

**2005 - 2006 #72
Marijuana Possession**

1 Amendment _ is a proposed amendment to the Colorado statutes that:

- 2 ♦ legalizes the possession of up to one ounce of marijuana for adults 21 years
3 of age or older.

4 **Summary and Analysis**

5 Individuals growing, distributing, possessing, or consuming marijuana are violating
6 federal, state and, in some cases, local laws. Amendment _ addresses state law for
7 possession only; enforcement of other marijuana laws would not change.

8 *State marijuana laws.* Under state law, any person possessing one ounce or less
9 of marijuana commits a Class 2 petty offense, which is punishable by a fine of up to \$100.
10 State courts saw 3,700 convictions of adults for possession of one ounce or less of
11 marijuana in the 2005 state budget year, the most recent data available. This number does
12 not include convictions in municipal courts.

13 Amendment _ allows adults 21 years of age or older to possess up to one ounce of
14 marijuana. The following other marijuana offenses will remain illegal under state law if
15 Amendment _ passes:

- 16 • for persons under 21 years of age, possessing any amount of
17 marijuana;
- 18 • possessing more than one ounce of marijuana;
- 19 • growing, distributing, or selling marijuana;
- 20 • open and public display, use, or consumption of marijuana; and
- 21 • driving under the influence of marijuana.

22 **Arguments For**

23 1) The proposal strikes an appropriate balance between individual choice and
24 public safety. State law allows adults 21 years of age and older to possess and consume
25 alcohol, but prohibits the possession and use of marijuana. To the extent that some adults

1 believe that using marijuana is a safer alternative to consuming alcohol, possession of a
2 small quantity of marijuana should be a personal and legal choice for adults.

3 2) The proposal presents a sensible change in priorities without jeopardizing
4 public safety. The proposal could free overburdened state and local criminal justice
5 systems from expending public resources on petty offenders, and allow these systems to
6 target their resources on the manufacturers, distributors, and traffickers of illegal drugs.
7 At a time when government budgets for law enforcement and court systems are strained,
8 focusing resources on more serious offenses is logical for taxpayers.

9 **Arguments Against**

10 1) Marijuana use may lead a person to use or possess other illegal drugs. Under
11 Amendment __, overall drug use in the state may rise, and legalizing the possession of
12 marijuana will increase both the availability of marijuana and the likelihood that minors
13 will have access to the drug. Colorado does not want to become a magnet for illicit drug
14 users due to its unique status as the only state to allow marijuana possession.

15 2) Policy discussions should not focus on whether alcohol or marijuana is a safer
16 drug, because the only safe alternative to alcohol or drug intoxication is sobriety. Colorado
17 should enforce, not repeal, drug laws. State and local drug enforcement costs are minimal
18 compared to the social costs of drug abuse and addiction. Public safety and health
19 concerns, along with the fact that marijuana will remain illegal under federal law, make
20 legalizing marijuana at the state level an unwise public policy decision.

21 **Estimate of Fiscal Impact**

22 Amendment __ may reduce state and local government revenues because fines
23 would no longer be assessed for adult marijuana possession of one ounce or less. The total
24 number of individuals convicted annually for possessing one ounce or less of marijuana
25 is not known because the state only collects data for convictions in state courts but not
26 municipal courts. Even if this number were known, judges have discretion when assessing
27 fines, and the maximum fine is not levied against all offenders. Also, some fines cannot
28 be collected from the person convicted. For these reasons, the potential revenue reduction
29 cannot be quantified.