RELATING TO MARIJUANA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that certain state policies should be revised in response to our current economic climate. One of these policies relates to criminal offenses that prohibit the possession of one ounce or less of marijuana. The legislature further finds that nineteen states and the District of Columbia have decriminalized small amounts of marijuana. Of these states, six – Minnesota, Missouri, Nevada, North Carolina, Ohio and Oregon – have made possession of marijuana a low-level misdemeanor, with no possibility of jail for qualifying offenses. Most recently, in 2014, Maryland approved decriminalization of marijuana, making possession of less than ten grams of marijuana a civil offense subject to a fine. The District of Columbia also passed legislation last year to make possession or transfer without remuneration of one ounce or less of marijuana a civil violation subject to a fine. The legislature finds that in Hawai'i, as in these other areas, the benefits of establishing a civil violation for the
possession of small amounts of marijuana far outweigh the
benefits of the current criminal treatment of this offense.
The legislature further 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 Hawai'i public policy center,
Hawai'i's enforcement of marijuana laws is relatively muted.
However, since 2004, marijuana possession arrests have increased
almost 50 per cent and distribution arrests have almost doubled.
The report also notes that there has been a statistically
significant increase between 2002/2003 and 2008/2009 in the
percentage of Hawai'i's population who reported having consumed
marijuana within the last thirty days. The report suggests that
although it is clear that enforcement of marijuana laws has
become marginally stricter and reported use of marijuana has
increased in tandem, it is possible to argue that marijuana
enforcement has no impact or perhaps even a counterproductive
impact on marijuana consumption. Furthermore, the report notes
that the enforcement costs for misdemeanor marijuana costs have
skyrocketed in the State. The cost of arrest in Hawai'i 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.

The legislature additionally finds that evidence evaluated in a report prepared in 2008 by Jeffrey A. Miron, an economics professor at Harvard University, "provides no indication that decriminalization [of marijuana] leads to a measurable increase in marijuana use." Another report in 2014, from the Center on Juvenile and Criminal Justice, analyzed five states that implemented major marijuana reforms over the last five years. The 2014 report found that all five states experienced substantial declines in marijuana possession arrests. The four states with available data also showed unexpected drops in marijuana felony arrests. Furthermore, states that decriminalized marijuana for all ages experienced the largest decreases in marijuana arrests or cases, led by drops among young people and for low-level possession.

Finally, it is clear to the legislature that the cost of enforcing laws criminalizing the possession of one ounce or less of marijuana greatly outweighs the benefits of doing so.
making possession of one ounce or less of marijuana a civil
violation, the legislature does not intend to imply that such
possession is acceptable. The legislature notes that possession
of one ounce or less of marijuana is still prohibited conduct
under this Act; it will simply be handled in a manner
commensurate with the offense.

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

SECTION 2. Chapter 329, Hawaii Revised Statutes, is
amended by adding a new section to be appropriately designated
and to read as follows:

"$329- Possession of marijuana. (a) Intentional or
knowing possession of one ounce or less of marijuana shall
constitute a civil violation subject to a fine of $100.
(b) Civil fines and penalties for violations of this
section shall be deposited by the director of finance to the
credit of the state general fund."

SECTION 3. Section 712-1249, Hawaii Revised Statutes, is
amended by amending subsection (1) to read as follows:
"(1) A person commits the offense of promoting a detrimental drug in the third degree if the person knowingly possesses [any] more than one ounce of marijuana or any Schedule V substance in any amount."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on January 7, 2059.
Report Title:
Marijuana; Possession of Marijuana; Civil Penalties

Description:
Establishes a civil violation subject to a fine of $100 for intentional or knowing possession of one ounce or less of marijuana. 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. Effective 01/07/2059. (SD1)

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