



Dollars and Common Sense: MPP's Model Bill to Cite and Fine Simple Marijuana Possession

In light of strong and growing support for cannabis policy reform across the country, states that are not ready to legalize are recognizing that they should at least reconsider jailing cannabis consumers. Thirteen states have "decriminalized" cannabis — typically by imposing a civil fine on cannabis possession — and 18 more states and Washington, D.C. have removed all penalties from adults' use.¹

National and statewide polling have also found supermajority support for punishing cannabis 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 cannabis with a \$25 civil fine. Under this proposal, minors possessing up to an ounce of cannabis would be required to complete a drug awareness program and/or community service, and their parents would be notified.

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

Criminalizing possession of small amounts of cannabis 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 500,395 cannabis arrests in the United States in 2019. Over 90 percent of those arrests were for possession alone. Cannabis arrests in 2019 outnumbered arrests for all violent crimes. Meanwhile, according to the FBI's 2019 data, the national clearance rate for murder was 61%, 33% for rape, 31% for robberies, and only 14% for burglaries.

- Our current cannabis laws are not being enforced fairly. According to the ACLU, Black Americans are 3.6 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 cannabis 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 cannabis possession saves law enforcement resources. For example, the police superintendent of Chicago estimated that imposing a civil fine on simple cannabis 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.

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

- According to the Centers for Disease Control and Prevention, **95,000 annual U.S. deaths** are attributed to the health effects of excessive alcohol use. The CDC does not even have a category for cannabis-induced deaths.
- More than 2,000 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 cannabis overdose.
- Studies have shown that alcohol use increases the likelihood of domestic abuse and sexual assault. Cannabis use has not been linked to an increase in either of these crimes.
- Harsh penalties for cannabis possession are not associated with lower cannabis 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 cannabis with a civil violation carrying a \$25 fine. The adult may instead request a penalty of three hours of community service.
- For individuals under the age of 18, the parents or legal guardian(s) would be notified, the cannabis 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 cannabis.
- Half of the revenue generated by the civil fines would fund the drug awareness program, and the remainder would go to the general fund.

¹ In a 19th state, South Dakota, voters approved legalization, but the courts overturned the law, ruling that the constitutional amendment violated the state’s “single subject” rule.