

Resolution No.:	<u>17-1139</u>
Introduced:	<u>June 17, 2014</u>
Adopted:	<u>July 8, 2014</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Navarro, Council President Rice, Councilmembers Berliner, Branson, Elrich,
Floreen and Riemer

SUBJECT: Resolution regarding adult marijuana and paraphernalia possession

Background

1. On April 14, 2014 Governor O'Malley signed Senate Bill 364 into law, making Maryland the 17th state to decriminalize possession of marijuana. The law takes effect October 1, 2014, at which time the first offense penalty for possession of up to ten grams of marijuana by an individual over 21 years of age in Maryland will be a civil fine of \$100.
2. Because the law does not, however, decriminalize paraphernalia, an individual could be punished more severely for possession of paraphernalia than for possession of the drug itself, and otherwise law-abiding residents could be saddled with a criminal record that makes it more difficult to subsequently obtain a job, housing, government benefits, student loans, college admission, and causes difficulties in many other areas of life. According to the ACLU's report *The Maryland War on Marijuana in Black and White*, African-American residents in Montgomery County are 3.2 times more likely to be arrested for simple marijuana possession than white residents, even though black and white residents have been shown by several surveys to use marijuana at comparable rates. In 2010, African-Americans made up 18% of Montgomery County's population, but 46% of those arrested for marijuana possession in Montgomery County were African-American. Nationally, African-Americans are 3.7 times more likely to be arrested for simple possession of marijuana.
3. Under the leadership of the Montgomery County State's Attorney, effective May 12, 2014, individuals arrested in Montgomery County for the first time for possession of a small amount of marijuana, even if accompanied by paraphernalia, will not be prosecuted upon making a \$100 payment to the general fund of the State of Maryland.
4. For more than 10 years, Montgomery County has shown its commitment to effective diversion programs, including: Teen Court (for juveniles); the Alternative Community Service Program, which diverts adult offenders into productive community services or Intervention Program for Substance Abusers (IPSA), which diverts first offenders into community-based treatment. There should be a strong, continued emphasis on funding for diversion programs, prevention, education, and treatment programs.
5. In 2013, there were 4,181 drug offenses in Montgomery County, of which 3,629 were for simple possession or use.

Action

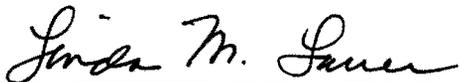
The County Council for Montgomery County, Maryland, approves the following action:

Substance abuse is a serious problem that should be treated as an illness. In particular, the Council acknowledges the importance of drug and alcohol education and prevention efforts for our youth. Minors using or abusing drugs and alcohol is unacceptable. The Council reaffirms its commitment to providing resources to Montgomery County Public Schools, Montgomery County Police Department, Montgomery County Sherriff's Office, Montgomery County State's Attorney, the Department of Health and Human Services, the Department of Liquor Control, and the Board of License Commissioners to continue their important work in keeping children safe and our schools drug and alcohol free.

To ensure that the laws regarding marijuana and drug paraphernalia are enforced fairly and consistently across the State of Maryland, the Council urges the Maryland Governor and the General Assembly to address the unresolved issues regarding the decriminalization of marijuana. With decriminalization, the General Assembly signaled its intent to make possession of small amounts of marijuana a lower priority for the criminal justice system. We agree with this intent and respectfully urge the Governor and the General Assembly to make adult paraphernalia possession a civil offense, no more serious than adult possession of less than 10 grams of marijuana.

The sense of the Council is that possession of small amounts of marijuana and paraphernalia by adults should be among the County's lowest law enforcement priorities.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council