



Special Senate Commission to  
Study the Prohibition of Marijuana

Final Report  
March 2010

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## **Special Senate Commission to Study the Prohibition of Marijuana**

### **Members:**

Senator Joshua Miller – **Chairperson**

Senator Leo R. Blais

Senator Paul V. Jabour

John R. Grasso, Esq. – Rhode Island Association of Criminal Defense Attorneys

Nick Horton – OpenDoors

Dr. David C. Lewis – Brown University Center for Alcohol and Addiction Studies

Dr. Glenn C. Loury – Brown University, Department of Economics

Dr. Jeffrey Alan Miron – Harvard University, Department of Economics

Col. Joe Moran – Chief of Police, Central Falls Police Department  
President, Rhode Island Police Chiefs' Association

Joseph Osediacz – Retired Rhode Island State Trooper

Donna Ploicastro – Rhode Island State Nurses Association

The Honorable Jerome Smith – Member of the Public

Nancy St. Germain – Patient in the RI Medical Marijuana Program

### **Staff:**

Stephen Iannazzi – Senate Policy Office

Kelly Mahoney, Deputy Director – Senate Policy Office

# State of Rhode Island and Providence Plantations

SENATOR  
JOSHUA MILLER  
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Chairman  
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Committee on  
Health and Human Services

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## Senate Chamber

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As Chair of the Commission, I am pleased to present these findings and recommendations on the issue of the prohibition of marijuana in the state of Rhode Island. This report represents the best thinking of a distinguished and dedicated Commission whose membership consisted of elected officials of the Rhode Island Senate, law enforcement, economists, doctors, nurses, attorneys, advocates and members of the public. Over the course of several hearings Commission members heard informed testimony and examined the impact that current Rhode Island law and laws from other states can have on Rhode Island citizens.

The findings and recommendations of this report demonstrate that there could be savings with the enactment of law that decriminalizes the possession of an ounce or less of marijuana for individuals eighteen years of age and older. If implemented correctly, the Commission's recommendations will enable state departments involved with criminal justice, including but not limited to the Public Defender's Office, the Department of Corrections and the Judiciary, to realize significant savings. Enactment of marijuana reform will save burdensome costs associated with simple possession of marijuana arrests.

I am grateful to every member of the Commission for their willingness to take part in these discussions and further express my gratitude to the numerous members of the public who took time to appear before the Commission and contribute to our understanding of the challenges and impacts that the decriminalization of marijuana can have on our state.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua Miller".

Senator Joshua Miller  
Chair – Senate Commission to Study the Prohibition of Marijuana

## **TIMELINE OF THE SPECIAL SENATE COMMISSION TO STUDY THE PROHIBITION OF MARIJUANA**

- June 26, 2009 – Senate Resolution 1032, sponsored by Senators Miller, Blais, Perry, Levesque and Sosnowski, becomes effective, creating the Special Senate Commission to Study the Prohibition of Marijuana.
- November 18, 2009 – Room 212, State House – First Commission meeting - organizational meeting. The Commission reviews and discusses their legislative charge and schedules future hearing dates.
- January 6, 2010 – Senate Resolution 2002, sponsored by Senators Miller, Blais and Jabour, becomes effective, increasing membership of the Special Senate Commission to Study the Prohibition of Marijuana and extending its reporting deadline to March 31, 2010.
- January 19, 2010 – Room 212, State House – Second Commission hearing. Invited speakers included: Department of Corrections Director A. T. Wall; Joe Lindbeck and Matthew Dawson of the Attorney General’s Office; and Commission member Nick Horton, a policy researcher with OPENDOORS.
- February 3, 2010 – Room 212, State House – Third Commission hearing. Presentations by: John J. Hardiman, Esq. Rhode Island Public Defender; Jack Cole, Executive Director of Law Enforcement Against Prohibition; and Commission member Joseph Osediacz, a retired Rhode Island State Trooper.
- February 11, 2010 – Room 212, State House – Fourth Commission hearing. Public Testimony.
- March 4, 2010 – Room 212, State House – Fifth Commission hearing. Presentations by: Commission Member Dr. Lewis, an addiction specialist from Brown University and Commission Member Dr. Miron, an economist from Harvard University. Commission discussion about possible legislative recommendations.
- March 16, 2010 – Room 212, State House – Sixth Commission hearing. Commission reviews and endorses the final report.

