

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 758
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 758 entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

begs leave to report as follows:

The purpose and intent of this measure is to increase from three grams to one ounce:

- (1) The minimum amount of marijuana that a defendant must possess to be charged with a petty misdemeanor; and
- (2) The maximum amount of marijuana that a defendant convicted of possessing marijuana could have possessed without being disqualified from the subsequent expungement of the record of that conviction.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Drug Policy Forum of Hawai'i; Pono Hawai'i Initiative; Young Progressives Demanding Action; Rainbow Family 808; We Are One, Inc.; Patients Without Time; Imua Alliance; Americans for Democratic Action; and fifty-seven individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney for the City and County of Honolulu, Maui Police Department, Hawai'i Police Department,



Honolulu Police Department, and one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that, over the past forty years, the "War on Drugs" in the United States has resulted in a series of often racist policies that have cost the taxpayers more than \$1,000,000,000,000, produced over forty million arrests, consumed law enforcement resources, contributed to alarming incarceration rates, and had a disproportionately devastating impact on communities of color. The native Hawaiian community has been particularly impacted, as they make up nearly thirty-seven percent of the State's prison population today. Additionally, a misdemeanor conviction can seriously impact a person's ability to obtain housing, education, and employment. The country is moving toward legalized and regulated adult use of recreational marijuana and decriminalizing small amounts can help eliminate race- and community-targeted enforcement, reduce over-incarceration, and allow law enforcement to focus on serious crime. Accordingly, this measure will assist in curbing ongoing systemic inequities related to drug enforcement.

Your Committee has amended this measure by decriminalizing the possession of thirty grams or less of marijuana, rather than one ounce.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 758, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 758, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 758	PSM, JDC	03/02/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes