings conducted pursuant to section -5; and
20 (2) Any testimony given by the defendant in the trial on
21 the violation.



1 The statement or testimony, or both, shall not be deemed a
2 waiver of the defendant's privilege against self-incrimination
3 in connection with any related criminal offense.

4 (d) In any concurrent trial, the State shall be
5 represented by a prosecuting attorney of the county in which the
6 violation and related crime allegedly occurred. Proof of the
7 defendant's commission of the violation shall be by a
8 preponderance of the evidence, and proof of the related criminal
9 offense shall be by proof beyond a reasonable doubt. The
10 concurrent trial shall be conducted pursuant to the rules of the
11 appropriate court, the Hawaii rules of evidence, and the Hawaii
12 rules of penal procedure.

13 § -9 Rules. (a) The supreme court may adopt rules of
14 procedure for the conduct of all proceedings pursuant to this
15 chapter.

16 (b) Chapter 626 shall not apply in proceedings conducted
17 pursuant to this chapter, except for:

- 18 (1) The rules governing privileged communications; and
19 (2) Proceedings conducted under section -8.

20 (c) Notwithstanding section 604-17 to the contrary, while
21 the court is sitting in any matter pursuant to this chapter, the



1 court shall not be required to preserve the testimony or
2 proceedings, except proceedings conducted pursuant to section
3 -8 and proceedings in which the violation is heard on the
4 same date and time as any related criminal offense.

5 (d) The prosecuting attorney shall not participate in
6 violation proceedings conducted pursuant to this chapter, except
7 proceedings pursuant to section -8 and proceedings in which a
8 related criminal offense is scheduled for arraignment, hearing,
9 or concurrent trial.

10 (e) Chapter 91 shall not apply in proceedings before the
11 court pursuant to this chapter.

12 (f) Chapter 571 and the Hawaii family court rules shall
13 not apply in any proceedings conducted pursuant to this chapter.

14 **§ -10 Applicability.** Notwithstanding any other
15 provision of law to the contrary, all cannabis violations,
16 including cannabis violations committed by minors, shall be
17 adjudicated pursuant to this chapter. No cannabis violation
18 under this chapter shall be classified as a criminal offense.

19 **PART II**

20 **CANNABIS VIOLATIONS**



1 § -11 Promoting cannabis in the first degree. (a) A
2 person violates this section by promoting cannabis in the first
3 degree if the person knowingly:

4 (1) Possesses fifty or more capsules or tablets or dosage
5 units containing one or more of the cannabis
6 concentrates, or any combination thereof;

7 (2) Possesses one or more preparations, compounds,
8 mixtures, or substances, of an aggregate weight of
9 one-eighth ounce or more, containing one or more of
10 the cannabis concentrates, or any combination thereof;
11 or

12 (3) Distributes any cannabis concentrate in any amount.

13 (b) Promoting cannabis in the first degree is punishable
14 as provided under section -17.

15 § -12 Promoting cannabis in the second degree. (a) A
16 person violates this section by promoting cannabis in the second
17 degree if the person knowingly possesses twenty-five or more
18 capsules or tablets or dosage units containing one or more of
19 the cannabis concentrates, or any combination thereof.

20 (b) Promoting cannabis in the second degree is punishable
21 as provided under section -17.



1 § -13 Promoting cannabis in the third degree. (a) A
2 person violates this section by promoting cannabis in the third
3 degree if the person knowingly possesses cannabis concentrate in
4 any amount.

5 (b) Promoting cannabis in the third degree is punishable
6 as provided under section -17.

7 § -14 Promoting cannabis detrimentally in the first
8 degree. (a) A person violates this section by promoting
9 cannabis detrimentally in the first degree if the person
10 knowingly:

11 (1) Possesses one or more preparations, compounds,
12 mixtures, or substances of an aggregate weight of one
13 pound or more containing any cannabis;

14 (2) Distributes one or more preparations, compounds,
15 mixtures, or substances of an aggregate weight of one
16 ounce or more containing any cannabis;

17 (3) Possesses, cultivates, or has under the person's
18 control twenty-five or more cannabis plants; or

19 (4) Sells or barter any cannabis in any amount.

20 (b) Promoting cannabis detrimentally in the first degree
21 is a punishable as provided under section -17.



1 § -15 Promoting cannabis detrimentally in the second
 2 degree. (a) A person violates this section by promoting
 3 cannabis detrimentally in the second degree if the person
 4 knowingly:

- 5 (1) Possesses one or more preparations, compounds,
- 6 mixtures, or substances, of an aggregate weight of one
- 7 ounce or more, containing any cannabis; or
- 8 (2) Distributes any cannabis in any amount.

9 (b) Promoting cannabis detrimentally in the second degree
 10 is punishable as provided under section -17.

