

STAND. COM. REP. NO. **661**

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 879
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 879 entitled:

"A BILL FOR AN ACT RELATING TO MARIJUANA,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a
civil violation subject to a fine of \$100 for intentional or
knowing possession of one ounce or less of marijuana.

Your Committee received testimony in support of this measure
from the Progressive Democrats of Hawaii, Libertarian Party of
Hawaii, The Drug Policy Action Group, The Drug Policy Forum of
Hawaii, Alternative Pain Management Puuhonua LLC, Green Futures,
Hawaii Substance Abuse Coalition, American Civil Liberties Union
of Hawaii, and four individuals. Your Committee received
testimony in opposition to this measure from the Department of the
Prosecuting Attorney, City and County of Honolulu; Police
Department, County of Maui; Police Department, City and County of
Honolulu; Police Department, County of Hawaii; Coalition for a
Drug-Free Hawaii; Hawaii Family Advocates; and seven individuals.
Your Committee received comments on this measure from the
Judiciary, Waihuena Farm, and one individual.

Your Committee finds that the costs to enforce criminal
marijuana possession statutes are substantial. According to a
report entitled *Update to: Budgetary Implications of Marijuana
Decriminalization and Legalization for Hawai'i*, dated January 2013,
by David C. Nixon, an associate professor at the University of

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Hawaii Public Policy Center, the enforcement costs for misdemeanor marijuana costs have skyrocketed in the State, and the cost of arrest in Hawaii for simple marijuana possession is now approximately \$9,300,000 a year, with marijuana distribution enforcement costing the State an additional \$3,100,000 a year. By establishing a civil violation subject to a fine of \$100 for intentional or knowing possession of one ounce or less of marijuana, your Committee does not intend to imply that such possession is acceptable and notes that possession of one ounce or less of marijuana is still prohibited conduct under state law.

Your Committee has amended this measure by:

- (1) Inserting language from section 11 of S.B. No. 666 (Regular Session of 2015) that amends the offense of promoting a detrimental drug in the third degree to clarify that the offense applies to the knowing possession of more than one ounce of marijuana;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 879, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 879, S.D. 1, and be placed on the calendar for Third Reading.

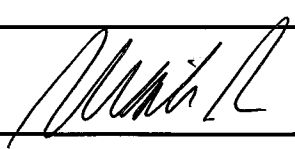
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 879</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/26/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes