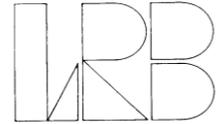


Charlotte A. Carter-Yamauchi
Acting Director

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Testimony

HCR127

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY AND ADVISABILITY OF DECRIMINALIZING THE ILLEGAL POSSESSION OF DRUGS FOR PERSONAL USE IN HAWAII

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Judiciary

Thursday, March 24, 2015, 2:00 p.m.
Conference Room 325

Chair Rhoads and Members of the Committee:

Thank you for the opportunity to testify on H.C.R. No. 127, Requesting the Legislative Reference Bureau to Conduct a Study on the Feasibility and Advisability of Decriminalizing the Illegal Possession of Drugs for Personal use in Hawaii.

The purpose of this measure is to request that

- (1) The Legislative Reference Bureau conduct a study on the feasibility and advisability of decriminalizing the illegal possession of drugs for personal use in Hawaii;
- (2) The study include:
 - (A) A survey of all existing criminal drug offenses in Hawaii pertaining to the illegal possession of a drug for personal use;
 - (B) A review of the current national drug policy of Portugal pertaining to the illegal possession of drugs for personal use, with a focus on the use of the policy as a potential model for the decriminalization of the offenses identified under subparagraph (A); and

- (C) The feasibility and advisability of decriminalizing the offenses identified under subparagraph (A), such that the conduct constituting an offense would constitute an administrative or civil violation rather than a criminal offense; and
- (3) The Legislative Reference Bureau submit a written report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2017.

While the Legislative Reference Bureau takes no position on this measure, we submit the following comments for your consideration.

As a general matter, it should be noted that, based on the findings of the measure, Portugal, as a nation, has adopted a decriminalization policy for the illegal possession of drugs. Hawaii, as a state within the United States, faces the concurrent drug enforcement jurisdiction of not only state law, but federal law as well.

The Bureau can compile a list of illegal possession of drugs offenses established in the Hawaii Revised Statutes. However, as drafted, the measure also requests that the Bureau study the feasibility and advisability of decriminalizing such offenses. Such a feasibility and advisability study may prove fruitless if federal drug enforcement authorities do not agree with a state's belief that the illegal possession of certain drugs should be decriminalized.

Moreover, except in a few specific cases, the Penal Code provisions of the Hawaii Revised Statutes are not drafted in a drug-specific manner. Illicit drugs are categorized as "dangerous", "detrimental", and "harmful" drugs in the Penal Code, depending on which schedule the drug is categorized under in chapter 329, Hawaii Revised Statutes. Thus, if the study devolves into trying to determine the feasibility and advisability of decriminalizing the possession of drugs on a drug-by-drug basis, the task will prove to be overwhelming.

If the measure's intent is to solely determine how the decriminalization of the illegal possession of drugs would have an economic impact on the Judiciary specifically, and the State generally, then the Bureau respectfully recommends that an economic analysis be conducted by either the Department of Business, Economic Development, and Tourism or the University of Hawaii Economic Research Organization.

Thank you again for the opportunity to provide written comments.

TESTIMONY

**The Libertarian Party of Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822**

RE: HCR 127 to be heard Thursday March 24, at 2:00 PM in conference room 325

SUPPORT WITH RECOMENDATIONS

To the Members of the House Committee on Judiciary

We suggest that if the legislature is willing to put its neck out on a study of drug policy reform that it not limit itself to ideas from Portugal. A study should be done in an open minded manner and consider all options that would end our criminal drug laws. A better start would be to compare US laws prior to the passage of the Harrison Narcotics Act of 1914.

Under the proposal to allow addicts the option of treatment rather than jail many problems incident to our current bad policies may remain. Addicts are still considered to be violating the law by possessing drugs and have no legal way of obtaining them. The war on drugs most problematic effects are in its pursuit of dealers and traffickers. This is what has made the business lucrative and violent, caused addicts to steal to obtain drug money, and burdened the tax payers and criminal justice system. If this study is to avoid even looking into a legal system such as existed in the United States from the 18th century until 1914 it will be doing all of us a disservice.

