



New Jersey Decriminalization Bill Summary S. No. 2535

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Sen. Teresa Ruiz (D-Essex) and Sen. Ronald Rice (D-Essex) sponsor S. No. 2535, a robust measure to decriminalize possession, sales, and manufacture of up to a pound of marijuana, downgrade other marijuana offenses, and remove records and related collateral consequences and stigma for prior offenses.

Reduces marijuana-related penalties

- Reduces the penalty for possessing up to a pound of cannabis to a civil penalty carrying a written warning for a first offense and a \$25 fine for a second or subsequent offense. Those who cannot afford the fine may instead perform an equivalent amount of community service. The value of each hour of service would be considered to be not less than the state or federal minimum wage, whichever wage is higher.
- Reduces the penalty for manufacture, distribution, and possession with intent to distribute one pound or less. The penalty would be the same as the penalties for possession of up to a pound — a written warning, followed by a \$25 fine or equivalent community service. The current penalty is a fourth degree crime, carrying a penalty of imprisonment of up to 18 months, a fine of \$10,000, or both.
- Increases the amount for third degree crime from one ounce or more to more than one pound but less than five pounds for manufacture, distribution, and possession of marijuana and associated intent to sell charges. The penalty for a third degree crime is imprisonment of three to five years, an enhanced fine of up to \$25,000, or both.

Reduces the stigma associated with records

- Eliminates numerous collateral consequences based on past arrests or convictions for possession, manufacture, or distribution of no more than a pound. The state could not deny driver's licenses and other professional licenses, housing assistance, social services, custody rights of parents, or approve or disapprove one serving as a foster parent based on these past cannabis convictions or arrests.
- Removes records for convictions for possession, manufacture, or distribution of no more than a pound.

- Makes it a disorderly persons offense, punishable by up to six months in jail, for a business or individual to disclose the existence of an arrest or conviction for possession, manufacture, or distribution of no more than a pound.
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Creates expungement process for prior arrests and convictions

- Three months after the effective date, the court system must develop a system for sealing records for possession, manufacture, or distribution of no more than a pound.
 - The court system must create, maintain, and provide a public awareness campaign to promote the expungement process.
 - Requires charges, prior to the bill's effective date, for manufacture, distributing, dispensing, and possession be dismissed or terminated.
 - Makes convictions for possession, manufacture, or distribution of no more than a pound, being under the influence, or possession of drug paraphernalia eligible for no cost, post-conviction relief.
 - Sentences, convictions, or court order settlements imposed for possession, manufacture, or distribution of no more than a pound would be deemed to not have occurred.
 - Persons incarcerated, on probation, on parole, or under other forms of community supervision could move to have their sentences reviewed by the court at no charge.
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Encourages data collection and transparency

- Requires quarterly reporting by local and county law enforcement agencies to the Uniform Crime Reporting Unit, within the Division of State Police, of the number of marijuana violations along with the race, ethnicity, gender, age, and the disposition of each person's violation. The State Police must publish results on their website.
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Reduces pre-textual stops

- It would no longer be illegal to possess drug paraphernalia for using cannabis.
- The odor of marijuana or hashish, including burnt marijuana, would no longer justify police initiating a search of a person.
- Eliminates the use of, or being under the influence of, marijuana or hashish as a separate punishable offense.
- Eliminates law enforcement's ability to arrest, detain, or otherwise take individuals into custody

for decriminalized cannabis offenses unless the person committed another violation of the law.

Removes restrictions for bond, pre-trial release and parole

- Eliminates courts' ability to order marijuana testing and to require individuals to refrain from using cannabis pre-trial.
 - Eliminates the requirement that pre-trial defendants participate in prosecuting marijuana offenses.
 - Eliminates consideration of marijuana offenses in setting conditions of release or bond.
 - Eliminates the ability to revoke pre-trial defendants' release based on possession or distribution unlawful acts or the presence of cannabinoids in bodily fluids.
 - Eliminates consideration of charges for decriminalized offenses as risk factors for failure to appear in court or a danger to the community while on pre-trial release.
 - Eliminates courts' ability to impose suspended sentences or probation that would prohibit or restrict possession or distribution unlawful acts or the presence of cannabinoids in bodily fluids.
 - Eliminates court's ability to revoke or suspend probation based on a possession or distribution unlawful act.
 - Eliminates parole revocation based on decriminalized conduct and testing positive for cannabis in a drug test.
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Prevents discrimination

- Eliminates employer's ability to consider convictions for possession, manufacture, or distribution of no more than a pound when making employment decisions.
 - Prevents mortgage loan discrimination against individuals for arrests or convictions for possession, manufacture, or distribution of no more than a pound. This includes arrests or convictions in other states (or federal) if the acts would be an unlawful act in New Jersey regardless of when the arrest or conviction occurred.
 - Creates civil cause of action for discrimination in housing and public accommodations based on prior arrests or convictions for possession, manufacture, or distribution of no more than a pound. This includes arrests or convictions in other states (or federal) if the acts would be an unlawful act in New Jersey regardless of when the arrest or conviction occurred.
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