

Lawmakers aiming to soften pot penalties

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By Mary E. O'Leary, Register Topics Editor

Taking a cue from Massachusetts, top state legislators are pushing a bill to decriminalize small amounts of marijuana as a way to save law enforcement and court costs.

The proposal by state Senate Majority Leader Martin M. Looney, D-New Haven, and state Sen. Toni N. Harp, D-New Haven, chairwoman of the Appropriations Committee, would change the penalty for possession of an ounce or less of pot to an infraction, rather than an unclassified misdemeanor.

In a referendum in November, Massachusetts voted 65 percent to 35 percent in favor of levying a \$100 fine, rather than a bringing a criminal charge, for possession of an ounce or less, something that is analogous to a motor vehicle ticket.

Harp said her committee is looking at the costs of certain laws in tough budget years. The state is facing a \$900 million deficit this year, and close to \$8 billion in the next two years.

“This involves a relatively minor risk to society, but at a high cost” to the criminal justice system, said Harp.

A study conducted by Harvard University found Massachusetts spent \$30 million annually on police arresting people with these small amounts of marijuana, a figure that didn't include court and penal system costs.

The Connecticut Office of Legislative Research, in an August 2008 report, said there were no statistics for the number of people in Connecticut prosecuted for small amounts of marijuana.

But of the 10,006 residents prosecuted in 2007 for possession of a controlled substance, including less than four ounces of marijuana, 35 percent were convicted, with first-time offenders facing up to a year in prison and as much as a \$1,000 fine. Additional convictions in Connecticut can result in five years in prison and fines as high as \$3,000.

“It's a significant cost to the criminal justice system,” said Looney, particularly since anyone charged with a criminal misdemeanor has the right to a public defender.

State Rep. Michael P. Lawlor, D-East Haven, chairman of the Judiciary Committee, said the state has been passing legislation for some time now that shifts penalties for nonviolent crimes to rehabilitation.

Lawlor said if the goal is “to stop kids from ruining their lives on drugs,” then the last 30 years of criminal penalties does not appear to have worked.

“The remote possibility of going to jail doesn't seem to have had an impact,” said Lawlor, who favors rehab, paired with some kind of meaningful sanction, such as the loss of a license, to curb drug use.

The Judiciary Committee chairman views the marijuana bill as going in the right direction, although more symbolic, than substantive.

He hoped it would open up a discussion of laws that continue to “load up the prisons,” versus other options in a state that spends about as much on incarceration — some \$650 million annually — as it does on higher education.

Anthony Salvatore, legislative liaison for the Connecticut Police Chiefs Association, said he is opposed to the marijuana bill on several levels.

“I don’t like the message it sends to our officers. Are they expected to carry scales with them?” he asked of measuring an ounce of marijuana, versus 2 ounces.

He said if the issue is really about legalizing marijuana, then lawmakers should have a discussion about that. Lawmakers have said that is not the intent.

Salvatore, police chief in Cromwell, said the prosecution of people with small amounts of marijuana “in some cases has led to solving other kinds of major crimes.”

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