State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

S.B. NO. 1085 (RAISED) AN ACT CONCERNING THE LEGALIZATION OF THE RETAIL SALE AND POSSESSION OF CANNABIS AND CONCERNING ERASURE OF CRIMINAL RECORDS IN THE CASE OF CONVICTIONS BASED ON THE POSSESSION OF A SMALL AMOUNT OF CANNABIS.

IN SUPPORT OF:

H.B. NO. 7372 (RAISED) AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF AN INTOXICATING DRUG.

JOINT COMMITTEE ON JUDICIARY
March 22, 2019

The Division of Criminal Justice supports H.B. No. 7372, An Act Concerning Driving While Under the Influence of An Intoxicating Drug, and would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE REPORT to address other issues related to driving while under the influence.

The Division supports the passage of H.B. No. 7372 regardless of the Committee's action on S.B. No. 1085. H.B. No. 7372 would clearly prohibit the use of marijuana, be it through smoking or other means, by anyone in a motor vehicle. We would note that this is not a new concept brought up only recently with the debate about legalizing so-called recreational marijuana. This particular proposal was included in the Division's 2018 Legislative Recommendations. It is simply common sense, much akin to the current laws that prohibit a motorist from drinking while driving. In the case of smoking marijuana, it is even more important to apply the prohibition to everyone in the vehicle given the obvious affects a smoke-filled vehicle will have on all occupants, including the driver.

H.B. No. 7372 also provides for training of additional police officers as "drug recognition experts." Again, this should be adopted regardless of whether the Committee decides to move forward with S.B. No. 1085 or similar legislation since the challenges associated with determining the degree of intoxication of marijuana or other drug user is already an issue. The Division would respectfully recommend that the Committee take this opportunity to further address driving while impaired/intoxicated issues by amending H.B. No. 7372 to include the additional provisions included in S.B. No. 1054, An Act Concerning Driving While Intoxicated, which is pending public hearing.

The Division takes no position on S.B. No. 1085, An Act Concerning the Legalization of the Retail Sail and Possession of Cannabis and Erasure of Criminal Records in the Case of Convictions Based on the Possession of a Small Amount of Cannabis. Whether to legalize the use of recreational marijuana is a policy decision that rests exclusively with the General Assembly and Governor. The Division, however, must point out the potential consequences of S.B. No. 1085, and again stress in the strongest terms the need to provide reassurances that passage of this bill will not have a negative impact on highway safety.

The passage of S.B. No. 1085 allowing an individual to legally possess up to one-and-a-half (1.5) ounces of marijuana in and of itself would effectively end the prosecution of the possession of anyone age 21 or older for possession of such an amount of cannabis because the prosecution would have to prove beyond a reasonable doubt that the cannabis was not purchased from a state-sanctioned retailer. Further, the bill allows someone over the age of 21 to legally give marijuana to another person. How is law enforcement to prove beyond a reasonable doubt that a hand-to-hand sale was not one friend legally sharing with another? Perhaps a more appropriate approach would be to eliminate what would become unenforceable criminal sanctions instead treat private cultivation and private sales as tax evasion subject to civil sanctions.

In conclusion, the Division of Criminal Justice takes no position on the question of whether to legalize recreational marijuana, but we cannot support S.B. No. 1085 as now written. We strongly support H.B. No. 7372, and recommend the Committee's JOINT FAVORABLE SUBSTITUTE REPORT to address additional measures against impaired and intoxicated driving and better promote highway safety. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.

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