## **INTRODUCTION**

On June 26, 2009, Senate Resolution 2009 – S 1032, introduced by Senators Miller, Blais, Perry, Levesque and Sosnowski, passed the Senate, creating the Special Senate Commission to Study the Prohibition of Marijuana. The Commission, chaired by Senator Joshua Miller (District 28 - Cranston and Warwick) was authorized to study the prohibition of marijuana.

Senate Resolution 2010- S 2002 extended the expiration date of the Commission to January 31, 2014. The Commission was charged to present its findings and recommendations to the Senate on or before March 31, 2010. This document represents the final report of the Special Senate Commission to Study the Prohibition of Marijuana.

Each member of the Commission, along with others who provided testimony, presentations, opinions, and assistance to the Commission, have been instrumental in preparing this document through a series of hearings and commission meetings.

Currently, Rhode Island law states “a controlled substance classified in schedule I as marijuana is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one year or fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both<sup>1</sup>.”

When implemented, the proposals and recommendations contained herein would allow Rhode Island better use of its scarce budgetary resources. The Commission heard testimony from the Rhode Island Public Defender’s Office and the Department of Corrections that stated the two state offices could see budget savings if the Rhode Island General Assembly passed legislation that would decriminalize the possession of an ounce or less of marijuana for people eighteen years of age and older. The majority of the Commission considers enactment of the recommendations described herein as the most immediate step toward realizing savings in the state budget and freeing law enforcement to investigate and solve more serious crimes.

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<sup>1</sup> Rhode Island General Laws 21-28-4.01

## FINDINGS

### ❑ **Thirteen States across the Country have adopted some type of decriminalization of marijuana law.**

Currently, at least thirteen states have adopted some type of marijuana decriminalization law. The thirteen states are: Alaska, California, Colorado, Maine, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon.<sup>2</sup>

<b>Alaska</b>			
Possession	Charge	Incarceration	Fine
1 oz or less in your residence or home	no penalty	N/A	N/A
1 oz to 4 oz	misdemeanor	90 days	\$1,000
More than 4 oz, or 25 or more plants	felony	5 years	\$50,000
Any amount within 500 feet of school grounds or rec. center*	felony	5 years	\$50,000

\* If charged with possession of marijuana in a school zone, an affirmative defense may be raised in court that the conduct took place entirely within a private residence.

<b>California</b>			
Possession	Charge	Incarceration	Fine
28.5 g or less	misdemeanor	none	\$100
More than 28.5 g	misdemeanor	6 months	\$500
28.5 g or less on school grounds while school open (over 18 yrs old)	misdemeanor	10 days	\$500
More than 28.5 g on school grounds while school open (over 18 yrs old)	misdemeanor	6 months	\$500

<sup>2</sup> Information and charts are credited to The National Organization for the Reform of Marijuana Laws (NORML)

## Colorado

Possession	Charge	Incarceration	Fine
1 oz or less	petty offense	none	\$100
1 oz or less - failure to appear	misdemeanor	6 months	\$500
Display or use in public	misdemeanor	15 days additional	none
1 to 8 oz	misdemeanor	6 - 18 months	\$500 - \$5,000 (\$600 surcharge)
More than 8 oz	felony	1 -3 years	\$1,000 - \$100,000 (\$1,125 surcharge)

Subsequent convictions over 1 oz could double penalties.

Medical use permitted with no more than 2 oz, or 6 plants, physician recommendation and state registration.

16 - 48 hours community service required with diverted prison sentence.

## Maine

Possession	Charge	Incarceration	Fine
Usable amount with proof of physician's recommendation	none	none	none
"Usable Amount" (under <2.5 oz)	civil violation	none	\$350 - \$600 subsequent violation within 6 months \$550
2.5 oz or more	Presumption of Sale, Rebuttable		

## Massachusetts

Possession	Charge	Incarceration	Fine
One ounce or less*	civil offense	none	\$100
More than one ounce (first offense)	misdemeanor	6 months**	\$500
More than one ounce (subsequent offense)	misdemeanor	6 months***	\$500

\*Offenders under 18 will be required to attend a drug awareness program or pay a \$1,000 fine.

