
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 the benefits of
2 establishing a civil violation for the possession of small
3 amounts of marijuana far outweigh the benefits of the current
4 criminal treatment of this offense.

5 The legislature also finds that the costs to enforce
6 criminal marijuana possession statutes are substantial.
7 According to the report entitled "Budgetary Implications of
8 Marijuana Decriminalization and Legalization for Hawai'i," which
9 was updated in January 2013 by David C. Nixon, an economist from
10 the University of Hawaii, state and county law enforcement
11 agencies spent \$9,300,000 in 2011 to enforce laws that
12 criminalize the simple possession of marijuana. Meanwhile, a
13 scientific survey in 2014 of registered voters in the State
14 conducted by Qmark Research found that sixty-three per cent of
15 those surveyed favored making marijuana possession and personal
16 use a violation instead of a crime, and fifty-five per cent



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1 favored making the personal adult use of marijuana the State's
2 lowest law enforcement priority.

3 Possession of one ounce or less of marijuana would still be
4 deemed prohibited conduct under this Act but handled in a
5 different, more appropriate manner. Moreover, this Act does not
6 amend laws regarding driving under the influence of marijuana or
7 other criminal infractions committed under the influence or
8 infractions pertaining to sales or manufacturing. This Act also
9 does not amend laws regarding the use of marijuana for medical
10 purposes.

11 Accordingly, the purpose of this Act is to:

- 12 (1) Decriminalize the possession of one ounce or less of
13 marijuana by specifying that the penalty is a civil
14 violation subject to a fine not to exceed \$100;
- 15 (2) Establish an adjudicatory process at the district
16 court level for civil violations of marijuana
17 possession involving one ounce or less of marijuana;
18 and
- 19 (3) Make conforming amendments to relevant sections of the
20 Hawaii Revised Statutes.



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

4 "CHAPTER

5 ADJUDICATORY PROCESS FOR CIVIL VIOLATIONS OF MARIJUANA

6 POSSESSION

7 § -1 Definitions. As used in this chapter, unless the
8 context requires otherwise:

9 "Court" means the district court.

10 "Notice of violation" means a notice of violation of
11 section 329- .

12 § -2 Notice; form; determination final unless contested.

13 (a) A notice of violation shall include the summons for the
14 purposes of this section. Whenever a notice of violation is
15 issued to a person, the person's signature and current address
16 shall be noted on the notice. If the person refuses to sign the
17 notice of violation, the officer shall record the refusal on the
18 notice and issue the notice to the person. An individual to
19 whom a notice of violation is issued under this section shall
20 not be arraigned before the court, unless required by rule of
21 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 total amount for the violation
6 established pursuant to section 329- , to be paid by
7 the person;

8 (2) A statement of the options provided in section -3(b)
9 for answering the notice and the procedures necessary
10 to exercise the options;

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

15 (4) A statement that failure to answer the notice of
16 violation within twenty-one days of the issuance shall
17 result in an entry of judgment by default for the
18 State and may result in the assessment of a late
19 penalty and that failure to pay the total amount
20 specified in the default judgment within an additional
21 thirty days or to otherwise take action to set aside



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1 the default judgment shall subject the person to
2 section 706-647;

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

10 (6) A space in which the signature of the person to whom
11 the notice was issued may be affixed; and

12 (7) The date, time, and place at which the person to whom
13 the notice was issued shall appear in court, if the
14 person is required by the notice to appear in person
15 at the hearing.

16 § -3 **Answer required.** (a) A person who receives a
17 notice of violation shall answer the notice within twenty-one
18 days of the date of issuance of the notice. There shall be
19 included with the notice of violation a preaddressed envelope
20 directed to the clerk of the applicable district court.



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1 (b) Unless the notice of violation requires an appearance
2 in person at a hearing as set forth in section -2(c)(7), in
3 answering a notice of violation, a person shall have the
4 following options:

5 (1) Admit the commission of the violation in one of the
6 following ways:

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



1 Internet or by telephone shall be by an approved
2 credit or debit card; or

3 (2) Deny the commission of the violation and request a
4 hearing to contest the violation by completing the
5 appropriate portion of the notice of violation or
6 preaddressed envelope and submitting it, either by
7 mail or in person, to the authority specified on the
8 notice. A denial may include the assertion of
9 affirmative defenses, including the affirmative
10 defense accorded to the medical use of marijuana
11 pursuant to section 329-125. In lieu of appearing in
12 person at a hearing, the person may submit a written
13 statement of grounds on which the person contests the
14 notice of violation, which shall be considered by the
15 court as a statement given in court pursuant to
16 section -5(a).