Sincerely:



Tracy Ryan, Chair



Dedicated to safe, responsible, humane and effective drug policies since 1993

TO: House Committee on Judiciary
FROM: Carl Bergquist, Executive Director
HEARING DATE: 24 March 2016, 2PM
RE: HCR127, Report Title: "Decriminalization of Illegal Possession of Drugs for Personal Use; Study"
IN STRONG SUPPORT

Dear Chair Rhoads, Vice Chair San Buenaventura and Committee Members:

The Drug Policy Forum of Hawai'i (DPFHI) **strongly supports** this resolution urging the Legislative Reference Bureau (LRB) to study the effects of the decriminalization of drug possession for personal use in Hawai'i. The benefits of doing so are numerous: from decreasing the prison population, actually helping drug users with treatment rather than locking them up, and freeing up police resources to deal with more pressing issues.

We would suggest adding a twin study to this resolution, **requesting that the LRB also study the effects of legalization of marijuana for adult use.** In its 2014 report on medical marijuana dispensaries in other states, "[The Grass is Always Greener](#)", LRB made several references to the then brand new state legalization schemes in Colorado and Washington. Marijuana legalization has gained ground even in the short interim, and it is now also legal in Alaska, Oregon, and the District of Columbia. In the upcoming 2016 elections, states like California and Nevada are poised to opt for legalization via referenda. Finally, and perhaps most relevant to Hawai'i, both the Vermont and Rhode Island state legislatures are poised to legalize adult use via legislation.

As the resolution recognizes, the federal government - pursuant to the Cole Memo of 2013 - is currently not challenging states medical marijuana OR adult use marijuana programs, as long there is an "appropriate regulatory system" in place. Moreover, the Supreme Court recently declined to intervene in an interstate dispute, regarding the effects of legalization, between Colorado on the one hand, and Oklahoma & Nebraska on the other. In other words, this seems like a most opportune time to conduct this twin study.

Mahalo for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 23, 2016 8:56 AM
To: JUDtestimony
Cc: info@hawaiidispensaryalliance.org
Subject: *Submitted testimony for HCR127 on Mar 24, 2016 14:00PM*

HCR127

Submitted on: 3/23/2016

Testimony for JUD on Mar 24, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Garth	Hawaii Dispensary Alliance	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 22, 2016 10:42 AM
To: JUDtestimony
Cc: jabola@facehawaii.org
Subject: *Submitted testimony for HCR127 on Mar 24, 2016 14:00PM*

HCR127

Submitted on: 3/22/2016

Testimony for JUD on Mar 24, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Khara Jabola Carolus	Hawai'i Coalition for Immigrant Rights	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



PO Box 83, Honolulu, HI 96810 ~ (808) 853-3231

Hawaii's Voice for Sensible, Compassionate, and Just Drug Policy

LATE

TO: HOUSE COMMITTEE ON JUDICIARY

FROM: PAMELA LICHTY, M.P.H., PRESIDENT

DATE: MARCH 24, 2016, 2:00 p.m., ROOM 325

RE: H.C.R. 127 REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY AND ADVISABILITY OF DECRIMINALIZING THE ILLEGAL POSSESSION OF DRUGS FOR PERSONAL USE IN HAWAII – **STRONG SUPPORT**

Good afternoon, Chair Rhoads, Vice Chair San Buenaventura, and members of the Committee. My name is Pam Lichty and I'm President of the Drug Policy Action Group (DPAG), the government affairs arm of the Drug Policy Forum of Hawaii.

We're very pleased to offer our strong support to HCR 127. The well-written language of the resolution gives a very good overview of the current drug control situation in our nation. It also describes our evolving policy directions. From the Drug Czar's offices down to the state and local level, policy makers are increasingly recognizing that the use and abuse of drugs is a public health issue. For decades, as we know, it has been addressed by law enforcement approaches. Now that the failures of this approach are widely acknowledged, there is a growing energy in re-thinking the War on Drugs mentality.

The Portuguese model referenced in the reso shows the most dramatic evidence of the success of a public health approach. By abolishing criminal penalties for possession of illegal drugs sixteen years ago, Portugal has achieved excellent results through a wide array of options: administrative sanctions, community services, drug treatment or other types of community-based rehabilitation programs. This enlightened, holistic approach has saved money, saved lives, reduced crime and improved the health and wellbeing of individuals and communities.

Turning to what decriminalizing could do for Hawaii, we have plenty of data from other jurisdictions. Looking first at marijuana, the most widely used illegal substance, as you are well aware, some 23 states have legalized medical use of cannabis, 19 have decriminalized it, and 4 have legalized it entirely.