11 § -16 Promoting cannabis detrimentally in the third
 12 degree. (a) A person violates this section by promoting
 13 cannabis detrimentally in the third degree if the person
 14 knowingly possesses any cannabis in any amount.

15 (b) Promoting cannabis detrimentally in the third degree
 16 is punishable as provided under section -17.

17 § -17 Penalties for violations of certain statutes
 18 relating to cannabis. Penalties for violations of the following
 19 statutes shall consist solely of monetary fines, as specified.
 20 The fine for a violation of:



- 1 (1) Section -11, promoting cannabis in the first
- 2 degree, shall be \$750;
- 3 (2) Section -12, promoting cannabis in the second
- 4 degree, shall be \$500;
- 5 (3) Section -13, promoting cannabis in the third
- 6 degree, shall be \$350;
- 7 (4) Section -14, promoting cannabis detrimentally in
- 8 the first degree, shall be \$500;
- 9 (5) Section -15, promoting cannabis detrimentally in
- 10 the second degree, shall be \$350; and
- 11 (6) Section -16, promoting cannabis detrimentally in
- 12 the third degree, shall be \$200.

13 **§ -18 Seizure of excess cannabis or cannabis**

14 **concentrate; destruction.** Any cannabis or cannabis concentrate

15 seized as evidence of a violation of this part in excess of a

16 specified aggregate weight constituting a violation may be

17 destroyed after the excess amount has been photographed and the

18 number of plants, amount of cannabis, number of units of

19 cannabis concentrate, or the weight thereof has been recorded,

20 as applicable. The required minimum amount of the cannabis or

21 cannabis concentrate needed to constitute the elements of this



1 violation shall remain in the custody of the police until the
2 termination of any action brought as a result of the seizure of
3 the cannabis or cannabis concentrate. Photographs duly
4 identified as accurately representing the cannabis or cannabis
5 concentrate shall be deemed competent evidence of the cannabis
6 or cannabis concentrate involved and shall be admissible in any
7 proceeding, hearing, or trial to the same extent as the cannabis
8 or cannabis concentrate itself; provided that nothing in this
9 subsection shall be construed to limit or to restrict the
10 application of rule 901 of the Hawaii rules of evidence."

11 SECTION 3. Chapter 712, Hawaii Revised Statutes, is
12 amended by adding two new sections to be appropriately
13 designated and to read as follows:

14 "§712- Dismissal of pending cannabis charges. (a)
15 Notwithstanding any other law to the contrary, a person charged
16 prior to the effective date of this Act with any cannabis
17 offense arising from a set of facts and circumstances that
18 resulted in no criminal charge other than the cannabis offense
19 may apply to the court where the charge is pending for an order
20 dismissing the charge.



1 (b) A person shall not be eligible for an order dismissing
2 a charge pursuant to this section unless the person pays a fine
3 of:

4 (1) \$750 for a charge of a cannabis offense under section
5 712-1245;

6 (2) \$500 for a charge of a cannabis offense under section
7 712-1246 or 712-1247;

8 (3) \$350 for a charge of a cannabis offense under section
9 712-1246.5 or 712-1248; or

10 (4) \$200 for a charge of a cannabis offense under section
11 712-1249.

12 (c) The court shall grant an order dismissing the charge
13 under subsection (a) upon a finding that the applicant is
14 eligible for the order.

15 (d) In addition to the fines established under subsection
16 (b), the court may establish a reasonable fee for an application
17 under this section.

18 (e) As used in this section, "cannabis offense" means any
19 criminal offense prohibiting the cultivation, possession,
20 distribution, barter, sale, transportation, or use of cannabis
21 or cannabis concentrate, regardless of whether previously



1 referenced as marijuana or marijuana concentrate; provided that
2 "cannabis offense" does not include sections 712-1244, 712-
3 1249.4, or 712-1249.5.

4 §712- Expungement of records of criminal violations
5 pertaining solely to cannabis. (a) Notwithstanding any other
6 law to the contrary, a person convicted prior to the effective
7 date of this Act of any cannabis offense arising from a set of
8 facts and circumstances that resulted in no criminal charge
9 other than the cannabis offense may apply to the court of
10 conviction for an expungement order pertaining to the conviction
11 for the cannabis offense.

12 (b) The court shall grant an expungement order under
13 subsection (a) upon a finding that the applicant is eligible for
14 the expungement.

15 (c) The court may establish a reasonable fee for an
16 application under this section.

17 (d) As used in this section, "cannabis offense" means any
18 criminal offense prohibiting the cultivation, possession,
19 distribution, barter, sale, transportation, or use of cannabis
20 or cannabis concentrate, regardless of whether previously
21 referenced as marijuana or marijuana concentrate; provided that



1 "cannabis offense" does not include sections 712-1244, 712-
2 1249.4, or 712-1249.5."

