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Testimony in favor of HB 507.

Goals of marijuana laws

Society doesn't like marijuana because:

It may cause developmental issues in young people.
May lead to increased narcotic use.

But, we need to review if the POLICY works. Regardless of what we believe we are signaling to our kids through the penal code, this policy has real fiscal costs and real human costs. Texas is bearing those costs, yet we may not be gaining anything from it.

We can look to states that changed their laws such that a person would not be arrested for a small amount of marijuana. Several states made these law changes in the 1970's, including Alaska, Colorado, Maine, Minnesota, Mississippi, Nebraska, New York, North Carolina, Ohio, and Oregon.

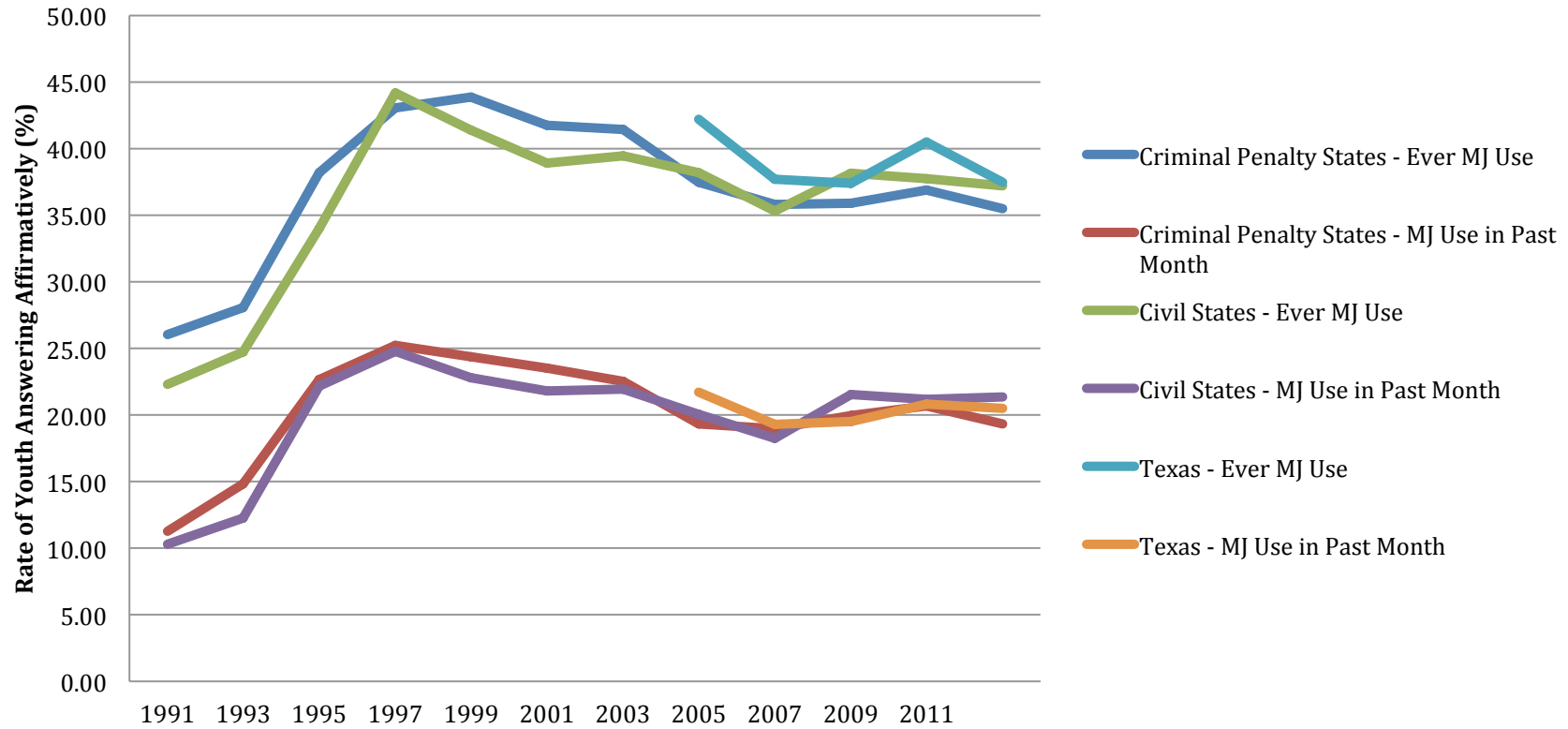
Several more states changed their laws more recently to stop arresting low-level marijuana possessors. They include Connecticut, the District of Columbia, Maryland, Massachusetts, Missouri, Nevada, Rhode Island, Vermont, and Washington.

