
HOUSE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO INITIATE A CLEMENCY PROGRAM FOR
INDIVIDUALS WHO HAVE BEEN PROSECUTED FOR CANNABIS-RELATED
OFFENSES.

1 WHEREAS, the war on drugs has been found to be a racist
2 campaign that is devastating and destroying immigrant,
3 indigenous, and low-income individuals, families, and
4 communities; and

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6 WHEREAS, the same findings were made about the impact on
7 the war on drugs in Hawaii in the 2010 "The Disparate Treatment
8 of Native Hawaiians in the Criminal Justice System" report from
9 the Office of the Hawaiian Affairs; and

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11 WHEREAS, mass incarceration is significantly worsened by
12 the war on drugs, which includes the criminalization of cannabis
13 possession; and

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15 WHEREAS, the prosecution of cannabis offenses has deprived
16 people of accessing higher education, housing, employment,
17 individual liberty, and the right to vote; and

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19 WHEREAS, on October 6, 2022, President Biden pardoned six
20 thousand five hundred people convicted between 1992 and 2021 of
21 federal cannabis possession, as well as thousands more who were
22 convicted of cannabis possession in the District of Columbia;
23 and

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25 WHEREAS, President Biden also urged governors throughout
26 the country to follow his lead and provide similar legal relief
27 for those who have entered the criminal justice system for
28 cannabis convictions; and

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1 WHEREAS, as of January 2023, numerous states and the
2 District of Columbia have decriminalized and legalized adult-use
3 recreational cannabis, including Alaska, Arizona, California,
4 Colorado, Connecticut, Delaware, Illinois, Maine, Maryland,
5 Massachusetts, Michigan, Minnesota, Mississippi, Missouri,
6 Montana, Nebraska, Nevada, New Hampshire, New Jersey, New
7 Mexico, New York, North Carolina, North Dakota, Ohio, Oregon,
8 Rhode Island, Vermont, Virginia, and Washington; and
9

10 WHEREAS, in enacting programs to legalize adult-use
11 recreational cannabis, many of these states have instituted
12 expungement or other forms of clemency and record clearance for
13 individuals who have been prosecuted for cannabis-related
14 offenses; and
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16 WHEREAS, Illinois enacted the Cannabis Regulation and Tax
17 Act in 2019, which allowed the state to automatically grant
18 clemency to residents who were convicted for possessing up to
19 thirty grams of cannabis, and authorized a person to petition a
20 court to rescind the charges if they were convicted of
21 possessing between thirty and five hundred grams of cannabis;
22 and
23

24 WHEREAS, in 2019, New Hampshire enacted House Bill 399,
25 which provided an opportunity for those convicted of offenses
26 involving the possession of three-quarters of one ounce of
27 cannabis or less to petition the court to have their convictions
28 annulled; and
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30 WHEREAS, Washington vacated misdemeanor cannabis
31 convictions in 2019, and Delaware implemented a measure in 2017
32 that provided for automatic expungement of both conviction and
33 arrest records for those who were charged or convicted of
34 certain cannabis offenses prior to December 18, 2015; and
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36 WHEREAS, in November of 2022, Governor Brown of Oregon
37 announced her intent to pardon over forty-seven thousand
38 Oregonians with low-level cannabis convictions; and
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40 WHEREAS, the Oregon pardon program will eliminate barriers
41 for thousands of people seeking employment, housing, and



H.C.R. NO. 51

1 educational opportunities who would have otherwise been
2 ineligible; and

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4 WHEREAS, The Last Prisoner Project, a leading national
5 nonprofit organization dedicated to cannabis criminal justice
6 reform, has stated that the Governor has the legal authority to
7 undertake a targeted relief and clemency program for individuals
8 in Hawaii who have been prosecuted for cannabis-related
9 offenses; and

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11 WHEREAS, The Last Prisoner Project and Hawaii Innocence
12 Project are prepared to assist the Governor and Attorney General
13 in facilitating a clemency program for people who have been
14 prosecuted for cannabis related offenses; now, therefore,

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16 BE IT RESOLVED by the House of Representatives of the
17 Thirty-second Legislature of the State of Hawaii, Regular
18 Session of 2023, the Senate concurring, that the Governor is
19 urged to initiate a clemency program for individuals who have
20 been prosecuted for cannabis-related offenses; and

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22 BE IT FURTHER RESOLVED that the Governor is urged to seek
23 the assistance of The Last Prisoner Project and Hawaii Innocence
24 Project in implementing a clemency program for individuals who
25 have been prosecuted for cannabis-related offenses; and

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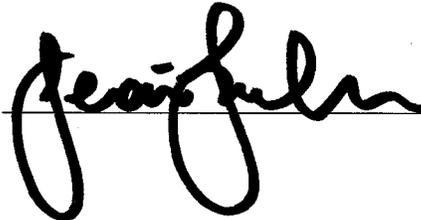
27 BE IT FURTHER RESOLVED that certified copies of this
28 Concurrent Resolution be transmitted to the Governor, Attorney
29 General, Director of Public Safety, Executive Director of The
30 Last Prisoner Project, and Co-Directors of the Hawaii Innocence
31 Project.

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OFFERED BY:



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