3 SECTION 4. Section 325-21, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) Nothing in this section provides immunity from
6 prosecution to any person who violates any law that prohibits or
7 regulates the use, possession, dispensing, distribution, or
8 promotion of controlled substances, dangerous drugs, detrimental
9 drugs, [~~e~~] harmful drugs, cannabis, or cannabis concentrate,
10 including but not limited to violation of section 329-41, 329-
11 42, or 712-1241 to 712-1249.6."

12 SECTION 5. Section 325-114, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) Nothing in this part provides immunity from
15 prosecution to any person for violation of any law prohibiting
16 or regulating the use, possession, dispensing, distribution, or
17 promotion of controlled substances, dangerous drugs, detrimental
18 drugs, [~~e~~] harmful drugs[-], cannabis, or cannabis concentrate.
19 Nothing in this part provides immunity from prosecution to any
20 person for violation of sections 329-41, 329-42, or 712-1241
21 through 712-1249.6."



1 SECTION 6. Section 329-125, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) A qualifying patient, primary caregiver, qualifying
4 out-of-state patient, or caregiver of a qualifying out-of-state
5 patient may assert the medical use of cannabis authorized under
6 this part as an affirmative defense to any prosecution involving
7 [~~marijuana~~] cannabis under this part, part IV, chapter _____, or
8 part IV of chapter 712; provided that the qualifying patient,
9 primary caregiver, qualifying out-of-state patient, or caregiver
10 of a qualifying out-of-state patient strictly complied with the
11 requirements of this part."

12 SECTION 7. Section 350-1, Hawaii Revised Statutes, is
13 amended by amending the definition of "child abuse or neglect"
14 to read as follows:

15 "Child abuse or neglect" means:

16 (1) The acts or omissions of any person who, or legal
17 entity which, is in any manner or degree related to
18 the child, is residing with the child, or is otherwise
19 responsible for the child's care, that have resulted
20 in the physical or psychological health or welfare of
21 the child, who is under the age of eighteen, to be



1 harmed, or to be subject to any reasonably
2 foreseeable, substantial risk of being harmed. The
3 acts or omissions are indicated for the purposes of
4 reports by circumstances that include but are not
5 limited to:

6 (A) When the child exhibits evidence of:

7 (i) Substantial or multiple skin bruising or any
8 other internal bleeding;

9 (ii) Any injury to skin causing substantial
10 bleeding;

11 (iii) Malnutrition;

12 (iv) Failure to thrive;

13 (v) Burn or burns;

14 (vi) Poisoning;

15 (vii) Fracture of any bone;

16 (viii) Subdural hematoma;

17 (ix) Soft tissue swelling;

18 (x) Extreme pain;

19 (xi) Extreme mental distress;

20 (xii) Gross degradation; or

21 (xiii) Death; and



- 1 such injury is not justifiably explained, or when
2 the history given concerning such condition or
3 death is at variance with the degree or type of
4 such condition or death, or circumstances
5 indicate that such condition or death may not be
6 the product of an accidental occurrence;
- 7 (B) When the child has been the victim of sexual
8 contact or conduct, including but not limited to
9 sexual assault as defined in the Penal Code,
10 molestation, sexual fondling, incest, or
11 prostitution; obscene or pornographic
12 photographing, filming, or depiction; or other
13 similar forms of sexual exploitation, including
14 but not limited to acts that constitute an
15 offense pursuant to section 712-1202(1)(b);
- 16 (C) When there exists injury to the psychological
17 capacity of a child as is evidenced by an
18 observable and substantial impairment in the
19 child's ability to function;
- 20 (D) When the child is not provided in a timely manner
21 with adequate food, clothing, shelter,



- 1 psychological care, physical care, medical care,
2 or supervision;
- 3 (E) When the child is provided with dangerous,
4 harmful, or detrimental drugs, cannabis, or
5 cannabis concentrate as defined by section 712-
6 1240; provided that this subparagraph shall not
7 apply when such drugs are provided to the child
8 pursuant to the direction or prescription of a
9 practitioner, as defined in section 712-1240; or
- 10 (F) When the child has been the victim of labor
11 trafficking under chapter 707; or
- 12 (2) The acts or omissions of any person that have resulted
13 in sex trafficking or severe forms of trafficking in
14 persons; provided that no finding by the department
15 pursuant to this chapter shall be used as conclusive
16 evidence that a person has committed an offense under
17 part VIII of chapter 707 or section 712-1202."
- 18 SECTION 8. Section 587A-4, Hawaii Revised Statutes, is
19 amended by amending the definition of "harm" to read as follows:
20 ""Harm" means damage or injury to a child's physical or
21 psychological health or welfare, where:



- 1 (1) The child exhibits evidence of injury, including, but
2 not limited to:
- 3 (A) Substantial or multiple skin bruising;
 - 4 (B) Substantial external or internal bleeding;
 - 5 (C) Burn or burns;
 - 6 (D) Malnutrition;
 - 7 (E) Failure to thrive;
 - 8 (F) Soft tissue swelling;
 - 9 (G) Extreme pain;
 - 10 (H) Extreme mental distress;
 - 11 (I) Gross degradation;
 - 12 (J) Poisoning;
 - 13 (K) Fracture of any bone;
 - 14 (L) Subdural hematoma; or
 - 15 (M) Death;
- 16 and the injury is not justifiably explained, or the
17 history given concerning the condition or death is not
18 consistent with the degree or type of the condition or
19 death, or there is evidence that the condition or
20 death may not be the result of an accident;



- 1 (2) The child has been the victim of sexual contact or
2 conduct, including sexual assault; sodomy;
3 molestation; sexual fondling; incest; prostitution;
4 obscene or pornographic photographing, filming, or
5 depiction; or other similar forms of sexual
6 exploitation, including but not limited to acts that
7 constitute an offense pursuant to section
8 712-1202(1)(b);
- 9 (3) The child's psychological well-being has been injured
10 as evidenced by a substantial impairment in the
11 child's ability to function;
- 12 (4) The child is not provided in a timely manner with
13 adequate food; clothing; shelter; supervision; or
14 psychological, physical, or medical care;
- 15 (5) The child is provided with dangerous, harmful, or
16 detrimental drugs, cannabis, or cannabis concentrate
17 as defined in section 712-1240, except when a child's
18 family administers drugs to the child as directed or
19 prescribed by a practitioner as defined in section
20 712-1240; or



1 (6) The child has been the victim of labor trafficking
2 under chapter 707."

3 SECTION 9. Section 587D-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "unharmd condition" to
5 read as follows:

6 "Unharmd condition" means no evidence of injury to a
7 newborn child's physical or psychological health or welfare, as
8 evidenced in any case where:

9 (1) The newborn child is alive and exhibits no:

- 10 (A) Substantial or multiple skin bruising or any
11 other internal bleeding;
- 12 (B) Injury to skin causing substantial bleeding;
- 13 (C) Malnutrition;
- 14 (D) Failure to thrive;
- 15 (E) Burn or burns;
- 16 (F) Poisoning;
- 17 (G) Fracture of any bone;
- 18 (H) Subdural hematoma;
- 19 (I) Soft tissue swelling;
- 20 (J) Extreme pain;
- 21 (K) Extreme mental distress; or



- 1 (L) Gross degradation;
- 2 (2) The newborn child has not been the victim of:
- 3 (A) Sexual contact or conduct, including rape,
- 4 sodomy, molestation, sexual fondling, or incest;
- 5 (B) Obscene or pornographic photographing, filming,
- 6 or depiction; or
- 7 (C) Other similar forms of sexual exploitation;
- 8 (3) Injury does not exist to the psychological capacity of
- 9 a child as evidenced by a substantial impairment in
- 10 the child's ability to function;
- 11 (4) The child has been provided in a timely manner with
- 12 adequate food, clothing, shelter, psychological care,
- 13 physical care, medical care, and supervision; or
- 14 (5) The child has not been provided with dangerous,
- 15 harmful, or detrimental drugs, cannabis, or cannabis
- 16 concentrate, as defined by section 712-1240; except in
- 17 cases where a child's family provides the drugs to the
- 18 child pursuant to the direction or prescription of a
- 19 practitioner, as defined in section 712-1240."

20 SECTION 10. Section 712-1240, Hawaii Revised Statutes, is
 21 amended as follows:



1 1. By amending the definition of "dangerous drugs" to
2 read:

3 "Dangerous drugs" means any substance or immediate
4 precursor defined or specified as a "Schedule I substance" or a
5 "Schedule II substance" by chapter 329, or a substance specified
6 in section 329-18(c)(14), except [~~marijuana~~] cannabis or
7 [~~marijuana~~] cannabis concentrate."

8 2. By amending the definition of "detrimental drug" to
9 read:

10 "Detrimental drug" means any substance or immediate
11 precursor defined or specified as a "Schedule V substance" by
12 chapter 329 [~~, or any marijuana~~]."

13 3. By amending the definition of "harmful drug" to read:

14 "Harmful drug" means any substance or immediate precursor
15 defined or specified as a "Schedule III substance" or a
16 "Schedule IV substance" by chapter 329, [~~or any marijuana~~
17 ~~concentrate~~] except [~~marijuana and~~] a substance specified in
18 section 329-18(c)(14).