Note, this is not just about arresting versus not arresting. **These states stopped giving a criminal conviction to low-level marijuana possessors.**

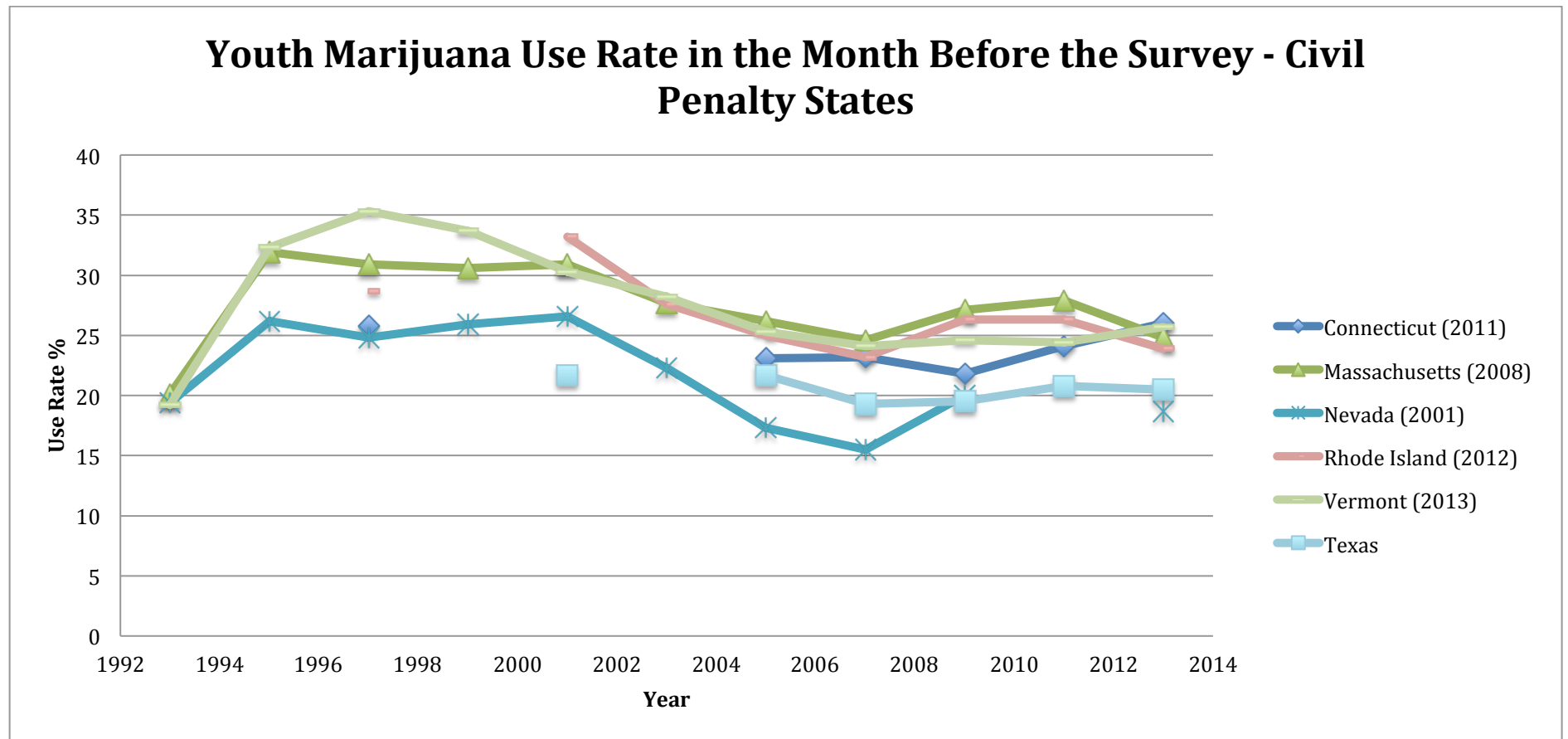
Did the policy of not arresting and convicting a small-time marijuana possessor contribute to greater drug use?

Below is a comparison of the average marijuana usage rates by youth in states that give a *civil penalty* for small amounts of marijuana possession versus average youth marijuana use in states that give a *criminal penalty* for marijuana possession. Texas is also compared for the years with available data. Data for each of these graphs comes from the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System.

