



Hawaii (2024) Testimony in support of facilitating cannabis-specific expungements

Distinguished members of the Committee,

I have worked professionally in the field of marijuana policy for nearly 30 years, and I am currently the Deputy Director of NORML – the National Organization for the Reform of Marijuana Laws, a nationwide public interest advocacy organization based in Washington, DC.¹

During my professional career, I have authored several books on cannabis, health, and public safety and my writing is featured in over two dozen academic anthologies. In 2022, I was the lead witness before Congress at the hearing “Developments in State Cannabis Laws and Bipartisan Cannabis Reforms at the Federal Level,”² which was convened by the House Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties. Earlier this year, I authored a report³ documenting the millions of state-initiated, cannabis-related expungements that have occurred nationwide since 2018.

I am providing testimony today in support of House Bill 1595, which expands and improves Hawaii’s existing cannabis expungement law. Passage of this legislation will make it so that thousands of people are no longer stigmatized and disenfranchised by the collateral consequences of an arrest record for behavior that most residents believe should no longer be a crime.⁴

Under current law, only those minority of cannabis offenders convicted of possessing fewer than three grams of cannabis may petition the courts for an expungement of their record. This is only a small fraction of those who ought to be eligible for expungement relief. Since Hawaii law defines the possession of up to one ounce of cannabis as a criminal misdemeanor, there are literally thousands of additional residents who would immediately be eligible for relief if HB 1595 were to become law.

Furthermore, the state’s existing expungement law places the burden on those with previous convictions to petition the courts for legal relief. But, as we have learned from other states’ experiences, many people are either unaware of their own criminal record status or are unable to navigate the legal process on their own. Some cannot afford to pay the fees necessary to hire legal representation to assist them in this process. Others remain unaware that such a process exists at all. As a result, the law is underutilized by those who could otherwise benefit from it. That is why HB 1595 wisely calls for future expungements to be initiated by the courts. **The implementation of similar state-initiated cannabis-expungement policies in other states has**

¹ <https://norml.org/about-norml/staff>

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<https://oversightdemocrats.house.gov/legislation/hearings/developments-in-state-cannabis-laws-and-bipartisan-cannabis-reforms-at-the>

³ <https://norml.org/marijuana/fact-sheets/marijuana-pardons-and-expungements-by-the-numbers>

⁴ https://drive.google.com/file/d/1_3-0VjjsCdD7ogd4xx0cP6cTSkmmkj5/view



resulted in the expungement of over 2 million cannabis-related convictions since 2018, according to public records compiled by NORML earlier this year.

No one deserves to have their lives derailed because of a past, low-level cannabis conviction. **Our sense of justice and our principles of fairness demand the passage of HB 1595.**