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**Bill Analysis 2017 Regular Session**

**SPONSOR:** Sen. Joseph Cervantes

**SHORT TITLE:** Decreasing Marijuana Penalties

**SYNOPSIS OF BILL:** Decreases the penalties on possession of marijuana and possession of drug paraphernalia charges. For less than 1 ounce: \$50 penalty assessment; for 1 to 4 ounces: petty misdemeanor; for 4 to 8 ounces: misdemeanor; for over 8 ounces: fourth degree felony. Possession of drug paraphernalia: \$50 penalty assessment.

**STRENGTHS:** These charges will be more efficiently handled in the court system and will be more cost effective for the courts and the public defender's office. Penalty assessments require substantially less court time; a person can pay the fee and not have a court hearing. Public Defenders are not appointed to penalty assessment cases because there is no jail time attached to the charge and petty misdemeanors do not require an automatic jury trial; one must be demanded by the defendant.

**ADDITIONAL INFO:**

- New Mexicans want to see criminal justice resources spent more wisely. Our state spends more than \$5 million per year on marijuana possession arrests. This does not include costs associated with prosecution and incarceration. Fifty-seven percent of New Mexico's voters favor (37% oppose) reducing the penalty for adult possession of a small amount of marijuana for personal use from a misdemeanor crime to a civil penalty with smaller fines and no jail time. (Research and Polling, Inc., January 2013).
- New Mexico's current marijuana laws lead to unequal treatment depending on location. In 2012, there were 3,190 marijuana possession arrests. Marijuana possession arrest rates vary widely throughout the state, based in part on marijuana-use levels as well as local enforcement policies. Dona Ana, Chaves, Sandoval, San Juan and Bernalillo counties led the state in the number of arrests for marijuana possession, collectively representing 63% of New Mexico's total number of possession arrests (2,055). Dona Ana County alone represented 28% of the state's total (901 possession arrests). (Uniform Crime Reporting Program Data)
- Federal research has clearly established that teen usage does not increase where marijuana penalties are reduced. Studies show that states that have removed the possibility of jail time for marijuana possessions do not see an increase in teen marijuana use. (The Substance Abuse and Mental Health Services Administration)
- Reduced penalties are already in effect in a number of states. No state that has reduced penalties for minor possession has ever decided to return to increased penalties. As of today, over 120 million people, or one third of the U.S. population, live in jurisdictions where marijuana has been essentially decriminalized – meaning there is no jail time associated with possession. Nearly 60% of the U.S. population now lives in states that have legalized some form of marijuana use and sales, illustrating the rising acceptance of cannabis nationwide and highlighting the industry's immense potential for future growth. (Drug Policy Alliance)

<u>Safer</u>	<u>Apolitical</u>	<u>Fiscally-Responsible</u>	<u>Evidence Based</u>	<u>Grade</u>
<p>By decreasing penalties for marijuana possession, the court system can focus on more severe crimes and those that take more time and resources.</p>	<p>N/A</p>	<p>This bill will reduce costs for the courts and the public defender's office.</p>	<p>According to the Administrative Office of the Courts, there were 2,100 possession of marijuana (one ounce or less) cases filed in the magistrate and metropolitan courts in 2016, which were not related to any DWI, domestic violence, or felony charges. There were 3,660 cases of use or possession of drug paraphernalia, which were not attached to DWI, domestic violence or felony charges. By treating these low level charges as penalty assessments, the courts, public defenders, and prosecutors will see significant savings in time and resources.</p>	<p><b>A</b></p>