For years now, our organization and others have been advocating for the decriminalization of marijuana here. While far more conservative states such as Ohio and Mississippi have long decriminalized it, we always have heard from law enforcement that first time offenders, with small amounts do not go to prison. This is missing the point however.

An excellent new report on the status of mass incarceration in the U.S. notes that most arrests for minor drug offenses are made at the local or state level. And it's not incarceration per se that is the problem:

“While most people in state and local facilities are not locked up for drug offenses, most states’ continued practice of arresting people for drug possession destabilizes individual lives and communities. Drug arrests give residents of over-policed communities criminal records, which then reduce employment prospects and increase the likelihood of longer sentences for any future offenses.” (<http://justicenotjails.org/mass-incarceration-2016/>)

This quotation also touches on what research has long established: that Native Hawaiians, while using drugs at the same rate as residents of other ethnicities, are way overrepresented in Hawaii’s incarcerated populations.

There is a disconnect between residents' attitudes toward people who use drugs and the penalties we levy on them. Most folks in Hawaii recognize that arrests for possession of amounts for personal use do nothing to address underlying issues of dependence. And even if the numbers locked up for drug possession per se are small, a large percentage of property and other crimes are driven by an underlying addiction. And sadly the number of treatment slots available is way down from what it was 15 or 20 years ago.

There are a few active projects now throughout the country that have in effect decriminalized small amounts of all drugs to good effect. These are highly relevant to the study proposed here. The first of these, developed in Washington’s King County, now has years of solid data. Law Enforcement Assisted Diversion (LEAD) a pre-booking diversion program, shows impressive outcomes saving money for the city and county by diverting people from prisons, getting them to embrace a “social contract”, assigning them case managers, and aiming to improve their quality of life and that of their communities without coercion. Intensive outreach programs are a major component of this approach and recidivism among the participants is 58% lower than that of comparable populations. LEAD programs are now underway in places as diverse as Albany, N.Y., Santa Fe, N.M., and many other jurisdictions are actively pursuing it.

There have been many proposals for decriminalization of marijuana that have come before this body for the last many years. It seems to us that these measures, which substitute civil sanctions for criminal ones, would be important for LRB to look at as potential models since the underlying rationale and principles are the same, whether we’re talking about cannabis or all currently illicit drugs.

By the same token, it would be timely for LRB to also look at a growing trend in the nation, and that is the full legalization of marijuana. By the end of the calendar year, there will likely be more states that have fully legalized cannabis through voter initiatives and there are also several state legislatures actively considering it. It seems to us that any comprehensive study looking at ways to thoughtfully reform our drug laws, cannot afford to overlook, this issue that's going to become ever more inevitable as this decade goes on.

Mahalo for hearing this important resolution today and for giving us the opportunity to testify.



LATE

HCR127
REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY
ON THE FEASIBILITY AND ADVISABILITY OF DECRIMINALIZING THE ILLEGAL
POSSESSION OF DRUGS FOR PERSONAL USE IN HAWAII.

House Committee on Judiciary

March 24, 2016

2:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees take a position of **SUPPORT** for HCR127, which would request that the Legislative Reference Bureau examine whether decriminalizing the possession and personal use of drugs and investing in substance abuse treatment programs could be a cost-effective way to strengthen public safety.

The War on Drugs and decades of a traditional criminal justice approach have led to the highest prison population in Hawai'i's history: the number of people incarcerated in Hawai'i has increased by more than 900 percent between 1977 and 2008,¹ and by 1,400 percent between 1977 and the present. The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our prison population today.² Moreover, Native Hawaiians are disproportionately penalized with imprisonment for drug-related offenses.³

Accordingly, OHA has long advocated for criminal justice reform that would thoroughly examine and effectively implement evidence-based incarceration alternatives that could improve public safety, effectively rehabilitate pa'ahao, reduce recidivism, and save taxpayer dollars.

OHA notes that a mounting number of studies by the nation's leading criminal justice research agencies indicate that substance abuse treatment, in concert with other services and programs, is a much more effective and cost efficient way of addressing non-

¹ THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf.

