With states facing economic pressures and alarming rates of unsolved robberies, rapes, and homicides, states are increasingly reconsidering criminalizing marijuana consumers. Sixteen states have "decriminalized" marijuana — typically by imposing a civil fine on marijuana possession — and 11 more states and Washington, D.C. have removed all penalties from adults' use.

National and statewide polling have also found majority support for punishing marijuana possession with a civil fine instead of jail time. In February 2014, Pew Research Center found that 76% of Americans believe people caught in possession of marijuana shouldn't be jailed as a result.

The Marijuana Policy Project has developed a model bill that replaces state criminal penalties for possession of up to an ounce of marijuana with a $25 civil fine. Under this proposal, minors possessing up to an ounce of marijuana would be required to complete a drug awareness program and/or community service, and their parents would be notified.

Punishing Marijuana Possession With a Fine Frees Up Law Enforcement Resources to Focus on Serious Crimes While Reducing Arrest Disparities

Criminalizing possession of small amounts of marijuana forces law enforcement to spend valuable time on arresting, processing, and prosecuting non-violent offenders. This time could be better spent going after violent criminals. According to the FBI’s Uniform Crime Reporting Program, there were 663,327 cannabis arrests in the United States in 2018. Over 90 percent of those arrests were for possession alone. Cannabis arrests in 2018 outnumbered arrests for aggravated assault, burglary, arson, fraud, disorderly conduct, and sex offenses, among others. Meanwhile, according to the FBI’s 2018 data, the national clearance rate for murder was 62%, 33% for rape, and only 30% for robberies.

- Our current marijuana laws are not being enforced fairly. According to the ACLU, African Americans are over 3.5 times as likely to be arrested for possession as their white counterparts, despite very similar usage rates. Disproportionate arrest rates are found in every state.

- A criminal penalty accompanying a conviction for possession of a small amount of marijuana can lead to a lifetime of harsh consequences. A conviction can result in denial of student financial aid, housing, employment, and professional licenses. Discriminatory enforcement means these harsh collateral consequences disproportionately affect people of color.

- Decriminalizing marijuana possession saves law enforcement resources. For example, the police superintendent of Chicago estimated that imposing a civil fine on simple marijuana possession in the city would save 20,000 hours of police time — the equivalent of about $1 million. That
estimate does not include the savings to jails and courts.

Marijuana Is Safer Than Alcohol; States Should Not Criminalize Simple Possession

- According to the Centers for Disease Control and Prevention, more than 37,000 annual U.S. deaths are attributed to alcohol use. This figure excludes accidents and homicides. The CDC does not even have a category for marijuana-induced deaths.

- Hundreds of people die in the U.S. each year due to alcohol overdoses, according to the CDC. There has never been a recorded case of a fatal marijuana overdose.

- Studies have shown that alcohol use increases the likelihood of domestic abuse and sexual assault. Marijuana use has not been linked to an increase in either of these crimes.

- Harsh penalties for marijuana possession are not associated with lower marijuana use rates. A 2001 National Research Council study found “little apparent relationship between the severity of sanctions prescribed for drug use and prevalence or frequency of use.”

The Marijuana Policy Project’s Model Civil Penalties Bill

- MPP’s model legislation replaces a state’s criminal penalties for adults’ possession of up to an ounce of marijuana with a civil violation carrying a $25 fine. The adult may instead request a penalty of five hours of community service.

- For individuals under the age of 18, the parents or legal guardian(s) would be notified, the marijuana would be forfeited, and the minor would be required to complete an approved drug awareness program and community service.

- MPP’s model bill provides that state governments, agencies, and other rule-making political subdivisions would not impose any additional penalty, such as denial of unemployment benefits, denial of the right to operate a motor vehicle, disqualification from serving as an adoptive or foster parent, or denial of student financial aid, for possession of up to an ounce of marijuana.

- The legislation would not affect state laws prohibiting the possession of more than one ounce of marijuana, or selling, manufacturing, or trafficking marijuana.

- Half of the revenue generated by the civil fines would fund the drug awareness program, and the remainder would go to the general fund.