

Marijuana Possession Decriminalization Amendment Act of 2014

An Overview of D.C.'s Decriminalization Ordinance

On Thursday, July 17, legislation approved by the council and signed by Mayor Gray decriminalizing possession of up to an ounce of marijuana officially took effect. This act replaces D.C.'s criminal penalty for marijuana possession with a more sensible civil violation punishable by a \$25 fine. Washington, D.C. joins 15 states around the country that have adopted marijuana "decriminalization" laws. Voters in two additional states, Washington and Colorado, have approved measures to regulate and tax marijuana like alcohol for adults 21 and older.

Please note that this is a change in D.C. law only, meaning **possession of any amount of marijuana on federal land, like the National Mall, is still a criminal charge** and can result in arrest and appropriate prosecution.

The Marijuana Possession Decriminalization Amendment Act of 2014 makes the following changes to D.C. law:

Penalties for individuals 18 or older: Possession or giving away up to an ounce of marijuana is a civil violation penalized with a \$25 fine. In addition, police may seize any marijuana or marijuana paraphernalia that was visible to the police officer when the fine was issued.

Penalties for individuals under the age of 18: Possessing or giving away up to an ounce of marijuana is a civil violation penalized with a \$25 fine and seizure of any marijuana or marijuana paraphernalia visible to the police officer at the time the fine was issued. In addition, the minor's parent or legal guardian will be notified about the citation by mail.

Exceptions for public consumption: It remains a criminal offense to smoke or otherwise consume marijuana in a public space, on a street, ally, sidewalk, parking area, or in a park. Misdemeanor penalties also remain in place for consuming marijuana in a vehicle or any place where the public is invited.

Effect on searches: Merely possessing or giving away up to an ounce of marijuana is no longer grounds for issuing a search warrant. Additionally, the smell of marijuana (burnt or raw) and possession of up to an ounce of marijuana cannot be used to constitute reasonable suspicion of a crime unless an officer is investigating whether an individual is driving while intoxicated.

Failure to honestly provide name and address: Anyone who refuses to give law enforcement his or her name and address, or who knowingly gives law enforcement an incorrect name or address, shall be assessed a \$100 fine.

Revenue from fines: All money collected from marijuana possession fines will be deposited into the

newly created Substance Abuse Prevention and Treatment Fund.

Due process: Citations may be challenged before an administrative law judge. The hearings will be conducted in accordance with Title I of the District of Columbia Administrative Procedure Act.

Effect on public assistance: Civil violations for marijuana possession will not render offenders ineligible for public assistance programs.

Effect on people on pre-trial release: Neither a positive test for marijuana use nor a civil violation for marijuana possession will be considered a violation of the conditions of a pretrial release unless the judge expressly prohibits the use or possession of marijuana. A prohibition on the use or possession of “controlled substances” will no longer cover marijuana for this purpose.

Effect on those on probation: Neither a positive test for marijuana use nor a civil violation for marijuana possession will be considered a violation of probation unless the judge expressly prohibits the use or possession of marijuana. A prohibition on the use or possession of “controlled substances” will no longer cover marijuana for this purpose.

Juveniles: Neither a positive test for marijuana use nor a civil violation for marijuana possession may be used as the basis for a change of placement, change of treatment, or any other sanction under a “community placement agreement” between the Department of Youth Rehabilitation Services and individuals under their charge unless the agreement expressly prohibits the use or possession of marijuana.