
HOUSE RESOLUTION

REQUESTING THE COUNTY POLICE CHIEFS AND THE DIRECTOR OF PUBLIC SAFETY TO ADOPT A POLICY MAKING MARIJUANA POSSESSION OFFENSES BY MEDICAL MARIJUANA PATIENTS THE LOWEST PRIORITY FOR INVESTIGATION AND ARREST.

1 WHEREAS, Hawaii amended its constitution in 1978 to add
2 Article I, Section 6, recognizing a right to privacy that shall
3 not be infringed without the showing of a compelling state
4 interest; and

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6 WHEREAS, Hawaii Supreme Court Justice Steven H. Levinson
7 wrote in *State v. Mallan*, 86 Haw. 440, 950 P.2d 178 (1998) that,
8 in light of Article I, Section 6, and previous decisions of the
9 Hawaii Supreme Court, the police power of the State does not
10 extend to criminalizing mere possession of marijuana for
11 personal use; and

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13 WHEREAS, the Legislature authorized the creation of a
14 medical marijuana program under part IX, chapter 329, Hawaii
15 Revised Statutes; and

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17 WHEREAS, Hawaii has other serious crime problems involving
18 violence and dangerous, addictive drugs; now, therefore,

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20 BE IT RESOLVED by the House of Representatives of the
21 Twenty-fourth Legislature of the State of Hawaii, Regular
22 Session of 2008, that the Director of Public Safety and the
23 Chiefs of Police of the four counties are requested to adopt a
24 policy making marijuana possession offenses by medical marijuana
25 patients the lowest priority for investigation and arrest; and

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27 BE IT FURTHER RESOLVED that certified copies of this
28 Resolution be transmitted to the Director of Public Safety and
29 the Chief of Police of each county.

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OFFERED BY: _____

