



Vermont's Decriminalization Law

Vermont's New Decriminalization Law: An Overview

On June 6, 2013, Gov. Peter Shumlin signed H. 200 into law. Beginning on July 1, 2013, H. 200 replaced Vermont's criminal penalties for possessing up to an ounce of marijuana with a civil fine similar to a traffic ticket for those over 21, and with court diversion for minors. Until then, first offense simple possession of marijuana resulted in up to six months in jail, a fine of up to \$500, or both. A subsequent offense currently carried up to two years in prison, a fine of up to \$2,000, or both.

Vermont became the 15th state with a marijuana "decriminalization" law. Voters in two additional states, Washington and Colorado, approved measures to legalize, regulate, and tax marijuana like alcohol for adults 21 and older.

How H. 200 Changes Penalties For Those 21 and Older

Possession of up to an ounce of marijuana or up to five grams of hash is now punishable by:

- Up to a \$200 fine for a first offense
- Up to a \$300 fine for a second offense
- Up to a \$500 fine for a third or subsequent offense

The fines are expected to be half those amounts for those who don't contest the charge.

Possession of up to an ounce of marijuana does not create a criminal record.

A person may not be subject to any other penalty by the state for simple possession.

How H. 200 Changes Penalties For Those Under 21

Persons between the ages of 16 and 21 who possess up to an ounce of marijuana or up to five grams of hash have to attend the Diversion Program's Youth Substance Abuse Safety Program, which includes substance abuse screening and possibly substance abuse education, substance abuse counseling, or both.

Failing to complete the diversion program results in:

For a first offense, a \$300 civil fine and a 90-day driver's license suspension

For a second offense, a \$600 civil fine and a 180-day driver's license suspension

For a third offense, a person between the ages of 16 and 21 could be convicted of a misdemeanor and be sentenced to up to 30 days in jail, a fine of up to \$600, or both. This is only possible for those who

don't complete diversion for a first and second offense.

A person under 16 years of age who possesses marijuana may have a delinquency petition filed. They must be given a chance to participate in diversion unless doing so wouldn't serve the ends of justice.

Other Features of H. 200

Consuming marijuana while driving is punishable by a civil fine of up to \$500, which is the same penalty as consuming alcohol while driving.

Municipalities may impose higher penalties on the public use of marijuana.

For first offense possession of more than one ounce of marijuana, more than five grams of hashish, or cultivation of marijuana, a person must be given an opportunity to participate in diversion unless the prosecutor states on the record why diversion would not serve the ends of justice.

Before accepting a guilty or no contest plea for possession of more than an ounce of marijuana or cultivation, the court must let the person know about collateral sanctions that may result from a conviction, such as the possible loss of financial aid.

H. 200 increases the tax penalty for proceeds of illegal activities.

H. 200 modifies the penalty for minors in possession of alcohol or purchasing alcohol to mirror the treatment of minors possessing marijuana under the bill. They also have to report to a diversion board for substance abuse screening and possible education or counseling, or they will face the same penalties for failing to do so.

H. 200 creates a task force to make recommendations about drugged driving and appropriate penalties for people under 21 who possess marijuana or alcohol. The board will include representatives of the state's health and public safety departments, the state's attorneys and sheriffs, the defender general, the Department of Motor Vehicles, Court division, and a student assistance professional. It will report by November 2013.

Fifty percent of the revenue from fines for simple possession of marijuana will go to the court diversion program for youth substance abuse. \$12.50 per violation is directed to the Judicial Bureau. The remainder goes to law enforcement in the Drug Task Force.

The penalty changes in H. 200 went into effect on July 1, 2013. The lower penalties also apply to people with pending charges.