

**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 who grow, transfer, possess, sell, or consume marijuana violate federal,
6 state and, in some cases, local laws. Amendment _ addresses state law for possession only;
7 enforcement of other marijuana laws would not change.

8 ***State possession law.*** Under state law, any person who possesses 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 convicted 3,700 adults for possession of one ounce or less of marijuana in the
11 2005 state budget year, the most recent data available. This number does not include
12 convictions in municipal courts, which also hear some marijuana possession cases.

13 Amendment _ allows adults 21 years of age or older to possess up to one ounce of
14 marijuana. Possession would include consumption or use, as long as it does not occur in
15 public, and transferring to another individual 15 years of age or older as long as there is no
16 compensation.

17 ***Other marijuana offenses.*** The following marijuana offenses will continue to be
18 illegal under state law if Amendment _ passes:

- 19 • for individuals under 21 years of age, possessing any amount of
20 marijuana;
- 21 • possessing more than one ounce of marijuana;
- 22 • for individuals 18 years of age and older, transferring any amount
23 of marijuana to a person under 15 years of age;
- 24 • growing or selling marijuana;
- 25 • open and public display, use, or consumption of marijuana; and
- 26 • driving under the influence of marijuana.

1 **Arguments For**

2 1) The proposal strikes an appropriate balance between individual choice and
3 public safety. State law allows adults 21 years of age and older to possess and consume
4 alcohol, but prohibits the possession and use of marijuana. To the extent that some adults
5 believe that using marijuana is a safer alternative to consuming alcohol, possession of a
6 small quantity of marijuana should be a personal and legal choice for adults.

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

13 **Arguments Against**

14 1) Marijuana use may lead a person to use or possess other illegal drugs. Under
15 Amendment __, overall drug use in the state may rise, and legalizing the possession of
16 marijuana will increase not only the availability and acceptability of marijuana, but also
17 the likelihood that minors will have access to the drug. Colorado does not want to become
18 a magnet for illicit drug users.

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

25 **Estimate of Fiscal Impact**

26 Amendment __ may reduce state and local government revenues because fines
27 would no longer be assessed for adult marijuana possession of one ounce or less. The
28 amount of the revenue reduction cannot be quantified because the total number of
29 individuals convicted annually for possessing one ounce or less of marijuana is not known.
30 The state collects data for convictions in state courts but not municipal courts. In addition,
31 judges have discretion when assessing fines, and the maximum fine is not levied against
32 all offenders. Also, some fines cannot be collected from the person convicted.