



## Summary of New Orleans' Decriminalization Ordinance

On March 23, 2016, Mayor Mitch Landrieu signed into law an ordinance decriminalizing marijuana in the City of New Orleans. The ordinance was unanimously passed by the city council on March 17. Introduced by Councilmember Susan Guidry, ordinance 31,148 decriminalizes marijuana possession in New Orleans by providing for summonses (tickets) — not arrests — for marijuana possession; it also reduces the penalties to modest fines. Unfortunately, however, police can still make arrests for simple possession under state law, which carries a higher penalty.

In 2010, the city council made first-time simple possession of marijuana a municipal offense, allowing for summonses instead of arrests. Since then, the number of marijuana possession charges fell by 31% and arrests fell by over 50%. These drops benefited both African Americans and whites at nearly identical rates. However, disparities remain — those with a felony marijuana arrest were overwhelmingly likely to be African American, male, and under the age of 29.

Under Ordinance 31,148, which will become Sec. 54-505 of the NOLA Code, marijuana possession would remain illegal but enforcement can be through the use of summons in lieu of a custodial arrest. In addition, it creates a symbolic exception for marijuana obtained pursuant to a valid medical prescription or order. The new ordinance establishes:

The following penalty provisions for marijuana possession —

- First conviction, fine of \$40
- Second conviction, fine of \$60
- Third conviction, fine of \$80
- Fourth or greater conviction, fine of \$100

The following penalty provision for synthetic-cannabinoid possession —

- First conviction, no greater than \$500 fine and/or six-month jail sentence
- Second conviction, no greater than \$750 fine and/or six-month jail sentence
- Third conviction, no greater than \$750 fine and/or six-month jail sentence

In addition, under the local ordinance, a conviction greater than two years old is not considered a prior conviction. Also, the court may come up with alternative penalties for indigent defendants who are unable pay. This ordinance goes into effect on June 21.

However, under state law people can still be arrested for possession of marijuana (including synthetic-cannabinoid). Current penalties are as follows:

- First offense for less than 14 grams, \$300 fine and 14 days in jail
- First offense for greater than 14 grams, \$500 fine and six-month jail sentence
- Second offense, \$1000 fine and six-month jail sentence
- Third offense, \$2500 fine and two years of incarceration