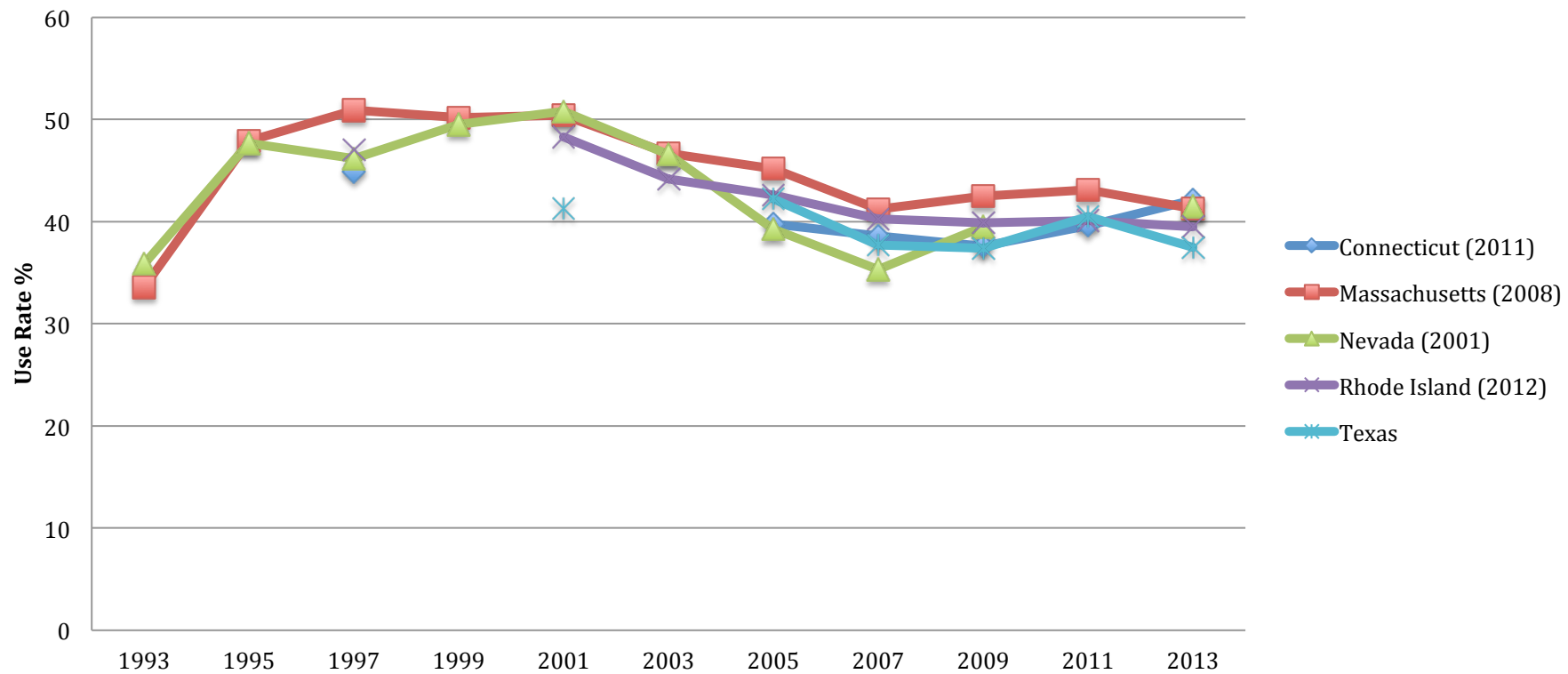
Youth Marijuana Use in US States with Civil Versus Criminal Penalties