17 (c) When answering the notice of violation, the person
18 shall affix the person's signature to the answer and shall state
19 the address at which the person will accept future mailings from
20 the court. No other response shall constitute an answer for
21 purposes of this chapter.



1 § -4 Court action after answer or failure to answer.

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

7 (b) When a denying answer is received, the court shall
8 notify the person in writing of the date, time, and place of
9 hearing to contest the notice of violation. The notice of
10 hearing shall be mailed to the address stated in the denying
11 answer, or if none is given, to the address stated on the notice
12 of violation. The notification also shall advise the person
13 that, if the person fails to appear at the hearing, the court
14 shall enter judgment by default in favor of the State, as of the
15 date of the scheduled hearing, that the total amount specified
16 in the default judgment shall be paid within thirty days of
17 entry of default judgment, and if it is not paid, that the court
18 shall take action as provided in section -6.

19 (c) If the person fails to answer within twenty-one days
20 of issuance of the notice of violation, the court shall take
21 action as provided in subsection (d).



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

12 Judgment by default for the State entered pursuant to this
13 section may be set aside pending final disposition of the
14 violation upon written application of the person and posting of
15 an appearance bond equal to the amount of the total amount
16 specified in the default judgment. The application shall show
17 good cause or excusable neglect for the person's failure to take
18 action necessary to prevent entry of judgment by default.

19 Upon receipt of the application and required appearance
20 bond, the court shall take action pursuant to section -6.
21 The court shall then determine whether good cause or excusable



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

15 § -5 Hearings. (a) In proceedings to contest a notice
16 of violation where the person to whom the notice was issued has
17 timely requested a hearing and appears at the hearing:

18 (1) In lieu of the personal appearance by the officer who
19 issued the notice of violation, the court shall
20 consider the notice of violation and any other written
21 report made by the officer, if provided to the court



1 by the officer, together with any oral or written
2 statement by the person to whom the notice of
3 violation was issued;

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

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

10 (4) After due consideration of the evidence and arguments,
11 if any, the court shall determine whether commission
12 of the violation has been established. Where the
13 commission of the violation has not been established,
14 judgment in favor of the defendant, dismissing the
15 notice of violation or any count therein with
16 prejudice, shall be entered in the record. Where it
17 has been established that the violation was committed,
18 the court shall enter judgment in favor of the State
19 and shall assess a monetary assessment pursuant to
20 section 329- . The court also shall inform the
21 person of the right to request a trial pursuant to



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1 section -8. If the person requests a trial at the
2 time of the hearing, the court shall provide the
3 person with a trial date as soon as practicable.

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

12 § -6 Failure to pay fine. When the person issued a
13 notice of violation or notice of entry of default judgment fails
14 to pay the total amount specified in the notice, the amount may
15 be collected in the same manner as a judgment in a civil action.
16 The State may collect the amount, including costs, interest, and
17 attorney's fees, pursuant to section 706-647.

18 § -7 Time computation. In computing any period of time
19 prescribed or allowed by this chapter, the day of the act,
20 event, or default from which the period of time begins to run
21 shall not be included. The last day of the period so computed



1 shall be included, unless it is a Saturday, Sunday, or legal
2 holiday, in which event the period shall run until the end of
3 the next day that is not a Saturday, Sunday, or legal holiday.
4 Intermediate Saturdays, Sundays, and legal holidays shall be
5 included. Whenever an act required to be performed under this
6 chapter may be accomplished by mail, the act shall be deemed to
7 have been performed on the date of the postmark on the mailed
8 article.

9 § -8 Trial and concurrent trial. (a) There shall be no
10 right to trial unless the defendant contests the notice of
11 violation pursuant to section -5. If, after proceedings to
12 contest the notice of violation, a determination is made that
13 the defendant committed the violation, judgment shall enter in
14 favor of the State. The defendant may request a trial in which
15 the Hawaii rules of evidence, as specified under section
16 -9(b), and the rules of the district court shall apply;
17 provided that any request for trial shall be made within thirty
18 days of entry of judgment. If, after appearing in person at a
19 hearing to contest the notice of violation, the person requests
20 a trial at the conclusion of the hearing, the court shall
21 provide the person with a trial date as soon as practicable.



