
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 destructive
2 and devastating to immigrant, indigenous, and low-income
3 individuals, families, and communities; and
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5 WHEREAS, the same findings were made about the impact on
6 the war on drugs in Hawaii in the 2010 "The Disparate Treatment
7 of Native Hawaiians in the Criminal Justice System" report from
8 the Office of the Hawaiian Affairs; and
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10 WHEREAS, mass incarceration is significantly worsened by
11 the war on drugs, which includes the criminalization of cannabis
12 possession; and
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14 WHEREAS, the prosecution of cannabis offenses has deprived
15 people of accessing higher education, housing, employment,
16 individual liberty, and the right to vote; and
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18 WHEREAS, on October 6, 2022, President Biden pardoned six
19 thousand five hundred people convicted between 1992 and 2021 of
20 federal cannabis possession, as well as thousands more who were
21 convicted of cannabis possession in the District of Columbia;
22 and
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24 WHEREAS, President Biden also urged governors throughout
25 the country to follow his lead and provide similar legal relief
26 for those who have entered the criminal justice system for
27 cannabis convictions; and
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29 WHEREAS, as of January 2023, numerous states and the
30 District of Columbia have decriminalized and legalized adult-use



1 recreational cannabis, including Alaska, Arizona, California,
2 Colorado, Connecticut, Delaware, Illinois, Maine, Maryland,
3 Massachusetts, Michigan, Minnesota, Mississippi, Missouri,
4 Montana, Nebraska, Nevada, New Hampshire, New Jersey, New
5 Mexico, New York, North Carolina, North Dakota, Ohio, Oregon,
6 Rhode Island, Vermont, Virginia, and Washington; and
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8 WHEREAS, in enacting programs to legalize adult-use
9 recreational cannabis, many of these states have instituted
10 expungement or other forms of clemency and record clearance for
11 individuals who have been prosecuted for cannabis-related
12 offenses; and
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14 WHEREAS, Illinois enacted the Cannabis Regulation and Tax
15 Act in 2019, which allowed the state to automatically grant
16 clemency to residents who were convicted for possessing up to
17 thirty grams of cannabis, and authorized a person to petition a
18 court to rescind the charges if they were convicted of
19 possessing between thirty and five hundred grams of cannabis;
20 and
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22 WHEREAS, in 2019, New Hampshire enacted House Bill 399,
23 which provided an opportunity for those convicted of offenses
24 involving the possession of three-quarters of one ounce of
25 cannabis or less to petition the court to have their convictions
26 annulled; and
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28 WHEREAS, Washington vacated misdemeanor cannabis
29 convictions in 2019, and Delaware implemented a measure in 2017
30 that provided for automatic expungement of both conviction and
31 arrest records for those who were charged or convicted of
32 certain cannabis offenses prior to December 18, 2015; and
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34 WHEREAS, in November of 2022, Governor Brown of Oregon
35 announced her intent to pardon over forty-seven thousand
36 Oregonians with low-level cannabis convictions; and
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38 WHEREAS, the Oregon pardon program will eliminate barriers
39 for thousands of people seeking employment, housing, and
40 educational opportunities who would have otherwise been
41 ineligible; and
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43 WHEREAS, The Last Prisoner Project, a leading national
44 nonprofit organization dedicated to cannabis criminal justice



1 reform, has stated that the Governor has the legal authority to
2 undertake a targeted relief and clemency program for individuals
3 in Hawaii who have been prosecuted for cannabis-related
4 offenses; and

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

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

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

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22 BE IT FURTHER RESOLVED that certified copies of this
23 Concurrent Resolution be transmitted to the Governor, Attorney
24 General, Director of Public Safety, Executive Director of The
25 Last Prisoner Project, and Co-Directors of the Hawaii Innocence
26 Project.

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