



Working to Reform Marijuana Laws

My name is Carly Wolf, State Policies Coordinator for The National Organization for the Reform of Marijuana Laws (NORML). I wish to thank the Chair and members of the Committee for considering Senate Bill 758. NORML is supportive of legislative efforts to remove criminal penalties for the possession of cannabis by adults.

Senate Bill 758 reduces marijuana possession penalties involving one ounce or less from a criminal misdemeanor -- punishable¹ by up to 30 days in jail, a \$1,000 fine, and a criminal record -- to an infraction, punishable by a \$130 fine. The measure would also allow the expungement of minor cannabis convictions involving the possession of up to one ounce.

Passage of this legislation will comport Hawaii's decriminalization policy with that of the more than dozen other states which have also decriminalized marijuana possession violations. The low threshold imposed by HB 1383, enacted in 2019, offsets many of the societal benefits identified in other jurisdictions that have amended their marijuana laws. To date, no decriminalization state² has imposed a limit as low as Hawaii's three gram limit. By contrast, most jurisdictions impose one ounce decriminalization thresholds (28.4 grams) and some states, like Ohio, impose far higher limits (100 grams).

Expanding the decriminalization threshold for low-level marijuana offenses will allow police, prosecutors, and the courts to re-prioritize their resources toward addressing more serious crimes. Minor marijuana possession offenders, many of them young people, should not be saddled with a criminal record and the lifelong penalties and stigma associated with it.

The American Civil Liberties Union research report, *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform* (2020) concluded: "On average, a Black person is 3.64 times more likely to be arrested for marijuana possession than a white person, even though Black and white people use marijuana at similar rates. Just as before, such racial disparities in marijuana possession arrests exist across the country, in every state, in counties large and small, urban and rural, wealthy and poor, and with large and small Black populations."³

Findings in this same report showed that in Hawaii in 2018, 679 individuals were arrested for marijuana law violations. Of those arrested, almost 95 percent of defendants were charged with possession only. Arrests for the possession of marijuana made up almost thirty five percent of all drug arrests in 2018.

¹ <https://norml.org/laws/item/hawaii-penalties>

² <https://norml.org/aboutmarijuana/item/states-that-have-decriminalized>

³ <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>





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Black people in Hawaii are nearly twice as likely to be arrested as whites. In places like Maui, black Hawaiians are more than four times as likely to be arrested for marijuana possession than whites.

If lawmakers truly wish to reap the societal and fiscal benefits of decriminalization, and truly wish to significantly reduce the number of Hawaii adults adversely impacted by a criminal marijuana arrest, then we suggest that they support the passage of SB 758 to increase the arbitrarily low three gram limit to a more reasonable threshold -- one that is in line with those of other states.

