



## Harsh Penalties for Marijuana Possession Are Costly and Unfair HB 507 Is a Better Solution

### Texans overwhelmingly support reducing penalties

According to a September 2013 poll by Public Policy Polling, 61% of voters in Texas support a change in the law to limit punishment for the possession of one ounce or less of marijuana to a fine of \$100 without jail time.<sup>1</sup>

### Other states have successfully eliminated jail time for simple possession

- Alaska, Mississippi, Missouri, Nebraska, Nevada, North Carolina, and 13 other states have already stopped jailing people for possession of small amounts of marijuana.<sup>2</sup>
- Many of those laws have been on the books since the 1970s. They have been so non-controversial that several have been expanded.

### Save tax-funded resources for serious crime

- State law enforcement officials report that there were 72,150 arrests or citations in Texas in 2012 for marijuana-related offenses.<sup>3</sup> **97% of them were for marijuana possession.**
- During the same year, nearly 90% of all burglaries — including home invasions — and 88% of all motor vehicle thefts went unsolved by law enforcement.<sup>4</sup>
- Money spent enforcing current laws and arresting, jailing, and supervising people should instead be devoted to pursuing serious criminals.

### Harsh penalties are unpopular, costly, and unfair

- A person found in possession of up to two ounces of marijuana faces up to six months in jail and a fine of up to \$2,000.<sup>5</sup>
- Every Texas prisoner costs more than \$20,000 in taxpayer money every year.<sup>6</sup>
- According to a 2013 analysis of arrest rates by the ACLU, blacks are 2.3 times more likely to be arrested than whites, even though both races consume marijuana at about the same rate.<sup>7</sup>

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<sup>1</sup> <http://www.mpp.org/assets/pdfs/states/PPP-Texas-Poll-2013.pdf>

<sup>2</sup> <http://www.mpp.org/assets/pdfs/library/State-Decrim-Chart.pdf>

<sup>3</sup> FBI/Uniform Crime Reporting Program Data and U.S Census Data, 2012

<sup>4</sup> *Id.*

<sup>5</sup> TEX HS. CODE ANN. § 481.121 and Texas Penal Code - Section 12.22

<sup>6</sup> VERA, Institute of Justice, "The Price of Prison, What Incarceration Costs Taxpayers," January 2012, updated July 2012, page 10,

[http://www.vera.org/sites/default/files/resources/downloads/Price\\_of\\_Prisons\\_updated\\_version\\_072512.pdf](http://www.vera.org/sites/default/files/resources/downloads/Price_of_Prisons_updated_version_072512.pdf)

<sup>7</sup> ACLU, The War on Marijuana in Black and White, June 2013, page 178.

<https://www.aclu.org/files/assets/1114413-mj-report-rfs-rel1.pdf>

### **Texas should eliminate collateral consequences of a criminal record**

- Indirect consequences for possession can be worse than the punishment and can last a lifetime. Young adults can find careers, new job prospects, housing options, and educational opportunities cut short because of a criminal record.
- Nearly half the U.S. population has tried marijuana,<sup>8</sup> including our last three presidents. Those who get caught can have their dreams derailed after getting a criminal record.
- Because minorities are more likely to be arrested or cited, these collateral consequences harm their futures the hardest.

### **Marijuana is safer than alcohol; possession should not be criminalized under state law**

- Marijuana is less toxic, less addictive, and less harmful to the body. It does not contribute to violent and reckless behavior. Adults should not be criminalized or incarcerated for choosing to use the safer substance.

## **HB 507 at a Glance**

- Possession of an ounce or less of marijuana would remain illegal. Felonies such as sales would not be affected.
- Offenders would be punishable with a fine of up to \$100.
- Individuals would not be arrested or jailed for possession of a small amount of marijuana.
- The offense would not generate a criminal record, which can follow a person for life and jeopardize employment prospects, housing, and educational opportunities.
- The bill would not “legalize” marijuana — it would simply change the penalty.

**[www.TexasMarijuanaPolicy.org](http://www.TexasMarijuanaPolicy.org)**

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<sup>8</sup> Seth Motel, *6 Facts about Marijuana*, Pew Research Center, November 4, 2014.  
<http://www.pewresearch.org/fact-tank/2014/11/05/6-facts-about-marijuana/>