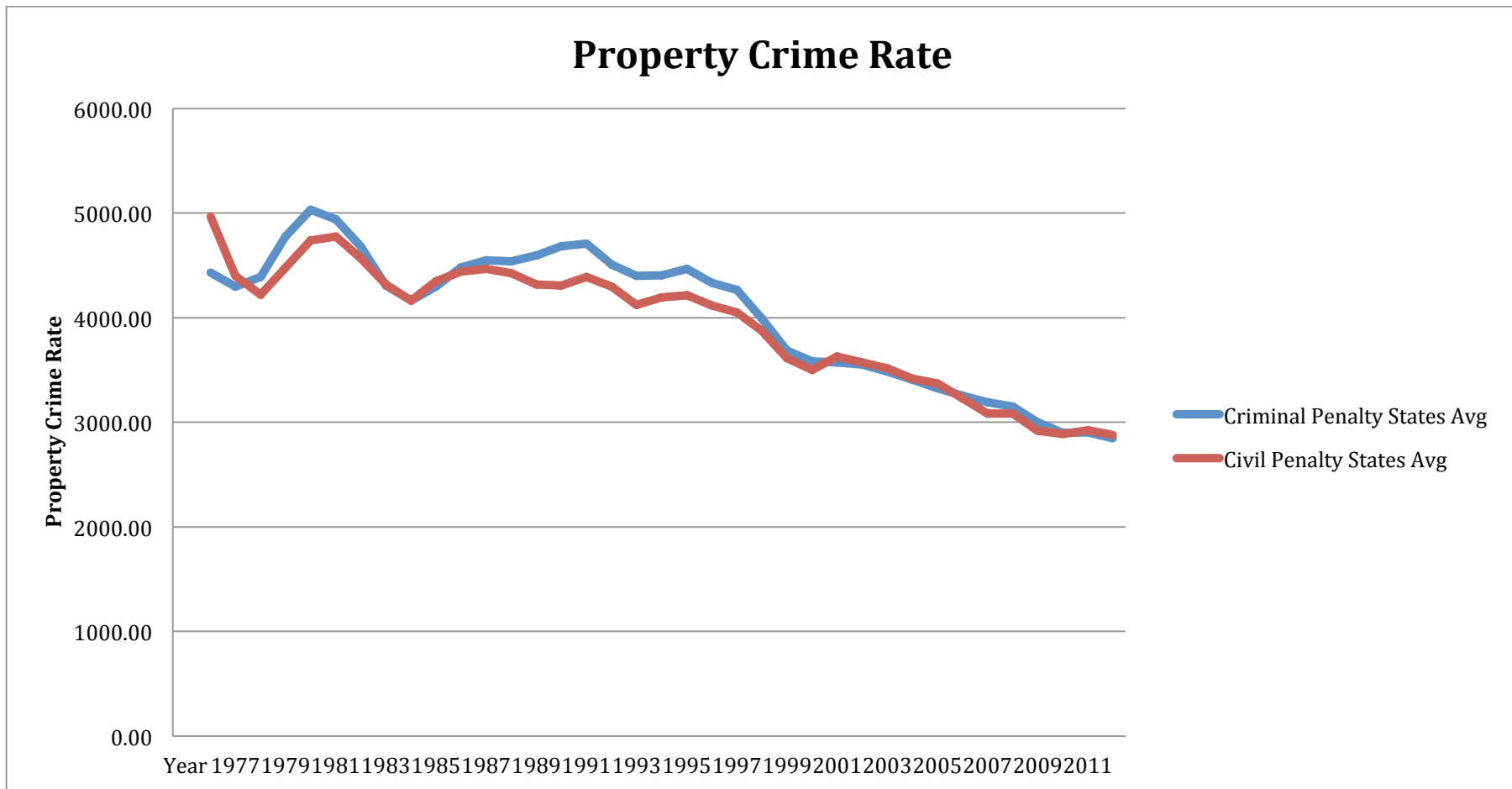
The below graphs show the youth marijuana usage rates for each state that recently changed to a civil penalty for small amounts of marijuana possession. Certain states law changes happened too recently to have adequate data.



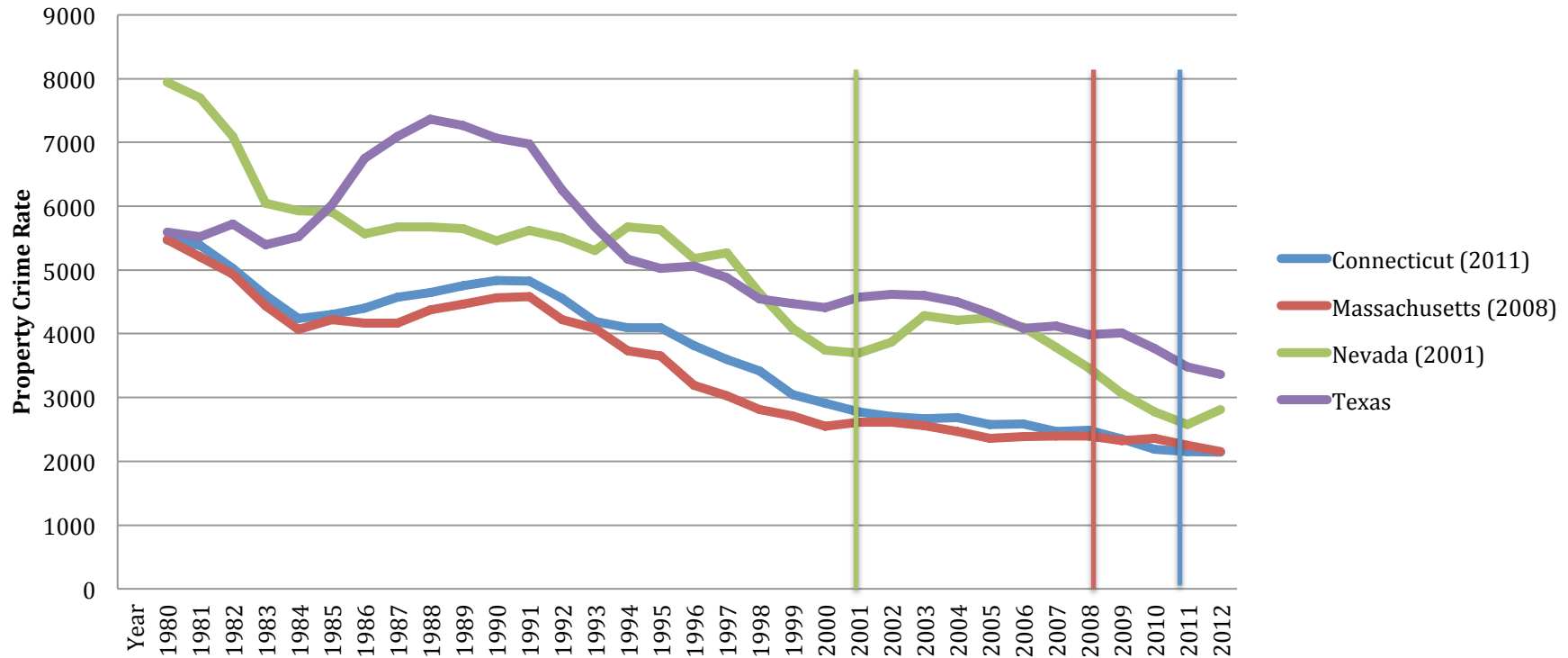
Youth Marijuana Use Rate - EVER Used MJ - in State with Civil Penalty



