

News

Data shows pot use probably won't grow with new Connecticut law

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By New Haven Register

Don't expect marijuana use to increase now that possession of small amounts will be treated as an infraction.

States that have decriminalized marijuana have among the lowest use rates, statistics show.

As of July 1, Connecticut will become the 14th state to reduce the penalty for possession of marijuana, and the ninth in the group to decriminalize it, meaning offenders will not have a police record.

The changes in Connecticut come a week before the 40th anniversary of the "war on drugs" as declared by former President Richard M. Nixon in 1971, and in the same week a report by the Global Commission on Drug Policy said this worldwide battle has failed.

States in WHITE have decriminalized possession of small amounts of marijuana. Click on states for specifics of the law:

In Connecticut, marijuana use will still be illegal, but starting next month, possession of up to one-half ounce of marijuana will be treated as an infraction subject to a \$150 fine for the first offense, with \$200 to \$500 fines for subsequent offenses.

"The reality is that the legal ramifications play very little role in whether a person decides to use marijuana," said Paul Armentano, deputy director of the National Organization for the Reform of Marijuana Laws.

A recent National Survey on Drug Use and Health for 2006 and 2007, conducted for the Department of Health and Human Services, where residents self-reported marijuana use in the previous month, showed some states with tough legal sanctions in the highest use category, while those with long-term low penalties reported the lowest use among residents.

"We have seen this trend for decades," said Armentano, who lives in California but grew up in Simsbury, Conn., and was pleased with his home state's decision to change its law.

Nebraska, which is among the 11 states that tempered or decriminalized their approach to marijuana offenses in the 1970s, had residents reporting average marijuana use of 3.84 percent to 5.06 percent in the 2006-2007 survey, the lowest grouping.

In the highest use category, which was 7.45 percent to 10.31 percent of residents using marijuana, was New Hampshire, a state that continues to treat possession of any amount of marijuana as a criminal misdemeanor punishable by one year in jail and a \$2,000 fine.

Jeffrey Miron, a Harvard University lecturer who did a cost study for Massachusetts, projecting its referendum decision in 2008 to decriminalize possession of one ounce of marijuana would save \$29.5 million, said by the time a state decides to modify punishment for pot use, voters are already politically receptive.

"It makes official what in fact was de facto" enforcement policy and public expectations, Miron said.

A March Quinnipiac Poll of registered voters in Connecticut found they favored decriminalization of small amounts of marijuana 65 percent to 32 percent, with no subgroup by age or political party opposed.

An earlier federal study cited by Connecticut's Office of Legal Research showed that the national average for pot use from 2002-2004 was 6.12 percent, with 10 of the 13 states that have modified punishment reporting higher than national use, but it couldn't determine what that was attributed to.

"There is little hard evidence that marijuana decriminalization actually increases usage," the state Office of Legal Research reported last year in a study developed for a previous attempt at revamping punishment for possession.

In the almost 40 years since Oregon started the road to decriminalizing possession of limited amounts of the substance, "none have reverted back. If the sky really was falling, they would have said this isn't working. Not a single state has said that is the direction we want to take," Armentano said.

Connecticut originally proposed tying the infraction to one ounce of the drug, which is a common benchmark, but it was lowered to appeal to more lawmakers, a necessity in the state Senate, where Lt. Gov. Nancy Wyman had to break an 18-18 tie to pass the bill.

The vote in the state House was 90-57 in favor, with 11 Republicans breaking from their party's general opposition to the change, fearing it sends the wrong message to children. State Sen. Antonietta Boucher, R-Wilton, stressed studies pointing to serious medical outcomes, particularly for adolescents.

Gov. Dannel P. Malloy, a former prosecutor in New York with a son who faced marijuana possession and distribution charges, has promised to sign the bill. Until he does, however, possession of up to four ounces of marijuana in Connecticut is a misdemeanor punishable by a year in prison.

Although the majority of offenders caught here with small amounts of the drug eventually get their records erased after community service or drug treatment, proponents said it ties up court resources and law enforcement that could be put to better use.

The state's nonpartisan Office of Fiscal Analysis estimated the new law could bring in \$1.4 million in fines in each of the next two fiscal years.

The savings in the courts, the probation office and the public defender's office are estimated at \$885,000 as they would now be litigating some 2,000 fewer cases and following 820 fewer offenders on probation.

The U.S. Office of National Drug Control Policy estimates of the 21.8 million Americans age 12 and older who were current users of illicit drugs in 2009, more than three-quarters of them, or 16.7 million, smoked marijuana, making it the most commonly used drug in the U.S.

"Drug usage is virtually unchanged in 40 years. It would appear that enforcement doesn't have any impact," said Michael Lawlor, longtime co-chairman of the state legislature's Judiciary Committee and now Malloy's chief criminal justice adviser.

Connecticut's original bill was modified to answer the concerns of Kevin Kane, the chief of state's attorney, and Republicans and Democrats alike who wanted a stricter standard for young offenders.

It lowers the burden of proof an officer would need to issue a ticket for an infraction and suspends the driver's license for 60 days of any offender under 21. Juveniles would be referred to Juvenile Court. Also, a third offense for an adult would mandate drug education, which he or she would have to pay for.

State Sen. Eric Coleman, D-Bloomfield, said there is no decrease in the use of marijuana on college campuses, and decriminalizing personal use of a small amount keeps young adults from having a police record, which likely could be erased at

some point, but not those references available on the Internet.

State House Majority Leader Brendan Sharkey, D-Hamden, pointed to an analysis of Portugal's decision in 2001 to abolish penalties for personal possession of all drugs.

A study done by the Cato Institute found that Portugal now has the lowest rate of lifetime marijuana use in people over age 15 in the European Union: 10 percent. This compares to the 39.8 percent of people in the U.S. over age 12 that have tried marijuana.

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