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OF CRIMINAL DEFENSE LAWYERS

## JOINT MEMORANDUM OF SUPPORT

Marijuana Regulation and Taxation Act (Amended)

S.1527A (Krueger) /A.1617A (Peoples-Stokes)

June 12, 2019

New York State Association of Criminal Defense Lawyers, The Bronx Defenders, Brooklyn Defender Services, The Legal Aid Society, Neighborhood Defender Service of Harlem, and New York County Defender Services urge state lawmakers to enact the revised Marijuana Regulation and Taxation Act (MRTA – S.1527A/A.1617A).

Jointly, our offices and members represent thousands of New Yorkers in criminal cases every year statewide. Every day we witness the devastating and cumulative effects of marijuana enforcement on communities of color and people living in poverty. A conviction or even a mere arrest for a marijuana offense can block someone from fully participating in society, inhibiting their ability to get a loan, get a job, go to college, or to access public housing, among other negative impacts. Marijuana enforcement also tears immigrant families apart. Simple marijuana possession was the fourth most common offense among people who were deported in 2013.

Marijuana justice is a racial justice issue. Marijuana prohibition has been almost entirely enforced against people and communities of color. Combined, New York's Black and Latinx populations account for a little more than a third of the state's total population. Yet, nearly 85 percent of the people arrested annually for marijuana possession in New York are Black or Latinx, with Black people being 4.5 times more likely to be arrested for marijuana than white people. This is despite the fact that drug use and drug selling occur at similar rates across racial and ethnic groups.

Despite efforts to scale back policing and prosecution of low-level marijuana possession, thousands of New Yorkers statewide are still needlessly being targeted and put through the system. According to aggregate caseload data from New York City public defense offices, close to 1,200 people were arrested and prosecuted for low-level marijuana possession in New York City in 2019 alone. Laws that decriminalized low-levels of marijuana decades ago have fallen far short of protecting people of color from prosecution and the attendant collateral consequences of criminal convictions. The path forward is clear: New York must join the 12 other states that have legalized recreational use of marijuana.

The amended MRTA ends prohibition which has long criminalized Black and Latinx people and other communities of color; clears prior cannabis-related criminal records; addresses additional devastating impacts of marijuana criminalization in the fields of immigration, family law, housing, and employment; and includes a social and economic equity plan which prioritizes licenses for people from communities most affected by criminalization.

The criminal legal system reforms in the bill are some of the most robust in the country and go a long way towards ameliorating past harms of prohibition on communities of color.

In particular, under the MRTA:

- Prior marijuana conviction records will be automatically and retroactively expunged
- People with pending cases will have their charges automatically vacated, dismissed and expunged
- People serving jail or prison sentences on marijuana offenses will automatically have their old sentences vacated, dismissed and expunged. They may be re-sentenced under the new law, but the vast majority would be eligible for immediate release.
- Marijuana use or possession will no longer be a legal basis for a law enforcement stop or arrest and cannot be used as evidence of a crime, unless that person possess illegal excess amounts of cannabis
- Law enforcement will be prohibited from seizing private property via civil forfeiture if they find property “in close proximity” to marijuana
- New Yorkers may possess up to 3 ounces of cannabis or 24 grams of cannabis-infused products, or may grow up to six plants, for their own personal use, without facing criminal consequences.

**The criminal defense community calls on you to end the harm of marijuana prohibition and pass the Marijuana Regulation & Taxation Act (S.1527A/A.1617A) today!**

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