Did the policy of not arresting a small-time marijuana possessor contribute to an increase in crime rates? Data for the below graphs comes from FBI Uniform Crime Reporting Statistics.



Property Crime Rate - Recent States to Adopt Civil Penalty with Comparison to Texas



Law enforcement officers in Texas know that the personal-use marijuana possessor is a low-priority. This is why Travis County, Dallas County, and Harris County have instituted policies – led by law enforcement – to divert the low-level marijuana possessor from arrest.

With such an unclear benefit in the policy from state to state, what are the costs? Are they worth the minimal gains?

Texas Statistics: (Data from the Texas Department of Public Safety)

2013

71,761 arrests for marijuana (possession and distribution)

70,276 arrests for marijuana possession

97.9% of ALL marijuana arrests are for low-level marijuana possessors rather than those that sell and traffic marijuana!

66,760 arrests for <2 oz.

93% of ALL marijuana arrests are for possessors of <2 oz.

Estimated 45-55,000 of these are <1 oz.

45% of arrests are for people 21 and under

75% of arrests are for people 29 and under

This is somewhere between 4.5-6% of total arrests in Texas. What better offense can we deprioritize that will have as large of a fiscal impact and as small of a public safety impact?

755,227 marijuana possession arrests in the years 2003-2013.

About 500,000 of these were <1 oz.

Texas has arrested half a million people that could have avoided the criminal justice system, and we have not seen improvements in our tackling of the marijuana use problem compared to other states.

Every arrest costs the state law enforcement and court resources:

1-2 police officers

Jailer

Jail bed

Two prosecutors

Judge

Clerk

Defense lawyer

Probation officer

Cost Estimates:

\$251 million spent in Texas each year on marijuana prohibition as reported by the ACLU's report, *The War on Marijuana in Black and White*.

\$734 million could be saved each year with HB 507, as estimated by Representative Moody. This number is found by dividing the total amount spent adjudicating all offenses by the number of marijuana possession cases predicted to be <1 ounce.

Human Costs:

- Class B misdemeanor, punishable by up to 6 months in jail and up to \$2,000 in fines.
- Mug shot
- Arrest causing missed work or family responsibilities
- Criminal charge
- Criminal conviction
- Probationary period from 6 months to 2 years (includes drug testing, rehabilitation, curfew)
- Loss of drivers license for 6 months to 1 year
- Court fees
- Suspension of federal student financial aid
- Barred from professional licenses
- Lost employment and/or hindrance of future employment
- Barred from receiving CHL

Again, 500,000 people have been exposed to these consequences, with the lower income population less able to hire legal defense. Today, as a young Republican, I look at presidents like Bill Clinton, George Bush, and Barack Obama that have tried marijuana. I see Ted Cruz and Jeb Bush admitting to trying marijuana. Why did they not get a criminal record? Why did they get to experiment as young people without consequence? It's not a smart policy and it's a policy that harms the economy of Texas. It harms the public safety of Texas by using a huge amount of our law enforcement resources for a low-level priority.