19 4. By amending the definition of "marijuana" to read:

20 "~~"Marijuana"~~ "Cannabis" means any part of the plant
21 (genus) cannabis [~~,~~] whether growing or not [~~, including~~]; the



1 seeds [~~and~~] thereof, the resin[~~,~~] extracted from any part of the
2 plant; and every alkaloid, salt, derivative, preparation,
3 compound, [~~or~~] mixture, or preparation of the plant, its seeds
4 or resin[~~, except that, as used herein, "marijuana"~~]. It does
5 not include the mature stalks of the plant, fiber produced from
6 the stalks, oil, or cake made from the seeds of the plant, any
7 other compound, manufacture, salt, derivative, mixture, or
8 preparation of the mature stalks (except the resin extracted
9 therefrom), fiber, oil, or cake, or the sterilized seed of the
10 plant which is incapable of germination), hashish,
11 tetrahydrocannabinol, and any alkaloid, salt, derivative,
12 preparation, compound, or mixture, whether natural or
13 synthesized, of tetrahydrocannabinol."

14 5. By amending the definition of "marijuana concentrate"
15 to read:

16 "~~"Marijuana]~~ "Cannabis concentrate" means hashish,
17 tetrahydrocannabinol, or any alkaloid, salt, derivative,
18 preparation, compound, or mixture, whether natural or
19 synthesized, of tetrahydrocannabinol."

20 SECTION 11. Section 712-1240.1, Hawaii Revised Statutes,
21 is amended to read as follows:



1 "§712-1240.1 Defense to promoting. (1) It is a defense
2 to prosecution for any offense defined in this part that the
3 person who possessed or distributed the dangerous, harmful, or
4 detrimental drug, cannabis, or cannabis concentrate did so under
5 authority of law as a practitioner, as an ultimate user of the
6 drug pursuant to a lawful prescription, or as a person otherwise
7 authorized by law.

8 (2) It is an affirmative defense to prosecution for any
9 [~~marijuana-related~~] cannabis- or cannabis concentrate-related
10 offense defined in this part that the person who possessed or
11 distributed the [~~marijuana~~] cannabis or cannabis concentrate was
12 authorized to possess or distribute the [~~marijuana~~] cannabis or
13 cannabis concentrate for medical purposes pursuant to part IX of
14 chapter 329."

15 SECTION 12. Section 712-1244, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§712-1244 Promoting a harmful drug or cannabis
18 concentrate in the first degree. (1) A person commits the
19 offense of promoting a harmful drug or cannabis concentrate in
20 the first degree if the person knowingly:



- 1 (a) Possesses one hundred or more capsules or tablets or
2 dosage units containing one or more of the harmful
3 drugs or one or more of the [~~marijuana~~] cannabis
4 concentrates, or any combination thereof;
- 5 (b) Possesses one or more preparations, compounds,
6 mixtures, or substances, of an aggregate weight of one
7 ounce or more containing one or more of the harmful
8 drugs or one or more of the [~~marijuana~~] cannabis
9 concentrates, or any combination thereof;
- 10 (c) Distributes twenty-five or more capsules or tablets or
11 dosage units containing one or more of the harmful
12 drugs or one or more of the [~~marijuana~~] cannabis
13 concentrates, or any combination thereof;
- 14 (d) Distributes one or more preparations, compounds,
15 mixtures, or substances, of an aggregate weight of
16 one-eighth ounce or more, containing one or more of
17 the harmful drugs or one or more of the [~~marijuana~~]
18 cannabis concentrates, or any combination thereof; or
- 19 (e) Distributes any harmful drug or any [~~marijuana~~]
20 cannabis concentrate in any amount to a minor.



1 (2) Promoting a harmful drug or cannabis concentrate in
2 the first degree is a class A felony."

3 SECTION 13. Section 712-1245, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of promoting a harmful
6 drug in the second degree if the person knowingly:

7 (a) Possesses fifty or more capsules or tablets or dosage
8 units containing one or more of the harmful drugs or
9 [~~one or more of the marijuana concentrates, or~~] any
10 combination thereof;

11 (b) Possesses one or more preparations, compounds,
12 mixtures, or substances, of an aggregate weight of
13 one-eighth ounce or more, containing one or more of
14 the harmful drugs [~~or one or more of the marijuana~~
15 ~~concentrates,~~] or any combination thereof; or

16 (c) Distributes any harmful drug [~~or any marijuana~~
17 ~~concentrate~~] in any amount."

18 SECTION 14. Section 712-1246, Hawaii Revised Statutes, is
19 amended by amending subsection (1) to read as follows:

20 "(1) A person commits the offense of promoting a harmful
21 drug in the third degree if the person knowingly possesses



1 twenty-five or more capsules or tablets or dosage units
2 containing one or more of the harmful drugs or [~~one or more of~~
3 ~~the marijuana concentrates, or~~] any combination thereof."

