

  
Councilmember Tommy Wells

AN AMENDMENT

#1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: Tuesday, February 4, 2014

Offered by: Councilmember Tommy Wells

Title Bill 20-4090, the "Marijuana Possession Decriminalization Amendment Act of 2014"

Version:	Introduced	_____
	Committee Print	<u>  X  </u>
	First Reading	_____
	Amended First Reading	_____
	Engrossed	_____
	Enrolled	_____
	Unidentified	_____

1. Sec. 306      Page 6              Line 18              is amended as follows:

**Amend section 14a to read as follows (*new text is underlined*):**

"Sec. 14a. (a) Except as provided in subsection (b) of this section, none of the following shall, individually or in combination with each other, constitute reasonable articulable suspicion of a crime:

- (1) The odor of marijuana or of burnt marijuana;
- (2) The possession of or the suspicion of possession of marijuana without evidence of quantity in excess of 1 ounce;
- (3) The possession of multiple containers of marijuana without evidence of quantity in excess of 1 ounce; or
- (4) The possession of marijuana without evidence of quantity in excess of 1 ounce in proximity to any amount of cash or currency."

(b) Subsection (a) shall not apply when a law enforcement officer is investigating whether a person is operating or in physical control of a vehicle or watercraft while intoxicated, under the influence of, or impaired by alcohol or a drug or any combination thereof in violation of the Anti-

Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.01 *et seq.*)

**Explanation and Rationale:** Nothing contained in Bill 20-409 should be construed to limit or amend any District law relating to impaired driving. The odor of marijuana, the possession of marijuana, the suspicion of possession of marijuana, and the possession of multiple containers of marijuana in a vehicle or watercraft should give a law enforcement officer reasonable articulable suspicion that a driver is operating or in physical control of that vehicle or watercraft while impaired by marijuana in violation of § 50-2206.01, *et seq.*

This amendment clarifies that while these factors would not usually constitute reasonable articulable suspicion of a crime, they would provide such suspicion with regards to driving under the influence of marijuana. This amendment strikes the proper balance between protecting citizens from unreasonable searches and seizures, and ensuring that law enforcement officers are able to enforce our driving and boating laws.


**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 #1

**REQUESTED BY:** Councilmember Tommy Wells

---

**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**

Currently, Bill 20-409 provides that the following pieces of evidence do not constitute reasonable articulable suspicion of a crime:

- 1) The odor of marijuana or burnt marijuana;
- 2) The possession or suspicion of possession of marijuana without evidence of quantity in excess of one ounce;
- 3) The possession of multiple containers of marijuana without evidence of quantity in excess of one ounce; or
- 4) The possession of marijuana without evidence of quantity in excess of one ounce in proximity to any amount of cash or currency.

This amendment would modify the bill to provide that the above restriction does not apply where a law enforcement officer is investigating where a person is operating or in physical control of a vehicle or watercraft while impaired by alcohol or a drug.

**Analysis of Impact on Spending**

This amendment will not adversely impact spending.

**Analysis of Impact on Revenue**

This amendment will not adversely impact revenue.