


Councilmember Jim Graham

AN AMENDMENT
#1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: February 4, 2014
Amendment
offered by: Councilmember Graham
To: "Marijuana Possession Decriminalization Amendment Act of 2014"
Version: Introduced
Committee Print X
First Reading
Amended First Reading
Engrossed
Enrolled
Unidentified

1. Page 8, Title III, insert a new Sec. 310 to read:

Sec. 310. Section 101 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01 *et.seq*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1515.01) is amended by adding a new paragraph (2A) to read as follows:

"(2A) "Community Placement Agreement" means an agreement between the youth and the Department of Youth Rehabilitation Services, that the youth and his or her guardian will agree to certain rules in exchange for being released to the community.”.

(b) Section 105 (D.C. Official Code § 2-1515.05) is amended by adding a new subsection

(h-1) to read as follows:

“(h-1) The Department shall not use a positive test for use of marijuana, or a violation of section 101 of the Marijuana Possession Decriminalization Amendment Act of 2014, as approved by the Committee on Judiciary and Public Safety on January 15, 2014 (Bill 20-409), as the basis for a change of placement, a change in treatment, or any sanction unless the Department expressly prohibits the use or possession of marijuana, as opposed to controlled substances generally, as a condition in the community placement agreement or by otherwise providing written notice to the child. Such prohibition shall be based upon an individual evaluation conducted pursuant to D.C. Code § 2-1515.04 (7).”.

2. Page 8, Title III, insert a new Sec. 311 to read:

Sec. 311. Section 121(a) of the District of Columbia Court Reform and Criminal Procedure Act, approved July 29, 1970 (84 Stat. 538; D.C. Official Code § 16-2327), is amended to read as follows:

“(e) A positive test for use of marijuana, or a violation of section 101 of the Marijuana Possession Decriminalization Amendment Act of 2014, as approved by the Committee on Judiciary and Public Safety on January 15, 2014 (Bill 20-409), shall not be considered a violation of an order of probation unless the Division expressly prohibits the use or possession of marijuana, as opposed to controlled substances generally, as a condition of probation.”.

Rationale: To ensure that juveniles already in the juvenile justice system are covered by the bill’s intent and not pulled deeper into the criminal justice system because of marijuana use or because of using or possessing small quantities of marijuana and to stop using such use as a basis for denying an individual his or her individual his or her freedom.

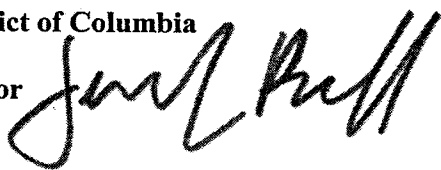
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: February 3, 2014

SHORT TITLE: Bill 20-409, "Marijuana Possession Decriminalization Amendment Act of 2014"

TYPE: Amendment

REQUESTED BY: Councilmember Jim Graham

Conclusion

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment.

Background

This amendment would prohibit the Department of Youth Rehabilitation Services ("DYRS") from using a positive test for marijuana use, or a civil violation of possession of an ounce or less of marijuana, as the basis for a change in placement, a change in treatment, or any sanction unless DYRS expressly prohibits the use or possession of marijuana, as opposed to controlled substances generally, as a condition in the youth's community placement agreement or through other written notice. The amendment also provides that a child's positive test for marijuana use, or civil violation of possession of an ounce or less of marijuana, shall not be considered a violation of a probation order unless the Family Division of the Superior Court of the District of Columbia expressly prohibits the use or possession of marijuana, as opposed to controlled substances generally.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.