² In contrast, Native Hawaiians only represent 24% of the general public in Hawai'i. *Id.* at 36. OHA's 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage, noting that Native Hawaiians made up "24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population." *Id.* at 10. Moreover, controlling for many common factors, including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

³ *Id.* at 45.

violent drug offenses than incarceration.⁴ Decriminalizing drug possession and personal use, and investing instead in substance abuse treatment and other services, could therefore reduce prison overcrowding, save state resources, and ensure a more fitting punishment for non-violent crimes, without compromising public safety. **In light of the growing body of evidence suggesting the ineffectiveness of drug criminalization laws, and given the ever-increasing economic and social costs of incarceration, the decriminalization study proposed in this resolution is the responsible thing to do.**

Therefore, OHA urges the Committee to **PASS** HCR127. Mahalo nui for the opportunity to testify on this measure.

⁴ *See, e.g.*, THE UNITED STATES CENTER FOR SUBSTANCE ABUSE TREATMENT, NATIONAL TREATMENT IMPROVEMENT EVALUATION STUDY: FINAL REPORT (1997). The RAND Corporation, when comparing the costs and benefits of enforcing the “war on drugs” to drug treatment, found that a dollar spent on drug treatment saves society seven and a half dollars in reduced crime and regained productivity, and that treatment is three times more effective than mandatory minimum prison sentences in curing drug addiction. C. PETER RYDELL AND S.S. EVERINGHAM. CONTROLLING COCAINE (1994); JONATHAN P. CAULKINS, C. PETER RYDELL, WILLIAM L. SCHWABE, AND JAMES CHIESA, MANDATORY MINIMUM DRUG SENTENCES: THROWING AWAY THE KEY OR THE TAXPAYERS’ MONEY (1997).

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/email: (808) 927-1214 / kat.caphi@gmail.com

LATE



COMMITTEE ON JUDICIARY

Representative Karl Rhodes, Chair

Representative Joy San Buenaventura, Vice Chair

Thursday, March 24, 2016

2:00 p.m.

Room 325

SUPPORT for HCR 127 - STUDY ON DECRIMINALIZATION OF DRUGS

Aloha Chair Rhodes, Vice Chair San Buenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost two decades. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,400 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HCR 127 requests the Legislative Reference Bureau to conduct a study on the feasibility and advisability of decriminalizing the possession of drugs for personal use in Hawai'i.

Community Alliance on Prisons supports this measure. The failed war on drugs has devastated individuals, families, communities and the economy. It is about time to look at other strategies and try something different.

Portugal deals with drug abusers outside of court, making treatment a priority. João Castel-Branco Goulão, Portugal's national drug coordinator and the chairman of the European Monitoring Center on Drugs and Drug Addiction wrote in a 2014 article¹:

"We responded with a drastic measure. In 2000, Portugal decriminalized the use of all illicit drugs, and developed new policies on prevention, treatment, harm reduction and reinsertion. Drug use is no longer a crime, but it is still prohibited. Possession of what a person would use in 10 days or less is no longer a matter for the courts. Users are referred to Commissions for Drug Addiction Dissuasion, which educate them, discourage them from consuming drugs and help them find treatment. The idea behind the new law is that drug addiction must be addressed as a health or social condition.

¹ **Decriminalizing Possession of All Illicit Drugs**, João Castel-Branco Goulão, March 17, 2014.

<http://www.nytimes.com/roomfordebate/2014/03/17/lowering-the-deadly-cost-of-drug-abuse/decriminalizing-possession-of-all-illicit-drugs>

While critics of the law warned that drug use would swell, it has not risen. We have seen significant reductions in H.I.V. infections and in overdoses, as well as a substantial increase in new patients seeking drug treatment.

Much of this reduction in the harm suffered by drug users, I believe, is due to the commissions' outreach, treatment programs and measures to protect users' health.

Police and customs authorities continue to suppress trafficking, but they now have added resources that were once allocated to pursuing users."

The opening paragraph of the Executive Summary from a report² on drug decriminalization in Portugal by CATO Institute reads:

On July 1, 2001, a nationwide law in Portugal took effect that decriminalized all drugs, including cocaine and heroin. Under the new legal framework, all drugs were "decriminalized," not "legalized." Thus, drug possession for personal use and drug usage itself are still legally prohibited, but violations of those prohibitions are deemed to be exclusively administrative violations and are removed completely from the criminal realm. Drug trafficking continues to be prosecuted as a criminal offense....

