Marijuana Series: Decriminalization Legislation in New Jersey

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In New Jersey, the debate over marijuana has focused on two main issues: 1) the State's current medical marijuana program, and 2) legislation to legalize marijuana. Shortly after taking office, Governor Murphy issued an Executive Order that directed the Department of Health and the Board of Medical Examiners to review all aspects of the State's medical marijuana system, with a focus on how to expand access, and several bills in the New Jersey Legislature would expand the program and make medical marijuana more available to patients. In addition, both before and after his election, Governor Murphy advocated for legalization of marijuana, and several legalization bills are pending in the Legislature, with more expected. Last week, however, two Senators – one Democrat and one Republican – introduced a new wrinkle into the marijuana debate as they announced that they would be sponsoring decriminalization legislation.

On February 15, Senator Ron Rice, a Democrat, and Senator Robert Singer, a Republican, held a press conference in Trenton to announce that they would be introducing legislation that would decriminalize possession of small amounts of marijuana. The Senators, who oppose the notion that the Legislature should legalize marijuana, explained that their bill would permit an individual found to have less than 10 grams of marijuana to face a fine of $100 for a first offense, $200 for a second offense, and $500 for additional violations. The bill would also eliminate the possibility of imprisonment for such offenses. According to press accounts, at the press conference Senator Rice declared,

"[t]his whole legalization stuff needs to slow down. I think folk need to listen to Sen. (Robert) Singer and myself, and people in the community[.]" Senator Rice also supported his position by observing that "[t]here are more blacks in jail than any other ethnic group for the personal use of marijuana, and that's a social justice issue[.]"

Similarly, Senator Singer, in noting that the bill was an effort to compromise between those who support legalization and those that do not, stated,

"[w]e are not putting people in jail. We are helping them get treatment if they need it[.] What bothered all of us is we are going to try to solve the woes of the state by tax money coming in from marijuana. Shame on us." Senator Singer also referenced the criminal justice system, as he asserted that "[w] e can't just ignore the fairness issue … and the marijuana arrests are clogging our jails and taking time from law enforcement."

Whether this push by Senators Rice and Singer for decriminalization will affect the efforts to legalize marijuana will be interesting to watch in Trenton. It could be that the Senators' hope that their bill will serve as a compromise will attract support from legislators who oppose legalization, or the legalization movement may continue to advance and not be

slowed down or affected. It will be imperative to monitor legislative activity in Trenton and the inevitable twists and turns that will occur as the Governor and legislators continue to focus on marijuana.