

## Recent Drug Penalty Changes in Connecticut



### Possession of Small Amounts of Marijuana

In 2011, Connecticut enacted a law that decriminalized the *possession of less than half an ounce of marijuana*. The act ([PA 11-71, §§ 1-5](#)):

1. reduced the penalty for possessing less than half an ounce of marijuana from a crime that carries a possible prison term to a (1) \$150 fine for a first offense and (2) \$200 to \$500 fine for a subsequent offense ([CGS § 21a-279a](#)).
2. reduced, from a crime to an infraction, the penalty for certain actions involving drug paraphernalia when they relate to less than half an ounce of marijuana ([CGS § 21a-267\(d\)](#)).
3. imposed a 60-day suspension of the driver's license or nonresident operating privileges of violators under age 21 (or 150 days ineligibility after meeting licensing requirements) ([CGS § 14-111e](#)).
4. lowered the burden of proof from beyond a reasonable doubt to a preponderance of the evidence for trials related to certain offenses that involve less than one-half ounce of marijuana ([CGS § 51-164n\(i\)](#)).

**Other States.** As Figure 1 shows, at least 13 states (highlighted in green) have decriminalized the possession of small amounts of marijuana. An additional 10 states (highlighted in orange) and the District of Columbia have gone even further and have legalized small amounts of marijuana for adult recreational use.

Figure 1: Decriminalization and Legalization of Marijuana



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In recent years, many states, including Connecticut, have followed a trend of enacting laws intended to reduce the incarceration rates for certain marijuana and other drug offenses.

These measures include:

1. decriminalizing the possession of small amounts of marijuana,
2. reducing criminal penalties for certain marijuana convictions,
3. providing alternatives to incarceration, and
4. prohibiting prosecution of certain individuals who seek emergency assistance for a drug overdose.

## Reduced Criminal Penalties

In 2015, the Connecticut legislature created a new penalty structure that punishes *possession of half an ounce or more of marijuana or any amount of another illegal drug* as a class A misdemeanor (rather than a felony) and allows the court to:

1. suspend prosecution for a second offense and order treatment for a drug dependent person and
2. punish third-time or subsequent offenders as persistent offenders, which subjects them to the penalties for a class E felony ([CGS § 21a-279](#), as amended by [PA 15-2, June Special Session, \(JSS\)](#)).

**Other States.** In the last five years, at least 16 states have reduced penalties for marijuana convictions. In 2018, an additional 14 states considered, but did not enact, marijuana criminal penalty measures. (Source: [NCSL](#))

**Class A misdemeanor:**  
up to 1-year prison term, up to a \$2,000 fine, or both

**Class E felony:**  
up to a three-year prison term

## Drug-Free Zones

In 1989, Connecticut enacted enhanced penalties for drug crimes near schools and other designated areas (“drug-free zones”). The legislature has amended these laws several times since. Most recently:

1. [PA 11-71](#) eliminated the mandatory minimum sentences for the *possession of less than half an ounce of marijuana* (and related drug paraphernalia) within a zone.
2. [PA 15-2, JSS](#), § 1 removed the mandatory minimum prison term for *possession of half an ounce or more of marijuana or any quantity of other illegal drugs* within 1,500 feet of (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed day care center identified as such by a sign in a conspicuous place. Instead, the law now sets the penalty for this offense as a Class A misdemeanor, and requires the court to sentence the offender to a term of imprisonment and probation (which must include community service) ([CGS § 21a-279\(b\)](#)).

## Other Related Measures

### Diversiónary Programs

Two different statutory programs allow judges to refer offenders to drug treatment. By law, courts may suspend prosecution and:

1. refer someone charged with possessing drugs or drug paraphernalia to the *pretrial drug education and community service program* ([CGS § 54-56i](#)) and
2. order offenders who are drug-dependent into *treatment in lieu of prosecution or incarceration* (the pretrial diversion aspect of this program covers all drug sale and possession crimes) ([CGS §§ 17a-692 to 17a-701](#)).

The court dismisses the charges if the person successfully completes the program.

### Good Samaritan Law

[PA 11-210](#) prohibits the prosecution of individuals who in good faith seek or receive emergency medical care for themselves or another person they reasonably believe is experiencing an overdose from the ingestion, inhalation, or injection of intoxicating liquor or any drug or substance ([CGS § 21a-279\(d\)](#)).

Learn  
More

“Connecticut’s Good Samaritan Law,” OLR Report [2018-R-0227](#)

“Treatment Programs for Drug-Involved Offenders,” OLR Report [2016-R-0281](#)

“Marijuana Penalties,” OLR Report [2016-R-0273](#)

“Drug-Free Zone Law,” OLR Report [2016-R-0199](#)

“Drug Possession, Sale, And Paraphernalia Penalties,” OLR Report [2015-R-0219](#)

“[Marijuana Deep Dive](#),” NCSL