1 (b) At the time of trial, the State shall be represented
2 by a prosecuting attorney of the county in which the violation
3 occurred. The prosecuting attorney shall orally recite the
4 charged civil violation in court prior to commencement of the
5 trial. Proof of the defendant's commission of the violation
6 shall be by a preponderance of the evidence.

7 (c) If trial on the violation is held prior to trial on
8 any related criminal offense, the following shall be
9 inadmissible in the subsequent prosecution or trial of the
10 related criminal offense:

11 (1) Any written or oral statement made by the defendant in
12 proceedings conducted pursuant to section -5; and

13 (2) Any testimony given by the defendant in the trial on
14 the violation.

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

18 (d) In any concurrent trial, the State shall be
19 represented by a prosecuting attorney of the county in which the
20 violation and related crime occurred. Proof of the defendant's
21 commission of the violation shall be by a preponderance of the



1 evidence, and proof of the related criminal offense shall be by
2 proof beyond a reasonable doubt. The concurrent trial shall be
3 conducted pursuant to the rules of the appropriate court, the
4 Hawaii rules of evidence, and the Hawaii rules of penal
5 procedure.

6 § -9 Rules. (a) The supreme court may adopt rules of
7 procedure for the conduct of all proceedings pursuant to this
8 chapter.

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

11 (1) The rules governing privileged communications; and

12 (2) Proceedings conducted under section -8.

13 (c) Notwithstanding section 604-17 to the contrary, while
14 the court is sitting in any matter pursuant to this chapter, the
15 court shall not be required to preserve the testimony or
16 proceedings, except proceedings conducted pursuant to section
17 -8 and proceedings in which the violation is heard on the
18 same date and time as any related criminal offense.

19 (d) The prosecuting attorney shall not participate in
20 violation proceedings conducted pursuant to this chapter, except
21 proceedings pursuant to section -8 and proceedings in which a



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1 related criminal offense is scheduled for arraignment, hearing,
2 or concurrent trial.

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

5 (f) Chapter 571 and the Hawaii family court rules shall
6 not apply in any proceedings conducted pursuant to this
7 chapter."

8 SECTION 3. Chapter 329, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§329- Possession of marijuana; employers; driving;
12 minors; control of property. (a) Intentional or knowing
13 possession of one ounce or less of marijuana shall constitute a
14 civil violation subject to a fine not to exceed \$100.

15 (b) Civil fines and penalties for violations under this
16 section shall be deposited into the general fund.

17 (c) Nothing in this section shall be construed to:

18 (1) Require an employer to permit or accommodate the use,
19 consumption, possession, transfer, display,
20 transportation, sale, or growing of marijuana in the
21 workplace or to affect the ability of employers to



1 have policies restricting the use of marijuana by
2 employees;

3 (2) Supersede any law relating to driving under the
4 influence of marijuana or driving while impaired by
5 marijuana;

6 (3) Permit the transfer of marijuana, with or without
7 remuneration, to a person under the age of twenty-one
8 or to allow a person under the age of twenty-one to
9 purchase, possess, use, transport, grow, or consume
10 marijuana; or

11 (4) Prohibit a person, employer, school, hospital,
12 detention facility, corporation, or any other entity
13 who occupies, owns, or controls property from
14 prohibiting or otherwise regulating the possession,
15 consumption, use, display, transfer, distribution,
16 sale, transportation, or growing of marijuana on or in
17 that property."

18 SECTION 4. Chapter 604, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§604- Enforcement of civil violations for marijuana
2 possession. Jurisdiction shall be conferred upon the district
3 courts to try all cases arising from a violation of section
4 329- and to impose the penalties prescribed for a violation
5 thereunder. Jurisdiction shall be in the district court of the
6 circuit where the alleged violation occurred."

7 SECTION 5. Section 302A-1002, Hawaii Revised Statutes, is
8 amended to read as follows:

9 " ~~[+] §302A-1002 [.]~~ Reporting of crime-related incidents.

