



Testimony from Gracie Johnson
State Policy Director
Last Prisoner Project

RE: Last Prisoner Project Calls on the Hawaii Legislature to Prioritize Criminal Justice Measures in SB 669 This Session

February 14, 2023

Dear Members of the Judiciary Committee,

When a state legalizes adult-use cannabis, it is acknowledging that public interest has shifted on the criminalization of cannabis. The magnitude of this shifting perception is clear in the landscape of national legalization, as adult-use cannabis is now legal in 21 states. However, simply repealing the prohibition of cannabis is insufficient: millions of individuals across the U.S. still bear the lifelong burden of having a cannabis record, and tens of thousands are actively serving sentences for cannabis-related convictions.

Over the course of last year, the Last Prisoner Project (LPP) worked with members of the Dual Use of Cannabis Task Force to outline [evidence-based policy recommendations](#) for inclusion in any legalization proposal to ensure retroactive relief for those who have been criminalized by prohibition. The Task Force's Social Equity Working Group fully embraced LPP's recommendations, [endorsing them in their official report](#). Unfortunately, none of the recommendations that the Social Equity Working Group endorsed are reflected in SB 669. In order to adequately address the past harms of cannabis criminalization, SB 669 must outline legislative avenues for retroactive relief through state-initiated record clearance and resentencing processes that were supported by members of the Dual Use of Cannabis Task Force.

State-initiated record clearance is an evidence-based policy that is key to redressing the lasting harm caused by cannabis criminal records and the significant and lingering barriers they impose to success. The negative effects of a criminal record on an individual's life are well-documented. Even minor offenses, such as nonviolent drug possession, carry lifelong consequences that can impact an individual's access to employment, housing, voting, financial stability, social assistance programs, and other opportunities, despite the debt already paid to society. State-initiated record clearance is a process in which local and state agencies identify and clear

eligible records, with no action or payment required by the record holder.

State-initiated resentencing is another cornerstone of comprehensive cannabis policy. The War on Drugs and the criminalization of cannabis-related activities have created a racially inequitable criminal legal system where people of color are nearly four times more likely than their white counterparts to be arrested for cannabis, despite similar consumption rates. Requiring Hawaii courts to reconsider cannabis-related sentences upon prohibition's repeal provides a pathway to relief for individuals whose continued incarceration will no longer be in the interests of justice.

We urge the Hawaii legislature to ensure that SB 669 includes a state-initiated record clearance process for cannabis records and guarantees the reconsideration of cannabis-related sentences in light of prohibition's repeal. It is essential that Hawaii's legalization allows those trapped in jails, prisons, or on supervision for cannabis-related activities to have a fair pathway to relief.

About Last Prisoner Project

The Last Prisoner Project, 501(c)(3), is a national nonpartisan, nonprofit organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's team of policy experts works to redress the past and continuing harms of unjust cannabis laws. We are committed to offering our technical expertise to ensure a successful and justice-informed pathway to cannabis legalization in Hawaii.



Testimony from Gracie Johnson
State Policy Director
Last Prisoner Project

RE: Last Prisoner Project Calls on the Hawaii Legislature to Prioritize Criminal Justice Measures in SB 375 This Session

February 15, 2023

Dear Members of the Health and Human Services Committee and Members of the Commerce and Consumer Protection Committee,

When a state legalizes adult-use cannabis, it is acknowledging that public interest has shifted on the criminalization of cannabis. The magnitude of this shifting perception is clear in the landscape of national legalization, as adult-use cannabis is now legal in 21 states. However, simply repealing the prohibition of cannabis is insufficient: millions of individuals across the U.S. still bear the lifelong burden of having a cannabis record, and tens of thousands are actively serving sentences for cannabis-related convictions.

Over the course of last year the Last Prisoner Project (LPP) worked with members of the Dual Use of Cannabis Task Force to outline [evidence-based policy recommendations](#) for inclusion in any legalization proposal to ensure retroactive relief for those who have been criminalized by prohibition. The Task Force's Social Equity Working Group fully embraced LPP's recommendations, [endorsing them in their official report](#). We were thrilled to see that SB 375 provides an avenue for retroactive relief through the creation of a state-initiated record clearance process. We would like to offer our technical assistance to ensure that the record clearance process that is outlined in SB 375 is implemented with fidelity and that an equally as effective state-initiated resentencing process is incorporated within the bill so that every person who has been harmed by cannabis criminalization is guaranteed relief.

State-initiated resentencing is a cornerstone of comprehensive cannabis policy. The War on Drugs and the criminalization of cannabis-related activities have created a racially inequitable criminal legal system where people of color are nearly four times more likely than their white counterparts to be arrested for cannabis, despite similar consumption rates. Requiring Hawaii courts to reconsider cannabis-related sentences upon prohibition's repeal provides a pathway to relief for individuals whose continued incarceration will no longer be in the interests of justice.

We urge the Hawaii legislature to ensure that SB 375 includes a state-initiated record clearance process for cannabis records and guarantees the reconsideration of cannabis-related sentences in light of prohibition's repeal. It is essential that Hawaii's legalization allows those trapped in jails, prisons, or on supervision for cannabis-related activities to have a fair pathway to relief.

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The Last Prisoner Project, 501(c)(3), is a national nonpartisan, nonprofit organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's team of policy experts works to redress the past and continuing harms of unjust cannabis laws. We are committed to offering our technical expertise to ensure a successful and justice-informed pathway to cannabis legalization in Hawaii.