The Conclusion of the report reads:

None of the fears promulgated by opponents of Portuguese decriminalization has come to fruition, whereas many of the benefits predicted by drug policymakers from instituting a decriminalization regime have been realized. While drug addiction, usage, and associated pathologies continue to skyrocket in many EU states, those problems – in virtually every relevant category – have been either contained or measurably improved within Portugal since 2001. In certain key demographic segments, drug usage has decreased in absolute terms in the decriminalization framework, even as usage across the EU continues to increase, including in those states that continue to take the hardest line in criminalizing drug possession and usage.

By freeing its citizens from the fear of prosecution and imprisonment for drug usage, Portugal has dramatically improved its ability to encourage drug addicts to avail themselves of treatment. The resources that were previously devoted to prosecuting and imprisoning drug addicts are now available to provide treatment programs to addicts. Those developments, along with Portugal's shift to a harm-reduction approach, have dramatically improved drug-related social ills, including drug-caused mortalities and drug-related disease transmission. Ideally, treatment programs would be strictly voluntary, but Portugal's program is certainly preferable to criminalization.

*The Portuguese have seen the benefits of decriminalization, and therefore there is no serious political push in Portugal to return to a criminalization framework. **Drug policymakers in the Portuguese government are virtually unanimous in their belief that decriminalization has enabled a far more effective approach to managing Portugal's addiction problems and other drug-related afflictions.** Since the available data demonstrate that they are right, the Portuguese model ought to be carefully considered by policymakers around the world.*

² **Drug Decriminalization In Portugal** - Lessons for Creating Fair and Successful Drug Policies, Glenn Greenwald, CATO Institute, 2009. http://object.cato.org/sites/cato.org/files/pubs/pdf/greenwald_whitepaper.pdf

A February 2016 white paper³ on approaches to decriminalization using data from the Bureau of Justice Statistics reported that of the 2014 U.S. drug arrests, 83% were for possession and only 17% were for sales/manufacturing. *"In the U.S. today, roughly 50,000 people are incarcerated in state prison for nothing more than possession of small quantities of drugs. Tens of thousands more are in jail, on probation, or sent to prison for a technical violation of probation or parole involving drug use or possession."*

Decriminalization Does Not Affect Drug Use Rates. Countries that have adopted less punitive policies toward drug possession have not experienced any significant increases in drug use, drug-related harm or crime relative to more punitive countries.⁴

The National Research Council stated in 2015, that there is *"little apparent relationship between severity of sanctions prescribed for drug use and prevalence or frequency of use."*⁵

Community Alliance on Prisons supports this study on decriminalization of drugs and urges the committee to support this resolution. When we find something is not working, it is time to explore other strategies that research, data and experience support.

Mahalo for this opportunity to testify.

³ ***Approaches to Decriminalizing Drug Use & Possession***, Drug Policy Alliance, February 2016.

[http://www.drugpolicy.org/sites/default/files/DPA%20Fact%20Sheet Approaches%20to%20Decriminalization %28Feb.%202016%29.pdf](http://www.drugpolicy.org/sites/default/files/DPA%20Fact%20Sheet%20Approaches%20to%20Decriminalization%28Feb.%202016%29.pdf)

⁴ ***What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?***, British Journal of Criminology 50, no. 6 (2010); Robert J. MacCoun and Peter Reuter, *Drug war heresies: Learning from other vices, times, and places* (Cambridge University Press, 2001); Robin Room et al., *Cannabis policy: moving beyond stalemate* (Oxford University Press, USA, 2010); Eric W Single, "The impact of marijuana decriminalization: an update," *Journal of public health policy* (1989); Mike Vuolo, "National-level drug policy and young people's illicit drug use: A multilevel analysis of the European Union," *Drug and Alcohol Dependence* 131, no. 1-2 (2013); Organization of American States, "The Drug Problem in the Americas: Analytical Report," (2013)

⁵ ***Toward a global view of alcohol, tobacco, cannabis, and cocaine use: findings from the WHO World Mental Health Surveys***, Louisa Degenhardt et al., *PLoS medicine* 5, no. 7 (2008).

http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 23, 2016 9:32 AM
To: JUDtestimony
Cc: victor.ramos@mpd.net
Subject: *Submitted testimony for HCR127 on Mar 24, 2016 14:00PM*

HCR127

Submitted on: 3/23/2016

Testimony for JUD on Mar 24, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 23, 2016 9:32 AM
To: JUDtestimony
Cc: georgina808@gmail.com
Subject: *Submitted testimony for HCR127 on Mar 24, 2016 14:00PM*

HCR127

Submitted on: 3/23/2016

Testimony for JUD on Mar 24, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Georgina Mckinley	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

To: The COMMITTEE ON JUDICIARY; Rep. Karl Rhoads, Chair, Rep. Joy A. San Buenaventura, Vice Chair.

