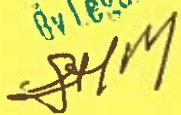


Drafted or Reviewed  
By Legal Counsel



**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO BILL NO. 30-0018**

**Offered by Senator Terrence "Positive" Nelson**

Bill No 30-0018 is amended by striking the entire language contained therein and inserting the following language in its stead:

**"WHEREAS**, the Constitution of the United States and federal law do not prohibit states and territories from having criminal penalties that differ from federal law; and

**WHEREAS**, twenty states have enacted cannabis decriminalization statutes: Alaska, Arkansas, California, Colorado, Connecticut, Hawaii, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont and Washington; and

**WHEREAS**, decriminalization is the removal of criminal penalties in relation to certain acts, although regulated permits or fines might still apply; and

**WHEREAS**, decriminalization typically reflects the changing views of society, as society may come to view a particular act as not harmful; and

**WHEREAS**, decriminalization does not "legalize" activity, which would be accomplished by removing all or most legal detriments from a previously illegal act; and

**WHEREAS**, on the national level, it is estimated that the United States spends \$12.1 billion on law enforcement and judicial costs related to marijuana possession, and an additional 16.9 billion in corrections costs for those convicted of marijuana possession, totaling \$29 billion annually; and

**WHEREAS**, in the small state of Connecticut, the Connecticut Office of Fiscal Analysis estimated that decriminalizing simple possession of marijuana by imposing a \$250 fine would save the state and local police departments \$30 million per year, and would save an additional \$1.9 million in court and probation costs; and

**WHEREAS**, the savings resulting from a reduction in court and corrections costs from arrest and prosecution for simple marijuana possession are of great significance given the current fiscal crisis engulfing the government of the Virgin Islands; and

**WHEREAS**, decriminalization of marijuana would free-up criminal justice resources to deal with more serious crimes, which are particularly salient given the extremely high murder rates in the Virgin Islands; and

**WHEREAS**, according to a study by the Centers for Disease Control, in 2007 there were 23,199 alcohol-induced deaths in the United States, excluding accidents and homicides, while there were no marijuana-induced deaths; and

**WHEREAS**, a University of California, Los Angeles (UCLA) study found a lower lung cancer rate among marijuana-only smokers than non-smokers, while alcohol has been found to contribute to a variety of long-term negative health effects, including cancers and cirrhosis of the liver; and

**WHEREAS**, studies have shown that alcohol use increases the likelihood of domestic abuse and sexual assaults, while marijuana use has not been linked to an increase in either of these crimes; and

**WHEREAS**, harsh penalties for marijuana possession are not associated with lower use rates, and in some cases, the opposite has been found; and

**WHEREAS**, according to a study released by the Citizens' Commission on Civil Rights in 2000, 13% of the nation's drug users are African American; 8% are Hispanic Americans and 76% are Caucasian Americans; which is a rough match with each group's share of the United States population; yet African Americans represent almost 38% of all drug arrests; 59% of drug convictions, and a staggering 74% of those sentenced for a drug offense; and

**WHEREAS**, investigators from the nonpartisan Institute of Medicine released their findings in a publication entitled "*Marijuana and Medicine: Assessing the Science Base*," that nausea, appetite loss, pain and anxiety are all afflictions that can be mitigated by the use of marijuana; and

**WHEREAS**, the American College of Physicians urges an evidence-based review of marijuana's status to determine whether it should be classified as a Schedule I controlled substance, and strongly supports allowing the medical usage of marijuana; and

**WHEREAS**, in each of these jurisdictions that have enacted cannabis decriminalization statutes, rates of marijuana consumption and hard drug consumptions have not risen, and in many cases have actually fallen. *Now, Therefore,*

***Be it enacted by the Legislature of the Virgin Islands:***

**SECTION 1.** Title 19 Virgin Islands Code, Part III, Chapter 29, Subchapter I, section 593 is amended in the following instances:

- (a) Paragraph (18) is amended after the words, "The term" by inserting the words, "marijuana" or";

(b) A new paragraph is added in alphabetical order which reads as follows:

“( ) ‘Marijuana concentrate’ means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation compound, or mixture, whether natural or synthesized, of tetrahydrocannabinols.

**SECTION 2.** Title 19 Virgin Islands Code, Part III, Chapter 29, Subchapter I is amended by adding section 607a to read as follows:

**“§607a. Possession of marijuana**

(a) *Definitions.* For purposes of this chapter, the term --

(1) ‘Marijuana’ is defined pursuant to title 19 Virgin Islands Code section 593.

(2) ‘Marijuana concentrate’ means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized of tetrahydrocannabinols.

(3) ‘Manufacture’ has the same meaning as provided in section 593(17) of this title.

(b) *Simple possession of marijuana.* Notwithstanding the provisions of titles 14 and 19 Virgin Islands Code:

(1)(A) Any person who possesses one ounce or less of marijuana commits a civil infraction that is a civil offense punishable by a fine of \$100, and may be subject to forfeiture of the contraband.

(B) Any person under the age of eighteen at the time of the offense, who possesses one ounce or less of marijuana commits an infraction that is a civil offense punishable by a fine of \$100, and shall be subject to forfeiture of the contraband. The parents or guardians of any such offender shall be notified and the offender shall be required to complete an approved drug awareness program within one year of the offense.



Any such offender who fails to complete an approved drug awareness program within one year of the offense, shall be referred to the Family Division of the Superior Court of the Virgin Islands for delinquency proceedings.

(C) All civil penalties permitted in this section may be assessed by the appropriate court, however, if the Commissioner of Health promulgates regulations establishing a procedure for the administrative assessment of civil penalties, the Commissioner may proceed by means of either court assessment or by administrative procedure.

(2) Any person who openly and publicly displays, consumes, or uses one ounce or less of marijuana commits a civil offense punishable by a fine of no more than two hundred dollars (\$200), and shall be subject to forfeiture of the contraband.

**SECTION 3.** Title 20 Virgin Islands Code, Part II, Chapter 35, Section 378 is amended at the end of subsections (a) and (b) by adding a sentence that reads as follows: "This penalty is not be applicable to persons convicted pursuant to 19 V.I.C. § 607a,".

**Amendment No. 30-847/ May 29, 2014/ Reviewed by YLT**