



Criminal Penalties for Marijuana Possession Are Costly and Unfair

“I don’t want to see our jails stock piled with people who have possession of small amounts of marijuana.” - Governor Greg Abbott, 9/28/18

Texans overwhelmingly support reducing penalties

According to a June 2018 poll by the University of Texas and Texas Tribune, 69% of voters in Texas support a change in the law to limit punishment for the possession of one ounce or less of marijuana to a fine of \$250 without jail time.¹

Other states have successfully eliminated jail time for simple possession

- Twenty-two states and the District of Columbia have decriminalized small amounts of marijuana. This generally means certain small, personal-consumption amounts are a civil or local infraction, not a state crime (or are a lowest misdemeanor, no possibility of jail time).²
- Many of those laws have been on the books since the 1970s. They have been so non-controversial that several have been expanded.

Save tax-funded resources for serious crime

- State law enforcement officials report that there were over 64,000 arrests or citations in Texas in 2017 for marijuana possession.³
- During the same year, 90% of all burglaries — including home invasions — and 86% of all motor vehicle thefts went unsolved by law enforcement.⁴
- Money spent enforcing current laws and arresting, jailing, and supervising people should instead be devoted to pursuing serious criminals.

Harsh penalties are unpopular, costly, and unfair

- A person found in possession of up to two ounces of marijuana faces up to six months in jail and a fine of up to \$2,000.⁵
- A drug conviction for marijuana creates a permanent criminal record and carries significant and lasting collateral consequences.
- Republican Party of Texas: We support a change in the law to make it a civil, and not a criminal, offense for legal adults only to possess one ounce or less of marijuana for personal use, punishable by a fine of up to \$100, but without jail time.⁶

Texas should eliminate collateral consequences of a criminal record

¹ [University of Texas/Texas Tribune Poll, June 2018](#)

² <http://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx#Decriminalization>

³ http://www.dps.texas.gov/administration/crime_records/pages/crimestatistics.htm

⁴ <http://www.dps.texas.gov/crimereports/17/citCh2.pdf>

⁵ TEX HS. CODE ANN. § 481.121 and Texas Penal Code - Section 12.22

⁶ <https://www.texasgop.org/platform/>

- Indirect consequences for possession can be worse than the punishment and can last a lifetime. Young adults can find careers, new job prospects, housing options, and educational opportunities cut short because of a criminal record.
- Nearly half the U.S. population has tried marijuana,⁷ including our last three presidents. Those who get caught can have their dreams derailed after getting a criminal record.
- Criminal records for simple marijuana possession has a significant effect on our economy by limiting our workforce.

Marijuana is safer than alcohol; possession should not be criminalized in Texas

- Marijuana is less toxic, less addictive, and less harmful to the body. It does not contribute to violent and reckless behavior. Adults should not be criminalized or incarcerated for choosing to use the safer substance.

HB 63 and SB 156 at a Glance

- Possession of an ounce or less of marijuana would remain illegal. Felonies such as sales and DUI standards would not be affected.
- Offenders would be punished with a fine of up to \$250.
- Individuals would not be arrested or jailed for possession of a small amount of marijuana.
- The offense would not generate a criminal record, which can follow a person for life and jeopardize employment prospects, housing, and educational opportunities.
- Repeat offenders: After three civil penalties, subsequent offenses would be considered criminal Class C Misdemeanors.
- The bill would not “legalize” marijuana — it would simply change the penalty.

www.TexasMarijuanaPolicy.org

⁷ Seth Motel, *6 Facts about Marijuana*, Pew Research Center, November 4, 2014.
<http://www.pewresearch.org/fact-tank/2014/11/05/6-facts-about-marijuana/>