

# New Jersey Decriminalization Bill Summary A. 1897/A.4269

## Summary of A. 1897/ A. 4269 , a bill to decriminalize simple possession

### NEW JERSEY EXPANDED DECRIMINALIZATION BILL, COMMITTEE SUBSTITUTE FOR ASSEMBLY NOs. 1897 and 4269

A. 1897 is a modest measure to decriminalize possession, manufacture, and distribution of up to two ounces of marijuana. The bill also creates a virtual expungement process and prohibits discrimination in lending, housing, and public accommodations for prior offenses. Unfortunately, it does not also decriminalize or legalize possession of marijuana-related paraphernalia, being under the influence of cannabis, or failing to hand over cannabis to law enforcement. A. 1897 is sponsored by Assemblymembers Wimberly, Quijano, Holley, McKnight, and Timberlake, and co-sponsored by Assemblymembers Tucker, Reynolds-Jackson, and Carter.

#### Reduces Marijuana-Related Penalties

- Reduces the penalty for possession of **two ounces or less** to an unlawful act subject to civil penalty of \$50. (The current penalty is up to six months in jail and/or up to a \$1,000 fine.)
  - Possession of two ounces or less is presumed to be the lawful amount of medical cannabis. The state must establish by a preponderance of evidence that the substance possessed was not medical cannabis or to impose the fine.
- Reduces the penalty for possession of **more than two ounces** to a fourth degree crime punishable by a term of imprisonment of up to 18 months, a fine up to \$10,000, or both.
- Reduces the penalty for manufacturing or distributing **less than two ounces** to an unlawful act subject to penalty of \$50.
- Reduces the penalty for manufacturing or distributing **two ounces or more but less than one pound** to a disorderly persons offense punishable by a term of imprisonment up to six months and \$1,000 fine.
- Reduces the penalty for manufacturing or distributing **one pound or more** to a third degree crime punishable by a term of imprisonment of three to five years, a fine up to \$25,000, or both.
- If the act is committed on school property and the defendant is not sentenced to imprisonment, there is a requirement that the defendant must perform not less than 100 hours of community service.

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#### Limitations

- The bill does not remove existing criminal penalties that could still be used to criminalize those

engaged in the personal use of marijuana. Separate crimes — punishable by possible jail time — would remain in place for paraphernalia (which includes baggies), being under the influence of marijuana, and not giving one's cannabis to police.

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### **Creates “Virtual” Expungement Process for Prior Arrests and Convictions**

- Possession, manufacturing, and distributing offenses would be eligible for no-cost, post-conviction relief.
  - Sentences, convictions, or court order settlements imposed for possession and distribution offenses committed prior to the effective date shall be deemed to not have occurred.
  - Persons incarcerated, on probation, on parole, or under other forms of community supervision, may move to have their sentences reviewed by the court at no charge.
  - Removes records for possession and distribution as unlawful acts or civil penalties from government records.
  - Requires the court to maintain, provide, and create a bilingual public awareness campaign to promote the expungement process.
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### **Prevents Discrimination**

- Eliminates employer's ability to consider possession or distribution offenses when making employment decisions. Prohibits employers from requiring applicants to disclose or reveal arrests, charges, or convictions for possession or distribution offenses.
  - Prevents mortgage loan discrimination for arrest or conviction for possession or distribution offenses. 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 a cause of action for discrimination in housing, real property, or public accommodations based on prior arrests or convictions for possession or distribution offenses. Includes discrimination based on arrests or convictions in other states (or federal) if the act would be an unlawful act in New Jersey, regardless of when the arrest or conviction occurred.
  - Charges Commissioner of Banking and Insurance with the power to investigate and stop discrimination based on prior marijuana arrests, charges, or convictions.
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