10 The board shall adopt rules pursuant to chapter 91 to:

11 (1) Require a report to appropriate authorities from a
12 teacher, official, or other employee of the department
13 who knows or has reason to believe that an act has
14 been committed or will be committed, which:

15 (A) Occurred or will occur on school property during
16 school hours or during activities supervised by
17 the school; and

18 (B) Involves crimes relating to arson, assault,
19 burglary, disorderly conduct, dangerous weapons,
20 dangerous drugs, harmful drugs, extortion,
21 firearms, gambling, harassment, intoxicating



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1 drugs, [~~marijuana or~~] marijuana concentrate[7] or
2 more than one ounce of marijuana, murder,
3 attempted murder, sexual offenses, rendering a
4 false alarm, criminal property damage, robbery,
5 terroristic threatening, theft, or trespass;

6 (2) Establish procedures for disposing of any incident
7 reported; and

8 (3) Impose, in addition to any other powers or authority
9 the department may have to discipline school
10 officials, appropriate disciplinary action for failure
11 to report these incidents, including probation,
12 suspension, demotion, and discharge of school
13 officials."

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

16 "(a) A qualifying patient or the primary caregiver may
17 assert the medical use of marijuana authorized under this part
18 as an affirmative defense to any prosecution, criminal or civil,
19 involving marijuana under this part or part IV[7], section 329-
20 , or part IV of chapter 712; provided that the qualifying



1 patient or the primary caregiver strictly complied with the
2 requirements of this part."

3 SECTION 7. Section 353-66, Hawaii Revised Statutes, is
4 amended by amending subsection (f) to read as follows:

5 "(f) The Hawaii paroling authority may require a paroled
6 prisoner to undergo and complete a substance abuse treatment
7 program when the paroled prisoner has committed a violation of
8 the terms and conditions of parole involving possession or use,
9 not including to distribute or manufacture as defined in section
10 712-1240, of any dangerous drug, detrimental drug, harmful drug,
11 intoxicating compound, more than one ounce of marijuana, or
12 marijuana concentrate, as defined in section 712-1240,
13 [~~unlawful~~] methamphetamine trafficking as provided in section
14 [~~712-1240.6,~~] 712-1240.7, or involving possession or use of drug
15 paraphernalia under section 329-43.5. If the paroled prisoner
16 fails to complete the substance abuse treatment program or the
17 Hawaii paroling authority determines that the paroled prisoner
18 cannot benefit from any substance abuse treatment program, the
19 paroled prisoner shall be subject to revocation of parole and
20 return to incarceration. As a condition of parole, the Hawaii
21 paroling authority may require the paroled prisoner to:



- 1 (1) Be assessed by a certified substance abuse counselor
2 for substance abuse dependency or abuse under the
3 applicable Diagnostic and Statistical Manual of Mental
4 Disorders and Addiction Severity Index;
- 5 (2) Present a proposal to receive substance abuse
6 treatment in accordance with the treatment plan
7 prepared by a certified substance abuse counselor
8 through a substance abuse treatment program that
9 includes an identified source of payment for the
10 treatment program;
- 11 (3) Contribute to the cost of the substance abuse
12 treatment program; and
- 13 (4) Comply with any other terms and conditions for parole.

14 As used in this subsection, "substance abuse treatment
15 program" means drug or substance abuse treatment services
16 provided outside a correctional facility by a public, private,
17 or nonprofit entity that specializes in treating persons who are
18 diagnosed with having substance abuse or dependency and
19 preferably employs licensed professionals or certified substance
20 abuse counselors.



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1 Nothing in this subsection shall be construed to give rise
2 to a cause of action against the State, a state employee, or a
3 treatment provider."

4 SECTION 8. Section 706-625, Hawaii Revised Statutes, is
5 amended by amending subsection (7) to read as follows:

6 "(7) The court may require a defendant to undergo and
7 complete a substance abuse treatment program when the defendant
8 has committed a violation of the terms and conditions of
9 probation involving possession or use, not including to
10 distribute or manufacture as defined in section 712-1240, of any
11 dangerous drug, detrimental drug, harmful drug, intoxicating
12 compound, more than one ounce of marijuana, or marijuana
13 concentrate, as defined in section 712-1240, [~~unlawful~~]
14 methamphetamine trafficking as provided in section [~~712-1240.6,~~]
15 712-1240.7, or involving possession or use of drug paraphernalia
16 under section 329-43.5. If the defendant fails to complete the
17 substance abuse treatment program or the court determines that
18 the defendant cannot benefit from any other suitable substance
19 abuse treatment program, the defendant shall be subject to
20 revocation of probation and incarceration. The court may
21 require the defendant to:



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- 1 (a) Be assessed by a certified substance abuse counselor
2 for substance abuse dependency or abuse under the
3 applicable Diagnostic and Statistical Manual of Mental
4 Disorders and Addiction Severity Index;
- 5 (b) Present a proposal to receive substance abuse
6 treatment in accordance with the treatment plan
7 prepared by a certified substance abuse counselor
8 through a substance abuse treatment program that
9 includes an identified source of payment for the
10 treatment program;
- 11 (c) Contribute to the cost of the substance abuse
12 treatment program; and
- 13 (d) Comply with any other terms and conditions of
14 probation.