\*\*Probation with records sealed upon completion of probation.

\*\*\*Probation possible.

## Minnesota

Possession	Charge	Incarceration	Fine
Less than 42.5 g	misdemeanor	none**	\$200
42.5 g to 10 kg	felony	5 years	\$10,000
10 to 50 kg	felony	20 years	\$250,000
50 to 100 kg	felony	25 years	\$500,000
100 kg or more	felony	30 years	\$1,000,000
More than 1.4 g in a motor vehicle (except trunk)	misdemeanor	90 days	\$1,000

\*Conditional discharge possible for first time offenders.

\*\*Possible drug education requirement.

## Mississippi

Possession	Charge	Incarceration	Fine
30 g or less (first offense)	misdemeanor (summons only, no arrest)	none	\$100 - \$250
30 to 250 g	felony	3 years	\$3,000
250 to 500 g	felony	2 - 8 years	\$50,000
500 g to 5 kg	felony	6 - 24 years	\$500,000
5 kg or more	felony	10 - 30 years	\$1,000,000
30g or less within a motor vehicle (except trunk)	misdemeanor	90 days	\$1,000

## Nebraska

Possession	Charge	Incarceration	Fine
1 oz or less (first offense)*	civil citation	none	\$300
1 oz or less (second offense)	misdemeanor	5 days	\$400
1 oz or less (subsequent offense)	misdemeanor	7 days	\$500
1 oz to 1 lb	misdemeanor	7 days	\$500
More than 1 lb	felony	5 years	\$10,000

\*Possible drug education course.

## Nevada

Possession	Charge	Incarceration	Fine
Age 21 years or over, less than 1 oz (first offense)	misdemeanor	rehabilitation/ treatment	\$600
Age 21 years or over, less than 1 oz (second offense)	misdemeanor	rehabilitation/ treatment	\$1,000
Age 21 years or over, less than 1 oz (third offense)	gross misdemeanor	1 year	\$2,000
Age 21 years or over, less than 1 oz (fourth offense)	class E felony	1 - 4 years	\$5,000
Age less than 21 years less than 1 oz (first and second offense)	class E felony	1 - 4 years**	\$5,000
Age less than 21 years less than 1 oz (third offense)	class E felony	1 - 4 years	\$5,000

\*\*Probation usually granted for 1st and 2nd offenses.  
Medical use permitted if less than 1 oz or 3 to 4 plants.

## New York

Possession	Charge	Incarceration	Fine
25 g or less (first offense)	civil citation	none	\$100
25 g or less (second offense)	civil citation	none	\$200
25 g or less (3rd offense)	misdemeanor	5 days and/or fine	\$250
25 g to 2 oz*	misdemeanor	3 months	\$500
2 to 8 oz	class A misdemeanor	1 year and/or fine	\$1,000
8 to 16 oz (first felony)	class E felony	1-4 years and/or fine, if second offense- 3-4 years (mandatory ½ jail sentence)	\$5,000
16 oz to 10 lbs (first felony)	class D felony	1 - 15 years and/or fine, if 2nd offense mandatory ½ jail sentence	\$5,000
More than 10 lbs (first felony)	class C felony	1 - 15 years and/or fine, if 2nd offense mandatory ½ jail sentence	\$5,000

\*Includes any amount in public where marijuana is burning or open to public view.

## North Carolina

Possession	Charge	Incarceration	Fine
1/2 oz or less	misdemeanor	30 days*	\$200
1/2 to 1 1/2 oz	misdemeanor	1 - 120 days**	\$500
More than 1 1/2 oz	felony	up to 12 months	Discretionary Fine
*Suspended sentence mandatory.			
**Community service or probation possible. 45 maximum for those with a clear record.			
5000 g to 20,000 g	3rd degree felony	1 - 5 years** and/or fine	\$10,000
20,000 g or more	2nd degree felony	2-8* years and/or fine	\$15,000
*Mandatory minimum sentence.      **Presumption of prison.			
***A minor misdemeanor does not create a criminal record in Ohio			

