

Time for NH to ease marijuana penalties

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In the next five years marijuana will be decriminalized in the vast majority of states and legal for recreational use in many others.

The cost of arresting, prosecuting and jailing people for possessing small amounts of marijuana, the damage caused by having a criminal record and, perhaps most significantly, the billions of dollars states and the federal government can reap taxing marijuana, make liberalization of possession laws inevitable.

Maine is one of 20 states that has already decriminalized. New Hampshire continues to be the only state in New England that treats low-level possession as a crime.

On April 21 the New Hampshire Senate killed a bill that would have reduced the penalty for possession of less than a half-ounce of marijuana from a crime carrying penalties of up to three years in jail and \$25,000 in fines to a violation level offense, similar to a speeding ticket, with fines ranging from \$100 to \$500.

The Senate majority voting against the bill argued that as we are fighting a war on drugs and seeing hundreds of deaths due to abuse of heroin and fentanyl the state should not send mixed messages to would-be drug users.

We understand this point of view but respectfully disagree with it. The effect of marijuana is far more akin to alcohol than hard core narcotics and it should be treated as such.

“We’re obsessed with punishing people because someone in the government in 1937 decided marijuana is bad,” said Sen. John Reagan, a Deerfield Republican who supports decriminalization.

We agree with Sen. Reagan and it is time for us to take a more nuanced approach to drug abuse prevention and punishment.

Here are just a few arguments in favor of liberalizing the state’s marijuana laws.

According to the Department of Corrections it costs \$34,336 a year to keep someone incarcerated. Edwin Kelly, administrative judge for the circuit court system, told The Associated Press that New Hampshire prosecutes 7,000 to 9,000 drug possession cases a year and the vast majority are for marijuana.

According to the American Civil Liberties Union, black people in New Hampshire are 2.6 times more likely to be arrested on marijuana possession charges than whites. People with money to hire lawyers are far more able to have charges reduced to violation level offenses than those

without lawyers. Recently, Jeffrey Pendleton, 26, died in a Manchester jail, where he was being held on marijuana possession charges because he couldn't make \$100 bail. He died, incidentally, of a fentanyl overdose while in custody.

"I would like to think that somebody who is arrested for a small amount of marijuana in his pocket and can't make \$100 bail and then would die in jail would give people pause to re-examine our marijuana policies," said Hampton Rep. Renny Cushing, a co-sponsor of the decriminalization bill.

Having a criminal record puts at risk college financial aid and many other benefits and makes it more difficult to find employment, thus making it more likely the person will end up needing public assistance for long periods of time.

According to a 2010 Cato institute study, legalizing marijuana would generate \$8.7 billion in federal and state revenue annually. Colorado, which legalized recreational marijuana in 2012, saw \$70 million in tax revenues in fiscal year 2015, which exceeded tax revenues on alcohol.

Arguments in favor of decriminalization far outweigh arguments for leaving heavy criminal penalties in place. We expect the next time this comes before the state Senate the balance will shift toward passage of decriminalization. Once the state gets comfortable with decriminalization, legalization for recreational use will follow and on balance this will be a positive for New Hampshire.