

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2019-330

Introducer/Sponsor(s): Council Member Dennis

Date of Introduction: May 15, 2019

Committee(s) of Reference: NCSPHS, R

Date of Analysis: May 15, 2019

Type of Action: Ordinance creating a new part of a chapter of the *Ordinance Code*

Bill Summary: This bill creates a new Part 1, Chapter 606, *Ordinance Code* titled the Jacksonville Civil Citation for Small Quantity Marijuana Possession. With this ordinance, possession of marijuana drug paraphernalia and/or of marijuana (twenty grams or less) by a person eighteen years of age or older, are declared civil infractions and eligible to receive a civil citation at the discretion of a law enforcement officer. If issued a civil citation, there is a civil penalty of \$100 or the alternative option to participate in ten hours of community service. If a person fails to pay the civil penalty and fails to satisfactorily complete community service, or fails to appear in court to contest the citation, the court may render a default judgment and impose a fine. If the default fine is not paid, the maximum civil penalty of five hundred dollars plus court costs may be imposed.

Background Information: In the past few years, many states and local governments have made changes to laws regarding the possession of marijuana. The decriminalization of marijuana typically means there is no arrest, prison time, or criminal record for the first-time possession of a small amount of marijuana for personal consumption. Marijuana decriminalization may: allow for more resources to go towards more serious crimes; protect individuals from experiencing lifelong consequences from a marijuana criminal conviction record (they can be barred from employment, denied federal financial student aid, welfare/ food stamps and may be removed from public housing); and counteract racial disparities in marijuana arrests and sentencing.

The following Florida municipalities have decriminalized the possession of marijuana in quantities of 20 grams or less: Alachua County, Broward County, Cocoa Beach, Hallandale Beach, Key West, Miami Beach, Miami-Dade County, Orlando, Osceola County, Palm Beach County, Port Richey, Tampa, Volusia County, and West Palm Beach County. Marijuana possession has also been decriminalized in 15 states. Marijuana is legal for medical purposes with a doctor's prescription in 33 states (including Florida) for medical purposes, and legalized in 10 states for recreational use.

Policy Impact Area: Marijuana decriminalization and civil citations

Fiscal Impact: Potentially revenue loss from criminal fines and court costs imposed for marijuana possession and also expenditure savings from reducing incarceration and probation services. No new direct cost to the City.

Analyst: Hampsey