From: Wendy Gibson R.N., American Cannabis Nurses Association member.

RE: **SCR127** Requesting LRB study on Decriminalization of Drugs (In Support)
Hearing: Thursday, 3/24/16 at 2:00 p.m., Conference Room 325.

Good afternoon Chair Rhoads, Vice Chair San Buenaventura and members of the committee,

I **support HCR127** for the following reasons:

The punitive War on Drugs is widely recognized as a failure in terms of limiting drug use. [As the National Research Council reaffirmed in 2014](#), there is little relationship between the severity of penalties for drug possession, and the breadth or frequency of their use. In the report: The Committee finds high incarceration rates came about **not because of an increase in crime**, but **because of policy choices**.

As some of the committee members noted at the report's release last week, incarceration has left a huge footprint on our society with **little evidence of its effectiveness**.

The resulting criminalization of drugs has resulted in a mass incarceration system that is not only expensive but destroys families and entire communities. The United States, with about 4% of the WORLD's Population, has 25% of the world's prisoners.

I believe that mandatory minimum sentencing laws are largely responsible for this **MASS INCARCERATION** OF U.S. citizens. AND, of the 1.5 million drug arrests per year, the overwhelming majority are for **possession only by non-violent offenders**.

Criminalization has HISTORICALLY been **fueled by racial profiling** and marked by racial disparities in arrest and incarceration. [As the Office of Hawaiian Affairs has documented](#), **Native Hawaiians** do not use at different rates than other groups, but they **are far more likely to be sent to prison**.

As a Nurse, I feel that Illegal drug use should be viewed as a health care issue not a law enforcement issue. Many users do not seek treatment out of fear of prosecution. Decriminalizing the possession of drugs for personal use would be a good first step toward treatment.

The State of Washington has a successful program (L.E.A.D.) which follows the National Drug Control Strategy to recognize that many people charged with drug-

related crimes are **afflicted with an underlying substance abuse disorder** that warrants the **diversion of non-violent offenders to drug treatment instead of prison.**

[President Obama is using his executive authority to grant clemency to federal prisoners](#) who are nonviolent drug offenders. The majority of those sentenced for such offenses are done so pursuant to state law.

I promote conducting a study on the feasibility and advisability of decriminalization of illegal possession of drugs for personal use in Hawaii—to promote public health and improve relationships between law enforcement and the communities they serve. Please support HCR127 to allow that to happen.

Thank you for accepting my testimony.

Wendy Gibson R.N., American Cannabis Nurses Association member.
(808) 321-4503

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 23, 2016 1:57 PM
To: JUDtestimony
Cc: marilynmick@pobox.com
Subject: Submitted testimony for HCR127 on Mar 24, 2016 14:00PM

HCR127

Submitted on: 3/23/2016

Testimony for JUD on Mar 24, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Mick	Individual	Support	No

Comments: This is a no-brainer. This war on drugs must end.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 24, 2016 7:32 AM
To: JUDtestimony
Cc: mary@mauivortex.com
Subject: Submitted testimony for HCR127 on Mar 24, 2016 14:00PM

HCR127

Submitted on: 3/24/2016
Testimony for JUD on Mar 24, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Overbay	Individual	Support	No

Comments: I strongly SUPPORT HCR127. The war on drugs has clearly failed. Marijuana is safer than alcohol and should be legal. Folks with drug addictions, should be treated the same as folks with alcohol addictions. Please, end the prejudice marijuana prohibition ASAP!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 23, 2016 7:33 PM
To: JUDtestimony
Cc: koonceleah@gmail.com
Subject: *Submitted testimony for HCR127 on Mar 24, 2016 14:00PM*

HCR127

Submitted on: 3/23/2016

Testimony for JUD on Mar 24, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leah M. Koonce	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov