

STAND. COM. REP. NO.

1498

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 1501  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1501, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA,"

begs leave to report as follows:

The purpose and intent of this measure is to reclassify drug paraphernalia possession and delivery offenses from felonies to violations subject to a fine of \$100.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, The Drug Policy Forum of Hawai'i, Hawai'i Dispensary Alliance, Kush Bottles Hawaii, African American Lawyers Association, Community Health Outreach Work, The Drug Policy Action Group, and twenty-two individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Department of the Prosecuting Attorney, County of Maui; Office of the Prosecuting Attorney, County of Hawai'i; and Police Department, County of Hawai'i. Your Committee received comments on this measure from the Department of the Attorney General and Department of Public Safety.

Your Committee finds that drug paraphernalia possession and delivery offenses are nonviolent offenses. By eliminating the



criminal penalties for drug paraphernalia possession and delivery offenses, this measure will help to prevent nonviolent individuals from becoming involved with the criminal justice system, eliminate many collateral consequences that stem from drug paraphernalia arrests, and provide for the reinvestment of money into community needs, such as drug treatment programs.

Your Committee has amended this measure by:

- (1) Making technical, nonsubstantive amendments to the preamble under section 1 for purposes of clarity and consistency;
- (2) Clarifying that a person using, or possessing with the intent to use, drug paraphernalia or a person delivering, possessing with intent to deliver, or manufacturing with intent to deliver drug paraphernalia shall be subject to a civil fine of no more than \$500, rather than \$100; and
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion.

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 H.B. No. 1501, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1501, H.D. 2, 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-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 1501 HD2</b>	Committee Referral: <b>JDL</b>	Date: <b>4/4/17</b>		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado		✓		
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
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\*Only one measure per Record of Votes