

STAND. COM. REP. NO.

3694

Honolulu, Hawaii

APR 25 2016

RE: H.C.R. No. 127
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.C.R. No. 127, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION 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,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Request 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;
- (2) Request the Legislative Reference Bureau to submit a written report of its findings and recommendations, including any proposed legislation, to the Legislature prior to the Regular Session of 2017; and
- (3) Request the Judiciary and Department of Public Safety to provide statistics and other information as may be requested by the Legislative Reference Bureau to assist in the timely completion of the study.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, The Drug Policy Action

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Group, The Drug Policy Forum of Hawai'i, Hawai'i Coalition for Immigrant Rights, The Libertarian Party of Hawaii, and fourteen individuals. Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that despite the enforcement of illicit drug prohibition and imposition of harsh penalties for drug possession and sales, illicit drug use in the United States has been increasing. The 2014 National Drug Control Strategy recognized 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.

Your Committee notes that in 2001, Portugal became the first European country to officially abolish all criminal penalties for the possession of drugs for personal use, making these violations exclusively an administrative matter processed in noncriminal proceedings, while continuing to prosecute drug trafficking as a criminal offense. The result of Portugal's drug decriminalization system includes no adverse effect on drug usage rates, a decrease in lifetime prevalence rates for drug use among various age groups, a dramatic decrease in drug-related deaths, and a steady decline in drug trafficking. By exploring the feasibility and advisability of decriminalizing illegal possession of drugs, similar to Portugal's drug decriminalization system, this measure provides a potential model for more effectively managing drug-related problems in Hawaii.

Your Committee has amended this measure by:

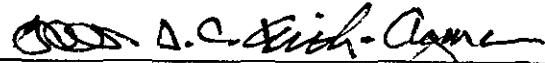
- (1) Clarifying that the Legislative Reference Bureau is requested to conduct a study on the potential impact on administrative and judicial systems of state government, rather than the feasibility and advisability of decriminalizing the illegal possession of drugs for personal use in Hawaii, and making conforming amendments to its title;
- (2) Clarifying that the survey include all existing criminal drug offenses in Hawaii that are class C felonies or lower offenses that pertain to possession of a harmful drug, detrimental drug, marijuana, or marijuana concentrate; and



- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 127, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 127, H.D. 1, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

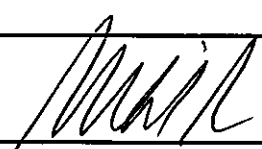


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HCR 127 HD1	Committee Referral: JDL	Date: 4/18/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.				/
SLOM, Sam				/
TOTAL	9			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; font-family: cursive;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes