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STATE BUDGET DEFICIT

State Budget Deficit May Aid Marijuana Reform Effort

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Two prominent lawmakers pushing for reform of the state's marijuana laws have a potent new ally: the budget deficit.

Sen. Toni Harp, chairwoman of the powerful appropriations committee, and Senate Majority Leader Martin Looney hope economics will succeed where other arguments have failed in convincing their colleagues that the costs of prosecuting and punishing pot smokers is an expense Connecticut can no longer afford.

"We've got to take a strong look at what we want to pay for as a state," said Harp, D- New Haven, who with Looney is co-sponsoring a bill that would punish low-level marijuana users with a fine, not a criminal charge.

"To waste our resources on this small problem is not a good use of the people's money."

No one is proposing that marijuana be legalized, but Harp and Looney want to see possession of small amounts — 1 ounce or less — decriminalized, just as it was in Massachusetts in November. If the bill is approved, offenders would be given tickets and assessed fines instead of facing criminal penalties. Getting caught with a joint would be akin to getting nabbed for speeding.

"The experience in Massachusetts is indicative that the public may be ahead of elected officials in this one," said Looney, D-New Haven.

A Harvard study found that Massachusetts police spend about \$30 million a year on arresting and investigating low-level marijuana users.

Connecticut legislators also will consider a measure that would reduce the size of drug-free school zones. Under state law, any drug activity is subject to harsher criminal penalties if it takes place within 1,500 feet of a school, housing project or day-care center. Critics say such laws unfairly discriminate against residents of cities and densely populated suburbs.

Such steps, though small in scale, represent a new focus in the drug war. Calls for tougher penalties have traditionally dominated the conversation while the case for less restrictive laws was rooted in libertarian philosophy or concerns about racial bias.

"In the past, it was more of a racial justice issue," said LaResse Harvey, policy director for the Hartford-based A Better Way Foundation, which advocates treatment instead of incarceration for drug offenders. "This year, it's a fiscal issue."

"The economic crisis is a real opportunity for drug reform," added Clifford Thornton, president of Efficacy, a nonprofit group dedicated to solving social problems. "The costs are astronomical."

Calculating those costs can be difficult. According to a report produced in August by the nonpartisan Office of Legislative Research, there were about 10,000 prosecutions in 2007 for possession of controlled substances, including less than 4 ounces of marijuana. About 35 percent of the cases resulted in convictions. First-time offenders face up to a year in prison, as much as a \$1,000 fine or both; subsequent offenses can result in up to five years in prison, a fine of as much as \$3,000 or both.

But critics say there's more at stake than money. "We're starting down a slippery slope," said Anthony Salvatore, police chief in Cromwell and legislative liaison for the Connecticut Police Chiefs Association. "If they're looking to legalize marijuana, they should come out with that ... and we can have a debate about that."

Twenty-two states have passed some form of marijuana decriminalization. Among the most recent is Massachusetts, where instead of criminal penalties, offenders are assessed a civil fine of \$100.

"We've been trying to deal with drug abuse for 30 years now by using our prison system, and it does not seem to be very effective when it comes to low-level drug use," said state Rep. Michael Lawlor, D- East Haven, chairman of the legislature's judiciary committee.

In fact, Connecticut legislators have taken a number of steps through the years to find more appropriate ways to punish small-scale pot offenders, Lawlor said. The reality, he said, is that few people charged with possession of small amounts of marijuana wind up in prison. Many are sent to community court, where they are required to perform public service and submit to regular drug tests.

"We have drug court, we have diversionary programs, we have community court," Lawlor said. "For at least 10 years in Connecticut ... most thoughtful legislators in both parties have understood it's important to shift the focus for nonviolent crimes from prison to accountability, plus rehabilitation."

But even community court costs money. Then there's the cost of investigating all those low-level marijuana cases. "We still have to pay the cop to write that report. We still have to pay to adjudicate the case," said Lorenzo Jones, executive director of A Better Way. "I would rather see local law enforcement spend their resources on unsolved crimes or crimes against persons."

Anything that eases the pressures on an already burdened court system is a plus, Harp said. Police, prosecutors, public defenders and probation officers ought to spend their time focusing on violent criminals and drug dealers, she said.

Harp said she hopes the issue will gain support at the legislature, although it likely will face a hurdle with Republican Gov. M. Jodi Rell, who two years ago vetoed a medical marijuana bill.

"We've looked at this issue many different ways over the years," Harp said. "By and large, most people agree that these low-level marijuana users are not criminals who are selling it. ... My feeling as appropriations chair is that we just can't afford [criminal penalties] anymore."

Efficacy is sponsoring a forum on drug policy Feb. 4 at Central Connecticut State University. Speakers include state legislators, academics and activists.

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