



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

LEGISLATIVE AGENDA 2018

Bail Reform

Other states have begun to tackle bail reform as an integral part of criminal justice reform. [In California, supporters include the Chief Justice of the Supreme Court, Tani Cantil-Sakauye](#). As the momentum to preventing the building of a new Oahu prison to replace OCCC gathers steam, it is crucial to reform policies and laws that keep people locked up both before and after a conviction. With over half of inmates at the current OCCC being held pre-trial, reforming bail is a way to negate the insatiable need for more “bedspace.” If we change enough practices, it will become increasingly hard for the “lock ‘em up” crowd to cling on to their plans.

The impact of cash bail has been shown to have a discriminatory impact on communities of color, is detrimental to the health of a person in need of treatment for substance use and the cost of alternatives to detention is a fraction of incarcerating a person pre-trial.

Civil Asset Forfeiture

The use of civil asset forfeiture by law enforcement to seize personal property raises troubling issues. [Hawaii’s state law ranks among the worst in the country, and it is in serious need of reform](#). In 2016, progress was made in the legislature by raising the issue via several different bills and a resolution. The adopted resolution, [HCR4](#), requests that the State Auditor undertake the first audit (*currently underway*) of Hawaii’s civil asset forfeiture program since 1995 and 1998 (!). After progress stalled in 2017, we now aim to leverage the passage of further reform on the Mainland, especially [the law passed in California](#), as well as the results of the audit if and when it is released. We will be working with our allies at the [ACLU of Hawai’i](#).

Reduced Penalties for the Use and Possession of Certain Drugs

Building on the success with the decriminalization drug paraphernalia via Act 72 of 2017, Hawai’i now needs to defelonize the use and possession (“promotion”) of “dangerous” and “harmful drugs.” [Oregon did this in 2017](#), supported by law enforcement groups for the same reasons as they support LEAD and other similar programs.

In addition to decreasing incarceration and eliminating many collateral sanctions, this type of sentence reduction could also mean less automatic deportations of immigrants.

Decriminalization of Cannabis Possession

In the past session, numerous cannabis possession decriminalization bills were introduced but did not receive a hearing. In 2018, we will work for a hearing to highlight the need to remove all criminal penalties from any bill, which should also absorb some of the social justice elements (retroactive resentencing & expungement of records) from California's Proposition 64. In 2016 ([the latest available data](#)), Hawai'i saw over 620 adult arrests for cannabis possession and over 400 arrests for juveniles. Arrests of African Americans ("Blacks"), Filipinos, Native Hawaiians ("Hawaiians") and Pacific Islanders are highly disproportionate, particularly for juveniles.

OTHER MEASURES

Advocacy for Hawaii's Medical Cannabis Patients

With medical cannabis dispensaries now open, it is more important than ever to advocate for the rights of Hawaii's patients to have access to their medicine. DPFHI's focus as a statutorily included member of the [Legislative Oversight Working Group](#) created by [Act 230](#) is on patient rights as well as education of health care professionals. Depending on what recommendations the WG adopts, DPFHI will push those that are ignored.

Hepatitis C

Working with allies, advocate for greater funding for Hepatitis C prevention and treatment. Explore options to combat discrimination of Hepatitis C patients, including in employment law (this exists in Washington State).

Drug Therapy

Explore options to expand drug treatment, especially with Suboxone. Ensure that state law is updated to avoid repeat of DPS NED's recent ban.

Law Enforcement Assisted Diversion (LEAD)

Ensure that DOH is appropriated funds to continue this nascent program, now supported by the new chief of the Honolulu Police Department, Susan Ballard, and expand it to the Neighbor Islands.