15 As used in this subsection, "substance abuse treatment
16 program" means drug or substance abuse treatment services
17 provided outside a correctional facility by a public, private,
18 or nonprofit entity that specializes in treating persons who are
19 diagnosed with substance abuse or dependency and preferably
20 employs licensed professionals or certified substance abuse
21 counselors.



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1 Nothing in this subsection shall be construed to give rise
2 to a cause of action against the State, a state employee, or a
3 treatment provider."

4 SECTION 9. Section 712-1240, Hawaii Revised Statutes, is
5 amended by amending the definition of "detrimental drug" to read
6 as follows:

7 "Detrimental drug" means any substance or immediate
8 precursor defined or specified as a "Schedule V substance" by
9 chapter 329, or any marijuana[-]; provided that one ounce or
10 less of marijuana shall not be deemed a detrimental drug under
11 section 712-1251 or 712-1255."

12 SECTION 10. Section 712-1248, Hawaii Revised Statutes, is
13 amended by amending subsection (1) to read as follows:

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

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

18 (b) Possesses one or more preparations, compounds,
19 mixtures, or substances, of an aggregate weight of
20 one-eighth ounce or more, containing one or more of
21 the Schedule V substances; or



1 (c) Possesses one or more preparations, compounds,
2 mixtures, or substances, of an aggregate weight of one
3 ounce or more, containing [~~any~~] more than one ounce of
4 marijuana; or

5 (d) Distributes any marijuana or any Schedule V substance
6 in any amount."

7 SECTION 11. Section 712-1249, Hawaii Revised Statutes, is
8 amended by amending subsection (1) to read as follows:

9 "(1) A person commits the offense of promoting a
10 detrimental drug in the third degree if the person knowingly
11 possesses [~~any~~] more than one ounce of marijuana or any Schedule
12 V substance in any amount."

13 SECTION 12. Section 712-1255, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§712-1255 Conditional discharge.** (1) Whenever any
16 person who has not previously been convicted of any offense
17 under this chapter or chapter 329 or under any statute of the
18 United States or of any state relating to a dangerous drug,
19 harmful drug, detrimental drug, or an intoxicating compound,
20 pleads guilty to or is found guilty of promoting a dangerous
21 drug, harmful drug, detrimental drug, or an intoxicating



1 compound under section 712-1243, 712-1245, 712-1246, 712-1248,
2 712-1249, or 712-1250, the court, without entering a judgment of
3 guilt and with the consent of the accused, may defer further
4 proceedings and place the accused on probation upon terms and
5 conditions. Upon violation of a term or condition, the court
6 may enter an adjudication of guilt and proceed as otherwise
7 provided.

8 (2) Upon fulfillment of the terms and conditions, the
9 court shall discharge the person and dismiss the proceedings
10 against the person.

11 (3) Discharge and dismissal under this section shall be
12 without adjudication of guilt and is not a conviction for
13 purposes of this section or for purposes of disqualifications or
14 disabilities imposed by law upon conviction of a crime.

15 (4) There may be only one discharge and dismissal under
16 this section with respect to any person.

17 (5) After conviction, for any offense under this chapter
18 or chapter 329, but prior to sentencing, the court shall be
19 advised by the prosecutor whether the conviction is defendant's
20 first or a subsequent offense. If it is not a first offense,
21 the prosecutor shall file an information setting forth the prior



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1 convictions. The defendant shall have the opportunity in open
2 court to affirm or deny that the defendant is identical with the
3 person previously convicted. If the defendant denies the
4 identity, sentence shall be postponed for such time as to permit
5 the trial, before a jury if the defendant has a right to trial
6 by jury and demands a jury, on the sole issue of the defendant's
7 identity with the person previously convicted.

8 (6) No civil violation under section 329- shall
9 constitute a prior offense that would make a conditional
10 discharge described in this section unavailable to the
11 defendant."

12 SECTION 13. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 14. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 15. This Act shall take effect on July 1, 2017.

18

INTRODUCED BY: _____



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Report Title:

Marijuana; Possession; Violation

Description:

Decriminalizes and establishes civil adjudicatory proceedings at the district court level for the possession of one ounce or less of marijuana.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

