



Oct. 26, 2017

The Hon. Robert B. Bell
Chair
Virginia State Crime Commission
1111 East Broad Street
Suite B036
Richmond, Virginia 23219

Dear Delegate Bell:

I am writing on behalf of the ACLU of Virginia and its more than 40,000 members to support the decriminalization of marijuana, which is currently under review by the Virginia State Crime Commission.

Following are the primary reasons why we believe the time is right to remove criminal penalties from Virginia's marijuana statute:

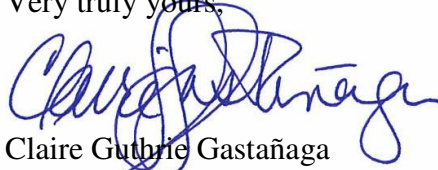
- **Casual marijuana use does not pose a public health risk, as recent studies have shown it is not the gateway drug to addiction it once was suspected of being.** According to the National Institute of Health, while marijuana is likely to precede use of other licit and illicit substances, “the majority of people who use it do not go on to use other, ‘harder,’ substances.” Yet, according to the ACLU study, “Marijuana in Black and White,” marijuana possession accounted for 53.8 percent of all drug offenses in 2010.
- **Current penalties for simple marijuana possession are excessive and contribute to over-incarceration.** First-offense simple possession is a misdemeanor that carries penalties of up to a \$500 fine and 30 days in jail. This results in thousands of people each year needlessly being introduced to the criminal justice system for an activity that has been decriminalized in 13 states and is fully legal in nine others.
- **The cost of enforcing laws against simple marijuana possession are outrageous, bordering on fiscal irresponsibility.** According to the ACLU report, Virginia spent more than \$67 million enforcing marijuana laws in 2010. One can only assume those costs have continued to rise at a time when there are dire needs to fund other programs, including those to divert people with mental illness away from incarceration and towards treatment.
- **Enforcement of marijuana laws has a drastic, disparate effect on people of color.** Again, according to the ACLU report, African-Americans in 2010 were nearly three times more likely to be arrested for marijuana possession than whites even though usage rates are roughly the same. In some localities, the arrest ratio is nearly eight to one of African-Americans to whites.

It is time to stop imposing criminal penalties for this common, non-dangerous activity and follow the lead of other states which have legalized medical marijuana, decriminalized possession, and even legalized personal use. If you look at the facts on

this issue, it is hard not to come to the conclusion that simple marijuana possession in Virginia should warrant a civil fine, at worst.

Thank you for your attention to this important matter, and if you have questions or need more information please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga". The signature is fluid and cursive, with the first name "Claire" being the most prominent.

Claire Guthrie Gastañaga
Executive Director

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