4 SECTION 15. Section 712-1247, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§712-1247 Promoting a detrimental drug in the first
7 degree. (1) A person commits the offense of promoting a
8 detrimental drug in the first degree if the person knowingly:
9 (a) Possesses four hundred or more capsules or tablets
10 containing one or more of the Schedule V substances;
11 (b) Possesses one or more preparations, compounds,
12 mixtures, or substances of an aggregate weight of one
13 ounce or more, containing one or more of the Schedule
14 V substances;
15 (c) Distributes fifty or more capsules or tablets
16 containing one or more of the Schedule V substances;
17 (d) Distributes one or more preparations, compounds,
18 mixtures, or substances of an aggregate weight of one-
19 eighth ounce or more, containing one or more of the
20 Schedule V substances; or



- 1 ~~[(e) Possesses one or more preparations, compounds,~~
2 ~~mixtures, or substances of an aggregate weight of one~~
3 ~~pound or more, containing any marijuana,~~
- 4 ~~(f) Distributes one or more preparations, compounds,~~
5 ~~mixtures, or substances of an aggregate weight of one~~
6 ~~ounce or more, containing any marijuana,~~
- 7 ~~(g) Possesses, cultivates, or has under the person's~~
8 ~~control twenty five or more marijuana plants; or~~
- 9 ~~(h)]~~ (e) Sells or barter[s] any [~~marijuana or any~~] Schedule
10 V substance in any amount.

11 (2) Promoting a detrimental drug in the first degree is a
12 class C felony.

13 ~~[(3) Any marijuana seized as evidence of a violation of~~
14 ~~this section in excess of one pound may be destroyed after it~~
15 ~~has been photographed and the weight thereof recorded. The~~
16 ~~remainder of the marijuana shall remain in the custody of the~~
17 ~~police department until the termination of any criminal action~~
18 ~~brought as a result of the seizure of the marijuana.~~

19 ~~Photographs duly identified as accurately representing the~~
20 ~~marijuana shall be deemed competent evidence of the marijuana~~
21 ~~involved and shall be admissible in any proceeding, hearing, or~~



1 ~~trial to the same extent as the marijuana itself; provided that~~
2 ~~nothing in this subsection shall be construed to limit or to~~
3 ~~restrict the application of rule 901 of the Hawaii rules of~~
4 ~~evidence.] "~~

5 SECTION 16. Section 712-1248, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of promoting a
8 detrimental drug in the second degree if the person knowingly:

9 (a) Possesses fifty or more capsules or tablets containing
10 one or more of the Schedule V substances;

11 (b) Possesses one or more preparations, compounds,
12 mixtures, or substances, of an aggregate weight of
13 one-eighth ounce or more, containing one or more of
14 the Schedule V substances; or

15 [~~(c) Possesses one or more preparations, compounds,~~
16 ~~mixtures, or substances, of an aggregate weight of one~~
17 ~~ounce or more, containing any marijuana; or~~

18 ~~(d)]~~ (c) Distributes any [~~marijuana or any~~] Schedule V
19 substance in any amount."

20 SECTION 17. Section 712-1249, Hawaii Revised Statutes, is
21 amended by amending subsection (1) to read as follows:



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

5 SECTION 18. Section 712-1251, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) Except as provided in subsection (2), the presence of
8 [a]:

9 (a) A dangerous drug, harmful drug, or detrimental
10 drug[-]; or

11 (b) Cannabis or cannabis concentrate in an amount that
12 violates section 712-1244, 712-1249.4, or 712-1249.5,
13 in a motor vehicle, other than a public omnibus, is prima facie
14 evidence of knowing possession thereof by each and every person
15 in the vehicle at the time the drug was found."

16 SECTION 19. Section 712-1252, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§712-1252 Knowledge of character, nature, or quantity of**
19 **substance, or age of transferee; prima facie evidence. (1) The**
20 **fact that a person engaged in the conduct specified by any**
21 **section in this part is prima facie evidence that the person**



1 engaged in that conduct with knowledge of the character, nature,
2 and quantity of the dangerous drug, harmful drug, detrimental
3 drug, cannabis, cannabis concentrate, or intoxicating compounds
4 possessed, distributed, or sold.

5 (2) The fact that the defendant distributed or sold a
6 dangerous drug, harmful drug, detrimental drug, cannabis,
7 cannabis concentrate, or intoxicating compound to a minor is
8 prima facie evidence that the defendant knew the transferee to
9 be a minor."

10 SECTION 20. Section 712A-4, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§712A-4 Covered offenses. Offenses for which property is
13 subject to forfeiture under this chapter are:

- 14 (a) All offenses that specifically authorize forfeiture;
- 15 (b) Murder, kidnapping, labor trafficking, gambling,
- 16 criminal property damage, robbery, bribery, extortion,
- 17 theft, unauthorized entry into motor vehicle,
- 18 burglary, money laundering, trademark counterfeiting,
- 19 insurance fraud, promoting a dangerous, harmful, or
- 20 detrimental drug, promoting cannabis concentrate,
- 21 commercial promotion of [~~marijuana,~~] cannabis,



1 methamphetamine trafficking, manufacturing of a
2 controlled substance with a child present, promoting
3 child abuse, promoting prostitution, sex trafficking,
4 solicitation of a minor for prostitution, habitual
5 solicitation of prostitution, or electronic enticement
6 of a child that is chargeable as a felony offense
7 under state law;

8 (c) The manufacture, sale, or distribution of a controlled
9 substance in violation of chapter 329, promoting
10 detrimental drugs or intoxicating compounds, promoting
11 pornography, promoting pornography for minors, or
12 solicitation of prostitution near schools or public
13 parks, which is chargeable as a felony or misdemeanor
14 offense, but not as a petty misdemeanor, under state
15 law; and

16 (d) The attempt, conspiracy, solicitation, coercion, or
17 intimidation of another to commit any offense for
18 which property is subject to forfeiture."

