



**Testimony for the House Judiciary Committee
HB 606 - Criminal Law – Marijuana – Use or Possession of Small
Amount**

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SUPPORT

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The American Civil Liberties Union of Maryland supports House bill 606, which would decriminalize the use or possession of less than 28.5 grams of marijuana making it a civil offense subject to a fine not exceeding \$100.

Adults convicted of marijuana crimes face incarceration, fines, and the stigma of a lifetime criminal record. Even if a prosecution doesn't result in a conviction, the court file is available to employers, landlords, colleges, and the general public. This has significant long-term consequences for people's lives, including loss of employment, housing, and federal financial aid for college. This is too harsh a punishment for use or possession of small amounts of marijuana. We do not arrest and jail people simply for using alcohol or tobacco. Rather, we recognize these are public health issues, and address addiction with treatment and public education. We should treat personal marijuana use as a public health concern too, rather than as a criminal matter.

This is of particular concern in that African-Americans are disproportionately arrested and prosecuted for drug crimes compared to whites even though both groups admit to using drugs with the same frequency on surveys. A 2003 report by the Justice Policy Institute found the following: "African Americans represented 28 percent of the state's population, 68 percent of all drug arrests, and 90 percent of all those imprisoned in the state for a drug offense."¹

In a time of strapped government budgets, we need to rethink our approach to marijuana policy. Law enforcement should be focusing its efforts on violent crimes, not adult marijuana use. Time should be spent on domestic violence, pedophiles, burglars, and robbers who are truly infringing upon others' rights. Arresting, prosecuting, and jailing

¹ Schiraldi, Vincent and Ziedenberg, Jason. (2003). "Race and Incarceration in Maryland." Washington, D.C.: Justice Policy Institute.

people are an expensive and ineffective way to address a public health issue.

Reclassification of small amounts of marijuana use and possession to a civil infraction means greatly reduced costs and safer communities. Officers can devote time and energy to more serious offenses instead of wasting hours transporting and booking offenders into jails and processing paperwork.

Lastly, there is no evidence, as some suggest, that marijuana serves as a stepping stone to harder drugs on the basis of its particular physiological effect. Rather, it is marijuana's status as a prohibited substance, not its biochemistry, that links it to more serious drugs by relegating it to the illegal market where individuals may be exposed to other illicit substances.² The vast majority of people who try marijuana do not go on to use harder drugs. It is more valid to say that the use of hard drugs is statistically associated with use of alcohol and tobacco rather than with marijuana. According to the Institute of Medicine, "most drug users do not begin their drug use with marijuana – they begin with alcohol and nicotine, usually when they are too young to do so legally."³

Marijuana possession has already been decriminalized in 13 varied states across the country: Alaska, California, Colorado, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon. We urge you to add Maryland to this growing list of states and issue a favorable report on HB 606.

² Institute of Medicine, *Marijuana and Medicine: Assessing the Science Base* (1999), p. 98, 99.

³ Beckley Foundation, *The Global Cannabis Commission Report* (2008), p. 65, 98, available at http://www.beckleyfoundation.org/policy/cannabis_commission.html