


Chairman Phil Mendelson

AN AMENDMENT
BILL 20-409, "MARIJUANA POSSESSION DECRIMINALIZATION AMENDMENT ACT OF 2014"
(ENGROSSED ORIGINAL)
MARCH 4, 2014

AMENDMENT:

Section 104, Page 2 Lines 19-28 and Page 3 Lines 1-8, is amended as follows:

- 1 (a) Subsection (c), Page 3 Line 5, is amended by striking the phrase “, or both”.
- 2 (b) A new subsection (e) is inserted to read as follows:
- 3 “(e) The Attorney General for the District of Columbia, or his or her assistants, shall
- 4 prosecute violations of this section, in the name of the District of Columbia.”.

RATIONALE:

The proposed amendment clarifies that the authority to prosecute the offense in section 104 (Consumption of marijuana in public space prohibited; impairment prohibited) resides with the Office of the Attorney General for the District of Columbia.

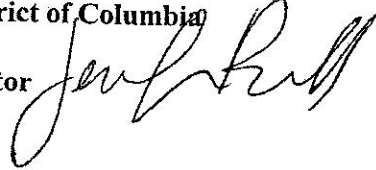
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



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 4, 2014

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

TYPE: Amendment

REQUESTED BY: Chairman Phil Mendelson

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 clarifies that the authority to prosecute the offenses of consumption of marijuana in public space and impairment by marijuana rests with the Office of the Attorney General.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.


Chairman Phil Mendelson

AN AMENDMENT
BILL 20-409, "MARIJUANA POSSESSION DECRIMINALIZATION AMENDMENT ACT OF 2014"
(ENGROSSED ORIGINAL)
MARCH 4, 2014

AMENDMENT:

Section 203, Page 5 Line 3, is amended by inserting a new subsection (e) to read as follows:

- 1 “(d) For purposes of this section, the term “evidence” shall include, but is not limited to,
2 the notice of violation, a statement from a law enforcement officer on the weight of the seized
3 marijuana, confirmation that it has been tested as positive for marijuana, and any records or notes
4 made by the law enforcement officer when the marijuana was seized; provided, that the seized
5 marijuana shall not be required to be presented at the hearing as evidence and may be destroyed
6 as contraband by the law enforcement agency that seized it.”.

RATIONALE:

The proposed amendment defines the term “evidence” for the purpose of a hearing before the Office of Administrative Hearings regarding a marijuana possession citation—a civil infraction that carries a \$25 fine. The proposed language would define evidence to include the notice of violation, a statement from the officer on the weight seized, confirmation that a test result came back positive for marijuana, and any notes/records from the officer. The definition explicitly excludes the actual marijuana seized. Requiring that law enforcement preserve the actual marijuana seized creates an onerous burden on law enforcement regarding this low level civil infraction, as well as significant chain of custody concerns.

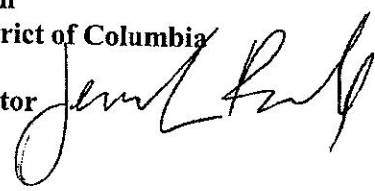
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TYPE: Amendment

REQUESTED BY: Chairman Phil Mendelson

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 establishes a definition for the term "evidence" for purposes of hearings before the Office of Administrative Hearings regarding civil infractions for marijuana possession. The definition excludes the actual marijuana seized by law enforcement, but includes the notice of violation, statements from the officer on the weight seized, confirmation of positive test results, and notes or records made by an officer when the marijuana was seized.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.