19 SECTION 21. Section 803-44, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§803-44 Application for court order to intercept wire,
2 oral, or electronic communications. The attorney general of
3 this State, or a designated deputy attorney general in the
4 attorney general's absence or incapacity, or the prosecuting
5 attorney of each county, or a designated deputy prosecuting
6 attorney in the prosecuting attorney's absence or incapacity,
7 may make application to a designated judge or any other circuit
8 court judge or district court judge, if a circuit court judge
9 has not been designated by the chief justice of the Hawaii
10 supreme court, or is otherwise unavailable, in the county where
11 the interception is to take place, for an order authorizing or
12 approving the interception of wire, oral, or electronic
13 communications, and the court may grant in conformity with
14 section 803-46 an order authorizing or approving the
15 interception of wire, oral, or electronic communications by
16 investigative or law enforcement officers having responsibility
17 for the investigation of the offense as to which the application
18 is made, if the interception might provide or has provided
19 evidence of:

- 20 (1) Murder;
21 (2) Kidnapping;



- 1 (3) Labor trafficking in the first degree;
- 2 (4) Labor trafficking in the second degree;
- 3 (5) Felony criminal property damage involving the danger
- 4 of bodily injury as defined in section 707-700;
- 5 (6) Distribution of dangerous, harmful, or detrimental
- 6 drugs [∓], cannabis, or cannabis concentrates;
- 7 (7) Conspiracy to commit one or more of the above; or
- 8 (8) Involvement of organized crime and any of the
- 9 following felony offenses:
- 10 (A) Extortion;
- 11 (B) Bribery of a juror, witness, or police officer;
- 12 (C) Receiving stolen property;
- 13 (D) Gambling;
- 14 (E) Money laundering; and
- 15 (F) Sex trafficking."

16 SECTION 22. Section 803-46, Hawaii Revised Statutes, is
 17 amended by amending subsection (c) to read as follows:

18 "(c) Upon an application the designated judge may enter an
 19 ex parte order, as requested or as modified, authorizing or
 20 approving interception of wire, oral, or electronic
 21 communications within the county in which the designated judge



1 is sitting, if the designated judge determines on the basis of
2 the facts submitted by the applicant that:

- 3 (1) There is probable cause to believe that an individual
4 is committing, has committed, or is about to
5 commit [†]: [†]
- 6 (A) Murder;
7 (B) Kidnapping;
8 (C) Felony criminal property damage involving the
9 danger of bodily injury;
10 (D) Distribution of dangerous, harmful or detrimental
11 drugs [†], cannabis, or cannabis concentrates; or
12 (E) Conspiracy to commit one or more of the above;
13 or that an individual is committing, has committed, or
14 is about to commit one of the other offenses specified
15 in section 803-44 and that organized crime is
16 involved;
- 17 (2) There is probable cause to believe that particular
18 communications concerning that offense will be
19 obtained through the interception;



1 (3) Normal investigative procedures have been tried and
2 have failed or reasonably appear to be either unlikely
3 to succeed if tried or to be too dangerous; and

4 (4) Except as provided in subsection (j), there is
5 probable cause to believe that the facilities from
6 which, or the place where, the wire, oral, or
7 electronic communications are to be intercepted are
8 being used, or are about to be used, in connection
9 with the commission of such offense, or are leased to,
10 listed in the name of, or commonly used by that
11 person.

12 If the order allows physical entry to accomplish the
13 interception, the issuing judge shall state why physical entry
14 is appropriate."

