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Testimony in favor of SB 953, SB 1014.

I applaud the members of this committee for holding this hearing regarding Senate Bill 1014 (and SB 953), which amend state law so that the adult possession of up to one ounce of marijuana is a civil offense -- punishable by a \$100 fine, no jail time, and no criminal record.

Under present law, minor marijuana possession offenses are classified as a criminal offense, punishable by up to one-year in jail and a \$1,000 fine. Amending this law to make such minor possession cases a civil rather than criminal offense (a policy change that is commonly referred to as 'decriminalization') is a common sense, fiscally responsible alternative that will cut costs, improve public safety, and have a positive impact on the quality of life of tens of thousands of Connecticut citizens.

State arrest statistics (as of 2007) indicate that police make some 7,500 arrests annually for marijuana violations. Ninety-one percent of these prosecutions are for possession only, not sale, cultivation, or trafficking.[1] Decriminalization would spare these minor marijuana offenders from criminal arrest, prosecution, and incarceration, as well as the emotional and financial hardships that follow -- including the loss of certain jobs, students loans, federal and state subsidies, and child custody rights.

Most adult marijuana users act responsibly and consume marijuana solely within the privacy of their own homes. They are not part of the crime problem and they should not be treated like serious criminals. Decriminalization would maintain the monetary sanctions for marijuana possession violations, but would spare offenders from being saddled with lifelong criminal records. This change would continue to discourage marijuana abuse, while halting the practice of permanently criminalizing thousands of otherwise law abiding citizens.

SENATE BILL 1014 WILL IMPROVE PUBLIC SAFETY

Law enforcement resource allocation is a zero-sum gain. The time that a police officer spends arresting and processing minor marijuana offenders is time when he or she is not out on the streets protecting the public from more significant criminal activity. Passage of HB 606 will allow law enforcement, prosecutors, and the courts to reallocate their existing resources toward activities that will more effectively target serious criminal behavior and keep the public safe.

It would also have the added benefit of saving state taxpayers' money and raising revenue. Presently, state and county law enforcement agencies spend millions of dollars per year to enforce marijuana possession laws; millions of dollars are also spent

by the courts to adjudicate these cases. Reducing marijuana violations to a civil offense will reallocate law enforcement and judicial resources while simultaneously raising state revenue through the imposition of civil fines.

THE PUBLIC SUPPORTS DECRIMINALIZATION

Public opinion strongly favors such a reprioritization of law enforcement resources. Marijuana decriminalization enjoys support from the majority of Americans. According to a recent CNN/Time Magazine poll, approximately three out of four citizens favor a fine over criminal penalties for the possession of marijuana.[2] In fact, thirteen states – including Oregon, Maine, Nebraska, Ohio, and Mississippi -- have already enacted various forms of marijuana decriminalization, replacing criminal sanctions with the imposition of fine-only penalties for minor marijuana offenders.[3] In October 2010, California lawmakers reduced penalties for marijuana possession from a criminal misdemeanor to a civil infraction.[4] Lawmakers in several other states — including Arizona, Hawaii, Illinois, and Rhode Island — are considering similar legislative proposals this year.[5]

In not a single instance have lawmakers recriminalized marijuana after implementing decriminalization.

SENATE BILL 1014 WILL NOT INCREASE MARIJUANA USE

Contrary to the concerns of some, making marijuana possession offenses a civil matter would not negatively impact marijuana use patterns or attitudes. Passage of similar legislation in other states has not led to increased marijuana use or altered adolescents' perceptions regarding the potential harms of drug use. In fact, the only United States government study ever commissioned to assess whether the enforcement of strict legal penalties positively impacts marijuana use found, "Overall, the preponderance of the evidence which we have gathered and examined points to the conclusion that decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among American young people." [6]

Further, since 1996 fifteen states and the District of Columbia have passed laws exempting state-authorized patients from arrest and prosecution for their physician-supervised use of marijuana (although Arizona, New Jersey, and Washington, DC have yet to implement these laws). During virtually this entire time teen marijuana use has fallen nationally. Moreover, according to federal statistics, between 2003 and 2008 self-reported monthly pot use among 12 to 17 year-olds dropped precipitously in every state that had enacted medical marijuana legislation.[7] In five states with medical marijuana laws – Alaska, Montana, Michigan, Nevada, New Mexico, Washington – reported use fell by more than 20 percent during this time period. In Hawaii, youth pot use fell by more than 30 percent.

SENATE BILL 1014 WILL HALT THE SELECTIVE PROSECUTION OF MINOR MARIJUANA OFFENDERS

Under present law, punishment for minor marijuana offenders varies widely from county to county — with some counties imposing jail time for minor offenders, while others impose far less severe sanctions. In other words, citizens are being punished differently not based on their actions, but where they live. This process of meting out varying punishments for the same behavior is in violation to our Constitutional desires to maintain equal protection under the law for all. Amending existing criminal penalties to civil fines will bring needed uniformity to our state's sanctions.

SUPPORT PUBLIC SAFETY: VOTE 'YES' ON SENATE BILL 1014/SB 953

Senate Bill 1014 seeks to find effective ways to reduce government expenditures and promote public safety. These are goals that lawmakers should support. Reducing marijuana possession crimes to a civil offense is a common sense, fiscally responsible proposal that will cut costs without altering the public's attitudes or use of marijuana. I urge you to support this effort.

END

Paul Armentano grew up in Connecticut and is a 1990 graduate of Simsbury High School. He is the Deputy Director of the National Organization for the Reform of Marijuana Laws (NORML) and is the co-author of the book *Marijuana Is Safer: So Why Are We Driving People to Drink* (Chelsea Green, 2009).

[1] <http://www.drugscience.org/States/CT/CT_la.htm>

[1] Joe Stein. "The New Politics of Pot." Time Magazine. October 27, 2002.

[2] NORML. 2007. 2007 Citizens Guide to Understanding America's Marijuana laws: A Compilation of State by State Penalties, Arrest Data, Tax Stamps and Legal Resources. Roanoke, Virginia: Zickafoose Visual-Worx, LLC.

[3] Jesse McKinley. "California Reduces Its Penalty for Marijuana." New York Times. October 1, 2010.
<<http://www.nytimes.com/2010/10/02/us/politics/02pot.html>>

[4] <<http://www.capwiz.com/norml2/issues/?style=D>>

[5] Institute for Social Research, The University of Michigan. Monitoring the Future Occasional Paper 13. Marijuana Decriminalization: The Impact on Youth 1975-1980. Ann Arbor. 1981.

[6] <<http://www.oas.samhsa.gov/2k8state/AppD.htm#TabD-3>>