

S. 1689, H.R. 4815

Marijuana Justice Act:

Ending Prohibition with a Racial Justice Focus



September 2018

The Marijuana Justice Act is the first bill in Congress to center marijuana legalization in criminal justice reform, accountability, and community reinvestment – laying the groundwork on the federal level for what a fair and equitable legalization process should look like. This legislation acknowledges the disparate devastation communities faced during federal prohibition, while working to repair these harms.

The Marijuana Justice Act would:

- Remove marijuana from the Controlled Substances Act, ending federal prohibition of marijuana
- Cut federal funding for state law enforcement and prison construction if a state disproportionately arrests and/or incarcerates low-income individuals and/or people of color for marijuana offenses
- Allow entities to sue states that disproportionately arrest and/or incarcerate low-income individuals and/or people of color for marijuana offenses
- Prevent deportations of individuals for minor marijuana offenses
- Provide for a process of expungement for marijuana offenses at the federal level
- Provide for a process of resentencing for marijuana offenses at the federal level
- Create a “Community Reinvestment Fund”

It is Time to End Federal Marijuana Prohibition

- 68% of American voters support marijuana legalization and 73% support automatic sealing of marijuana offenses¹
- Prohibition has not prevented easy access to marijuana. Regulating and controlling marijuana enables states to set safety standards and restrict youth access
- 9 states plus the District of Columbia allow for adult use of marijuana and 31 states plus the District of Columbia allow for medical marijuana
- Marijuana has been shown as an effective treatment for pain, and has a better safety profile than opiates with less risk for dependence and no risk of fatal overdose

Marijuana Legalization: So Far, So Good

- States that regulate marijuana benefit from a dramatic decrease in marijuana arrests and convictions, as well as increased tax revenues²
- Opioid overdose deaths are 25% lower in states with medical marijuana programs³
- Legal access to medical marijuana has been associated with a 23% reduction in opioid dependence or abuse-related hospitalizations and 15% fewer opioid treatment admissions⁴
- Youth marijuana use remained stable or even declined in some states⁵
- The total number of arrests for driving under the influence, for alcohol and other drugs, has declined in Colorado and Washington, the first two states to regulate marijuana for adult use.⁶

Marijuana Enforcement Has Driven Mass Criminalization

- Between 2001 and 2010, there were over 8 million marijuana arrests in the US⁷
- Enforcing marijuana laws costs us about \$3.6 billion a year without diminishing the use or availability of marijuana⁸
- In 2015, there were 643,121 marijuana arrests in the U.S. – roughly 45 percent of all drug arrests. The vast majority (89 percent) of these arrests were for simple possession, not sale or manufacture. There are more arrests for marijuana possession every year than for all violent crimes combined⁹

Black and Latino Communities Have Been Devastated by Discriminatory Enforcement

- Marijuana use is roughly equal among Blacks and whites, yet Blacks are 3.73 times as likely to be arrested for marijuana possession¹⁰
- Drug sentences for Black men are 13.1 percent longer than for White men¹¹
- Latinos are nearly 6.5 times more likely to receive a federal sentence for marijuana possession than Non-Hispanic Whites¹²
- One minor marijuana conviction qualifies a legal permanent resident for deportation¹³
- Marijuana possession was the 4th most common cause of deportation for any offense in 2013. In 2012 and 2013, more than 13,000 people were

deported for marijuana possession alone¹⁴

Harm Extends Beyond a Conviction or Incarceration for a Marijuana Offense

- Almost half of all drug arrests are for simple marijuana possession – every year 600,000 people are branded with lifelong criminal record¹⁵
- Having a drug conviction can affect your ability to secure and maintain employment, housing, government help with basic needs (SNAP, TANF), and federal financial aid
- Many states automatically suspend driver's licenses for a minimum of 6 months for drug convictions¹⁶

We Have a Moral Obligation to Repair the Harms of the Drug War

- Profits from legalization should be reinvested in communities most harmed by prohibition with programs that offer people a new start, such as community reentry, job development, mental health, and legal services
- Current legal states are allocating marijuana revenues for social good.
- Colorado distributed \$230 million to the Colorado Department of Education between 2015 and 2017 to fund school construction, early literacy, bullying prevention, and behavioral health¹⁷
- Washington dedicates 25% to substance use disorder treatment, education and prevention. The state also distributes 55% of its marijuana tax revenues to fund basic health plans¹⁸
- California and Massachusetts will invest a share of their marijuana tax revenues in the communities most adversely impacted by drug arrests and incarceration, particularly low-income communities of color, to help repair the harms of unequal drug law enforcement¹⁹

¹ <https://www.americanprogress.org/issues/criminal-justice/news/2018/06/20/451624/voters-across-party-lines-support-clean-slate-legislation/>

² <http://www.drugpolicy.org/legalization-status-report>

³ <http://www.drugpolicy.org/legalization-status-report>

⁴ <http://www.drugpolicy.org/legalization-status-report>

⁵ <http://www.drugpolicy.org/legalization-status-report>

⁶ <http://www.drugpolicy.org/legalization-status-report>

⁷ <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>

⁸ <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>

⁹ <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>

¹⁰ <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>

¹¹ <http://www.uscc.gov/research/congressional-reports/2012-report-congress-continuing-impact-united-states-v-booker-federal-sentencing>

¹² <https://www.usnews.com/news/articles/2017-03-15/latinos-got-77-percent-of-federal-pot-sentences-last-year>

¹³

https://www.drugpolicy.org/sites/default/files/DPA%20Fact%20Sheet_The%20Drug%20War%20and%20Mass%20Deportation_%28Feb.%202016%29.pdf

¹⁴

https://www.drugpolicy.org/sites/default/files/DPA%20Fact%20Sheet_The%20Drug%20War%20and%20Mass%20Deportation_%28Feb.%202016%29.pdf

¹⁵ <https://www.aclu.org/gallery/marijuana-arrests-numbers>

¹⁶ <https://www.prisonpolicy.org/driving/>

¹⁷ <http://www.drugpolicy.org/legalization-status-report>

¹⁸ <http://www.drugpolicy.org/legalization-status-report>

¹⁹ <http://www.drugpolicy.org/legalization-status-report>