15 SECTION 23. Section 853-4, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) This chapter shall not apply when:

18 (1) The offense charged involves the intentional, knowing,
19 reckless, or negligent killing of another person;

20 (2) The offense charged is:



- 1 (A) A felony that involves the intentional, knowing,
2 or reckless bodily injury, substantial bodily
3 injury, or serious bodily injury of another
4 person; or
- 5 (B) A misdemeanor or petty misdemeanor that carries a
6 mandatory minimum sentence and that involves the
7 intentional, knowing, or reckless bodily injury,
8 substantial bodily injury, or serious bodily
9 injury of another person;
- 10 (3) The offense charged involves a conspiracy or
11 solicitation to intentionally, knowingly, or
12 recklessly kill another person or to cause serious
13 bodily injury to another person;
- 14 (4) The offense charged is a class A felony;
- 15 (5) The offense charged is nonprobationable;
- 16 (6) The defendant has been convicted of any offense
17 defined as a felony by the Hawaii Penal Code or has
18 been convicted for any conduct that if perpetrated in
19 this State would be punishable as a felony;
- 20 (7) The defendant is found to be a law violator or
21 delinquent child for the commission of any offense



- 1 defined as a felony by the Hawaii Penal Code or for
2 any conduct that if perpetrated in this State would
3 constitute a felony;
- 4 (8) The defendant has a prior conviction for a felony
5 committed in any state, federal, or foreign
6 jurisdiction;
- 7 (9) A firearm was used in the commission of the offense
8 charged;
- 9 (10) The defendant is charged with the distribution of a
10 dangerous, harmful, or detrimental drug, cannabis, or
11 cannabis concentrate to a minor;
- 12 (11) The defendant has been charged with a felony offense
13 and has been previously granted deferred acceptance of
14 guilty plea or no contest plea for a prior offense,
15 regardless of whether the period of deferral has
16 already expired;
- 17 (12) The defendant has been charged with a misdemeanor
18 offense and has been previously granted deferred
19 acceptance of guilty plea or no contest plea for a
20 prior felony, misdemeanor, or petty misdemeanor for
21 which the period of deferral has not yet expired;



- 1 (13) The offense charged is:
- 2 (A) Escape in the first degree;
- 3 (B) Escape in the second degree;
- 4 (C) Promoting prison contraband in the first degree;
- 5 (D) Promoting prison contraband in the second degree;
- 6 (E) Bail jumping in the first degree;
- 7 (F) Bail jumping in the second degree;
- 8 (G) Bribery;
- 9 (H) Bribery of or by a witness;
- 10 (I) Intimidating a witness;
- 11 (J) Bribery of or by a juror;
- 12 (K) Intimidating a juror;
- 13 (L) Jury tampering;
- 14 (M) Promoting prostitution;
- 15 (N) Abuse of family or household member;
- 16 (O) Sexual assault in the second degree;
- 17 (P) Sexual assault in the third degree;
- 18 (Q) A violation of an order issued pursuant to
- 19 chapter 586;
- 20 (R) Promoting child abuse in the second degree;
- 21 (S) Promoting child abuse in the third degree;



- 1 (T) Electronic enticement of a child in the first
2 degree;
- 3 (U) Electronic enticement of a child in the second
4 degree;
- 5 (V) Prostitution pursuant to section 712-1200(1)(b);
- 6 (W) Street solicitation of prostitution under section
7 712-1207(1)(b);
- 8 (X) Solicitation of prostitution near schools or
9 public parks under section 712-1209;
- 10 (Y) Habitual solicitation of prostitution under
11 section 712-1209.5; or
- 12 (Z) Solicitation of a minor for prostitution under
13 section 712-1209.1;
- 14 (14) The defendant has been charged with:
- 15 (A) Knowingly or intentionally falsifying any report
16 required under chapter 11, part XIII with the
17 intent to circumvent the law or deceive the
18 campaign spending commission; or
- 19 (B) Violating section 11-352 or 11-353; or
- 20 (15) The defendant holds a commercial driver's license and
21 has been charged with violating a traffic control law,



1 other than a parking law, in connection with the
2 operation of any type of motor vehicle."

3 SECTION 24. All references to "marijuana" or "marijuana
4 concentrate" and like terms, as the case may be, in chapter 712,
5 and sections 141-36, 302A-1002, 328-15, 329-1, 329-121, 329-
6 125.6, 353-66, 706-622.5, 706-625, and 710-1022, Hawaii Revised
7 Statutes, shall be amended to "cannabis" or "cannabis
8 concentrate" or like terms, as the case may be, as the context
9 requires.

10 SECTION 25. By operation of law, the Hawaii administrative
11 rules relating to marijuana or cannabis shall be construed as
12 having been amended in conformance with this Act; provided that
13 if and when an agency or department amends the Hawaii
14 administrative rules, it shall conform the wording to this Act
15 at the time of the amendment.

16 SECTION 26. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



1 SECTION 27. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 28. This Act shall take effect on January 11,
4 2020.



Report Title:

Cannabis; Marijuana; Decriminalization; Dismissal of Charges;
Expungement

Description:

Decriminalizes certain offenses relating to marijuana and establishes a schedule of monetary fines for violations. Establishes an adjudicatory process for non-criminal cannabis violations. Changes statutory references from "marijuana" to "cannabis." Provides for the dismissal of charges and expungement of criminal records based solely on cannabis offenses. Makes conforming statutory amendments relating to cannabis and cannabis concentrates. (HB1383 HD1)

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