

PROPOSED AMENDMENT BY INITIATIVE TO THE HAWAI'I COUNTY CODE

**Note: This Proposed Amendment Will Be On
The General Election Ballot, November 4, 2008**

A petition that proposes to amend the Hawai'i County Code by initiative has been submitted. Pursuant to section 11-6, Hawai'i County Charter, the proposed amendment, that has been set forth in a ballot question, will be placed on a ballot before the electorate in the General Election on November 4, 2008.

An objective summary of the substance of the proposed amendment and the ballot question are set forth below, followed by a link to bill 335 that contains the substance of the petition.

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OBJECTIVE SUMMARY

Proposal:

The proposal would add an article to the Hawai'i County Code titled and to be known as the "Lowest Law Enforcement Priority of Cannabis Ordinance". The proposed article would direct law enforcement officials of the County of Hawai'i to treat the "adult personal use" of Cannabis as its lowest law enforcement priority and prohibit the county from accepting or expending funds for the marijuana eradication program and for enforcing potential offenses for the adult personal use of Cannabis. It requires the Hawai'i County Council to work with the Chief of Police to establish procedures for the acceptance of grievances for those who believe the Lowest Law Enforcement Priority provisions have been violated by local law enforcement and requires that the County Clerk send a letter on an annual basis to federal and state legislators requesting that State and Federal laws pertaining to private and personal adult use of Cannabis be repealed.

Present Provision:

The Hawai'i County Code does not contain laws relating to Cannabis or the priorities of local law enforcement.

BALLOT QUESTION 1.*

Should the Hawai'i County Code be amended to add a new article that would be titled and known as the "Lowest Law Enforcement Priority of Cannabis Ordinance", which would:

- Direct the county to make law enforcement related to Cannabis (marijuana) offenses, when the Cannabis is only intended for adult personal use, their lowest law enforcement priority;
- Define "adult personal use" to include the use of Cannabis on private property only by persons twenty one years of age or older;
- Prevent county law enforcement officials from accepting deputization or commissions from a federal law enforcement agency for purposes of investigating, citing, or arresting citizens or searching or seizing their property if doing so is inconsistent with the lowest law enforcement priority of Cannabis ordinance;
- Prohibit the Hawai'i County Council from authorizing the acceptance of or issuing funding to be used to investigate, cite, arrest, prosecute, search or seize property from adults when doing so would be inconsistent with the lowest law enforcement priority for Cannabis policy; and
- Direct the County Council not to support the acceptance of any funds for the marijuana eradication program?

[Link to: Bill 335](#)

**This document is provided for informational purposes. The layout of this proposed amendment by initiative may appear in a different format on the general election ballot. The text will be identical.*

Copies of the proposed amendment and bill 335 are on file in the County Clerk's Office in Hilo and the Office of the County Council in Kailua-Kona.

CASEY JARMAN
County Clerk

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Hawai'i County is an Equal Opportunity Provider and Employer*