Marijuana Decriminalization and Legalization in Hawai‘i

Executive Summary
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Voter initiatives to legalize, tax, and regulate marijuana passed resoundingly in both Colorado and Washington in 2012. These results make the legalization and regulation of marijuana in Hawai‘i more than the theoretical possibility they seemed just a few years ago.

This Executive Summary describes a recent report on enforcement of marijuana laws in Hawai‘i that is an update to a report by Lawrence Boyd on the same topic in 2005. New data have become available and the political landscape of the U.S. has changed since the Boyd report was written.

Decriminalization or legalization of marijuana has the potential to reduce or eliminate the social and economic costs of law enforcement, and could provide a unique new revenue stream for government. Economic analysis of current public policies on marijuana reveals that Hawai‘i state and county governments could save up to $12 million annually on enforcement costs and could attain tax revenues of at least $11 million annually under the different scenarios of decriminalization or legalization.

Decriminalization is an approach that treats marijuana possession in small amounts as a civil infraction (incurring a fine like a parking violation), rather than as a crime resulting in possible incarceration.

As used in this report, Legalization is a system that allows the use and sale of marijuana to adults under a system of taxation, regulation, and sometimes licensing, in much the same way as alcohol.

Drawing from publicly available arrest and budget data, it is possible to estimate the average cost of marijuana possession and distribution arrests and prosecutions in Hawai‘i. In 2005, marijuana possession enforcement was estimated to cost Hawai‘i taxpayers $5 million annually. Enforcement of laws against growing or selling marijuana were estimated in 2005 to cost $3 million annually.

Key Findings

- Recent years have seen a surge in marijuana arrests. Since 2004, possession arrests have increased almost 50% and distribution arrests almost doubled.

- Marijuana arrests are 50% more likely for males, 70% more likely for juveniles, twice as likely for those under 25, and 70% more likely for Native Hawaiians than their shares of the population would predict.

- Decriminalization could save state and county governments $9 million annually, an increase from the $5 million estimated in 2005.

- Legalization (regulation, control, and taxation) could save state and county governments an additional $3 million in enforcement costs annually, and could realize an additional $11.3 million in annual tax revenue.
But recent increases in arrests and increased costs for police departments and the judiciary have led to large increases in enforcement costs for misdemeanor marijuana possession and for criminal marijuana distribution - to a combined total over $12 million annually.

Marijuana arrests have dramatically uneven impacts on different demographic groups in Hawai‘i. For example, non-Oahu residents are between 40% and 140% more likely to be arrested for marijuana possession than those on Oahu.

| Increased Risk of Arrest for Marijuana Possession |
|----------------|----------------|
| male           | 50% more likely than female |
| under 25       | 110% more likely than over 25 |
| under 18       | 70% more likely than over 18 |
| Hawaiian       | 70% more likely than non-Hawaiian |
| Filipino       | 30% more likely than non-Filipino |
| Samoan         | 30% more likely than non-Samoan |

The report concludes that the cost for enforcement of marijuana laws is increasing in Hawai‘i, the increased arrests for marijuana possession are not driven by increased marijuana usage, and the impacts of arrest for marijuana possession fall much more heavily on some demographic groups than others.

This report commissioned by the Drug Policy Action Group

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It is tempting to attribute increased arrests and their attendant costs to increases in marijuana consumption in Hawai‘i. But an analysis of trends in consumption and arrests for juveniles and adults in Hawai‘i between 2002 and 2009 demonstrates that arrests are driven by factors largely if not entirely unrelated to changes in marijuana consumption.

About the Author

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