

A responsible change to an unfair law

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BY ENDING the creation of permanent criminal records for minor marijuana offenders, dealing with juvenile marijuana use in a stricter yet more responsible way, and saving taxpayers an estimated \$30 million a year, Question 2 will work for Massachusetts.

Question 2 creates a civil penalty system for personal possession of an ounce or less of marijuana. It replaces arrest with a citation similar to a speeding ticket, and ends the creation of permanent arrest records known as Criminal Offender Record Information reports. CORIs are particularly damaging: They're generated solely upon arrest - meaning that a person can be exonerated or have the charges dropped yet still carry the record for years, imperiling the ability to gain employment, housing, and other necessities. And while CORIs are supposed to be removed after a set period of time, the system is broken: There are 2.8 million records in the database, in a state with just over 6 million residents.

CORIs and the collateral sanctions resulting from the 7,500 low-level marijuana arrests each year also cost individuals their ability to adopt children, get bank loans, and participate in many community activities.

Question 2 will rectify this by eliminating CORIs for low-level marijuana possession offenses. Marijuana remains illegal under Question 2, and all related laws - including laws banning sales, distribution, and trafficking - remain unchanged. Additionally, Question 2 in no way affects laws or regulations prohibiting driving under the influence or workplace intoxication.

Question 2 takes a more proactive approach to juveniles than does the current law. Offenders under 18 will have the citation delivered to a parent or guardian, so the family is immediately involved - which isn't necessarily the case currently. Instead of worrying about attorneys, court dates, and navigating the criminal justice system, families can focus on the young person.

Under Question 2, those issued a citation must complete a drug awareness program and community service.

Eleven states have enacted similar laws. The National Research Council concluded that "cross-state comparisons in the United States have found no significant differences in the prevalence of marijuana use" between those 11 states and the rest of the country. The World Health Organization released a study this year saying that "countries with stringent user-level illegal drug policies did not have lower levels of use than countries with liberal ones."

According to Harvard economist Dr. Jeffrey Miron, Question 2 will save taxpayers almost \$30 million a year in arrest, booking, and basic court costs alone. And this doesn't include any additional court costs, probation costs, or loss of taxable earnings due to a person's inability to work or to go to school after the loss of a driver's license.

Question 2 will keep these funds where they belong - in community coffers, where they're needed for local programs and to fight violent, serious crimes. Additionally, all fines generated will stay in the community where the offense occurred.

Question 2 is a good, modest public policy proposal that will conserve taxpayer resources and remove these outrageous, unfair lifelong penalties.

Tom Kiley is a former first assistant attorney general and a practicing attorney for 38 years.