Testimony in Favor of HB 1443, Before the Virginia House Committee for Court of Justice

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I applaud the members of Virginia’s House Committee for Courts of Justice for holding this hearing regarding House Bill 1443, which seeks to amend the state’s criminal marijuana possession laws.

House Bill 1443 seeks to reduce minor marijuana possession penalties from a criminal misdemeanor, punishable by up to 30 days in jail, to a civil infraction punishable by a fine only. This common sense, fiscally responsible proposal will cut costs, improve public safety, and have a positive impact on the quality of life of tens of thousands of Virginians.

HOUSE BILL 1443 WILL HELP VIRGINIANS

In 2008, an estimated 20,000 people were criminally prosecuted in Virginia for possessing one ounce or less of marijuana. Passage of HB 1443 would spare these thousands of minor marijuana offenders from criminal arrest, prosecution, and incarceration, as well as the emotional and financial hardships that follow -- including the loss of certain jobs, student loans, federal and state subsidies, and child custody rights.

Most adult marijuana users act responsibly and consume marijuana solely within the privacy of their own home. They are not part of the crime problem and they should not be treated like serious criminals. House Bill 1443 would maintain the monetary sanctions already in place for marijuana possession violations, but would spare offenders from being saddled with lifelong criminal records. This change would continue to discourage marijuana abuse, while halting the practice of permanently criminalizing tens of thousands of otherwise law abiding Virginians.

HOUSE BILL 1443 WILL CUT COSTS AND IMPROVE PUBLIC SAFETY

The National Organization for the Reform of Marijuana Laws (www.norml.org)
Law enforcement resource allocation is a zero-sum gain. The time that a police officer spends arresting and processing minor marijuana offenders is time when he or she is not out on the streets protecting the public from more significant criminal activity. Passage of HB 1443 would allow law enforcement, prosecutors, and the courts to re-allocate their existing resources toward activities that will more effectively target serious criminal behavior and keep the public safe.

The move would also have the added benefit of saving state taxpayers' money and raising revenue. According the state's Compensation Board, it costs Virginia taxpayers an estimated $1,645 per month (or nearly $60 per day) to incarcerate a criminal offender. Under present law, even minor marijuana possession offenders will spend several days -- or in some cases up to one month -- in jail.

Further, local police and prosecutorial costs for marijuana possession arrests costs Virginians an additional $34.2 million dollars annually -- a total that is over five percent of the state's entire law enforcement budget. These police, judicial, and incarcerations costs are a needless financial burden to state taxpayers, and places an undue burden on the criminal courts and on local and state law enforcement. Passage of HB 1443 will offset these criminal justice costs while simultaneously raising state revenue through the imposition of civil fines of up to $500.

**HOUSE BILL 1443 IS SUPPORTED BY THE PUBLIC**

Public opinion strongly favors such a reprioritization of law enforcement resources. Marijuana 'decriminalization,' as proposed under HB 1443 presently enjoys support from the majority of Americans. According to a recent CNN/Time Magazine poll, approximately three out of four citizens favor a fine over criminal penalties for the possession of marijuana. In fact, thirteen states -- including Oregon, Maine, Nebraska, Ohio, and Mississippi -- have already enacted various forms of marijuana decriminalization, replacing criminal sanctions with the imposition of fine-only penalties for minor marijuana offenders. In no instance have lawmakers recriminalized marijuana after implementing decriminalization.

Further, the passage of HB 1443 would not negatively impact marijuana use patterns or attitudes. Passage of similar legislation in other states has not led to increased marijuana use or altered adolescents' perceptions regarding the potential harms of drug use. In fact, the only US government study ever commissioned to assess whether the enforcement of strict
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legal penalties positively impacts marijuana use found, "Overall, the preponderance of the evidence which we have gathered and examined points to the conclusion that decriminalization has had virtually no effect either on the marijuana use or on related attitudes and beliefs about marijuana use among American young people."[5]

A CLARIFICATION REGARDING MARIJUANA POTENCY

In past years, some members of this Committee have publicly expressed concerns regarding the supposed 'increased' strength of today's marijuana. While this concern is often repeated, there is little evidence to support it. For example, the University of Mississippi -- which measures the average potency of marijuana annually for the U.S. government -- states that the average potency of marijuana is less than five percent THC, a figure that has remained unchanged for nearly a decade.[6]

Furthermore, it must be noted that THC -- regardless of potency -- is non-toxic and incapable of causing a fatal overdose.[7] Currently, doctors may legally prescribe a FDA-approved pill that contains 100 percent THC (Marinol) with few, if any, serious side effects.

Finally, it should be acknowledged most cannabis consumers actually prefer less potent pot,[8] just as the majority of those who drink alcohol prefer beer or wine instead of hard liquor. If and when consumers encounter unusually strong varieties of marijuana, they adjust their use accordingly and smoke less.[9]

SUPPORT PUBLIC SAFETY: VOTE 'YES' ON HB 1443

House Bill 1443 seeks to reduce government expenditures and promote public safety. These are goals that lawmakers should support. It makes no sense to continue to treat responsible adult cannabis consumers as criminals.

# END #

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