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2019 BILL OVERVIEW

HB 63

## Reduce the Penalty for Low-Level Marijuana Possession to a Civil Fine

### HARSH MARIJUANA PENALTIES SQUANDER TAXPAYER DOLLARS AND ARE OUT OF STEP WITH PUBLIC ATTITUDES

In 2018, nearly 70,000 cases were filed for misdemeanor marijuana possession in Texas,<sup>1</sup> with several thousand cases filed in Texas' largest counties: Tarrant (6,029), Dallas (5,604), Bexar (5,601), Harris (3,200), Travis (3,102), and El Paso (2,172).<sup>2</sup> Possession of up to two ounces is a Class B misdemeanor, punishable by a \$2,000 fine and up to 6 months in jail.

Based on historic sentencing patterns, nearly 35 percent of people cited or arrested for marijuana possession were sentenced to serve time in county jail, and another 11 percent were sentenced to probation.<sup>3</sup>

In 2018, approximately 17,500 people were sentenced to time in county jail for possession of marijuana, squandering taxpayer dollars, while the vast majority of Texas taxpayers oppose harsh penalties for marijuana.

The current law diverts police attention from serious offenses and wastes limited county and state resources on the punishment of low-level offenses. Yet polls show that a majority of Texas' registered voters endorse legalizing marijuana.<sup>4</sup> In the meantime, taxpayers are left to foot the bill for overly punitive policies, even as property owners are unable to keep up with rising property tax bills.

### COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 63 BY REPRESENTATIVE JOE MOODY

**HB 63 decreases the penalty for possession of one ounce or less of marijuana from a Class B misdemeanor to a civil fine not to exceed \$250.** Lowering penalties will clear crowded court dockets of thousands of county judges to focus on more serious matters. **Furthermore, it will save taxpayer dollars,** which can go towards addressing other important needs in the community, such as substance use disorder treatment.

### Citations

<sup>1</sup> Texas Office of Court Administration (OCA), *County-Level Courts: Misdemeanor Case Activity Detail – January 1, 2018 to December 31, 2018*, [shorturl.at/cdzR5](http://shorturl.at/cdzR5).

<sup>2</sup> Texas OCA. County-level reports can be generated from this link:

<https://card.txcourts.gov/ReportCriteria.aspx?ddlReportName=114&ddlReportType=4980&ddlReportPeriod=>

<sup>3</sup> Texas Department of Public Safety, Data Request, June 2015.

<sup>4</sup> Ross Ramsey, "Led by Democrats and young adults, most Texas voters want to legalize marijuana, UT/TT Poll finds," *Texas Tribune*, June 27, 2018, <https://www.texastribune.org/2018/06/27/marijuana-democrats-young-adults-texas-poll/>.