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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

MEMORANDUM

TO: Members of the House of Representatives

FROM: Representative Ronald G. Waters *RGW*

DATE: October 26, 2011

SUBJECT: Reduced Penalties for Marijuana Possession

In the near future, I intend to introduce legislation amending The Controlled Substance, Drug, Device and Cosmetic Act to reduce penalties for possession of certain amounts of marijuana and the possession of marijuana paraphernalia.

According to the Federal Bureau of Investigation, since 1995 there have been more than 11.2 million marijuana arrests nationwide, with 858,408 in 2009 alone. Of these marijuana arrests, an estimated 88% were for possession, not for manufacture or distribution. On average, it costs approximately \$32,000 a year to house an inmate. When considering these figures, the Commonwealth cannot afford to continue the practice of incarcerating non-violent marijuana offenders in our state and county prisons.

In an effort to stymie skyrocketing costs of corrections, state legislatures are reexamining mandatory minimum sentencing requirements and are looking for other ways to cut spending. Leading advocates of marijuana decriminalization efforts maintain that the removal of criminal penalties for the possession or use of small amounts of marijuana is one possible alternative. In fact, the National Organization for the Reform of Marijuana Laws (NORML) reports that thirteen state legislatures – including Alaska, California, Colorado, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio and Oregon – have enacted some form of marijuana decriminalization. In these states, marijuana users generally do not serve jail time for the possession or use of small amounts of the drug.

My legislation would change the amount of marijuana currently considered a “small amount of marijuana” from 31 grams to 56 grams. The bill also creates the new offense of “simple possession of marijuana,” which is defined as the possession of 56-227 grams of marijuana and would be a misdemeanor offense. The proposal also addresses marijuana paraphernalia by making possession of such devices a summary offense. Each of the offenses outlined above would carry a sentence of 30 days probation or a fine not exceeding \$500, or both.

If you would like to co-sponsor this important legislation, please contact Danielle Bowers at 717-772-6955 or via email at [dbowers@pahouse.net](mailto:dbowers@pahouse.net).