## Ohio

Possession	Charge	Incarceration	Fine
Less than 100 g	minor misdemeanor***	none	\$100
100 g to 200 g	misdemeanor of 4th degree	not more than thirty days and/or fine	\$250
200 g to 1000 g	5th degree felony	6 months - 1 year and/or fine	\$2,500
1000 g to 5000 g	3rd degree felony	1 - 5 years and/or fine	\$10,000
5000 g to 20,000 g	3rd degree felony	1 - 5 years** and/or fine	\$10,000
20,000 g or more	2nd degree felony	2-8* years and/or fine	\$15,000
*Mandatory minimum sentence.			
**Presumption of prison.			
***A minor misdemeanor does not create a criminal record in Ohio			

## Oregon

Possession	Charge	Incarceration	Fine
Less than 1 oz	misdemeanor	none	\$500 - \$1,000
1 oz to 110 g	class B felony	10 years**	\$100,000
More than 110 g	felony	variable depending on prior record	variable
Medical use permitted with up to 24 oz, and 6 mature plants/18 immature seedlings, and state registration.			
**Conditional discharge available.			

**❑ Rhode Island had 2,546 Arrests for First Offense of Possession of Marijuana from January 1, 2009 to December 31, 2009<sup>3</sup>**

Department	Violations
Rhode Island State Police	219
Barrington Police Department	16
Bristol Police Department	61
Warren Police Department	24
Coventry Police Department	56
East Greenwich Police Department	9
Warwick Police Department	148
West Warwick Police Department	72
West Greenwich Police Department	16
Jamestown Police Department	20
Middletown Police Department	83
Newport Police Department	88
Portsmouth Police Department	30
Tiverton Police Department	30
Little Compton Police Department	5
Central Falls Police Department	37
Cranston Police Department	113
Cumberland Police Department	54
East Providence Police Department	140
Johnston Police Department	30
Lincoln Police Department	10
North Providence Police Department	56
Pawtucket Police Department	120
Providence Police Department	459
Scituate Police Department	7
Smithfield Police Department	39
Woonsocket Police Department	161
Foster Police Department	16
Glocester Police Department	17
North Smithfield Police Department	33
Burrillville Police Department	16
Rhode Island DEM	7
Narragansett Police Department	55
North Kingstown Police Department	53
South Kingstown Police Department	42
Westerly Police Department	78
Richmond Police Department	35
Hopkinton Police Department	18
Charlestown Police Department	54
New Shoreham Police Department	4
University of Rhode Island	9
Greene State Airport Police Department	6
<b>Total</b>	<b>2546</b>

21-28-4.01-C1B/M POSSESSION MARIJUANA/1<sup>ST</sup> OFF  
 21-28-4.01-c2ii/M POSS MARIJUANA/1<sup>ST</sup> OFF

<sup>3</sup> Rhode Island Judiciary Data received via email March 14, 2010

- ❑ **Rhode Island citizens have served or are serving jail time for possession of marijuana – first offense.**

**Average time to serve sentences for Marijuana charges since 2007<sup>4</sup>**

Charge Description	Number of Charges	Average Sentence
Possession Marijuana 1 <sup>st</sup> Offense	399	3.5 months
Possession Marijuana Sub Offense	60	7.1 months
Poss/Manu/Del > 5KGS Marijuana	10	60.1 months
Manu/Sel/Poss 1K-5K Marijuana	18	31.3 months

- ❑ **The Department of Corrections had 337 people awaiting trial for possession of marijuana and 154 people sentenced for possession of marijuana during fiscal year 2009.<sup>5</sup>**

**Table 1: Possession of Marijuana  
FY 2009 Commitments by Race**

Race	Awaiting Trial	Sentenced
Black	107	56
White	165	55
Hispanic	55	40
Asian	1	0
American Indian	2	0
Other	5	2
Missing	2	1
<b>Total</b>	<b>337</b>	<b>154</b>

**Table 2: FY 2009 Commitments by Age**

Age	Awaiting Trial	Sentenced
Under 20	61	24
20 – 29	198	95
30 – 39	48	17
40 – 49	22	12
50 – 59	8	6
<b>Total</b>	<b>337</b>	<b>154</b>

<sup>4</sup> Rhode Island Judiciary Data received via email March 8, 2010

<sup>5</sup> Rhode Island Department of Corrections testimony to the Special Senate Commission to Study the Prohibition of Marijuana on January 19, 2010

**Table 3: FY 2009 Commitments by Type**

Commitment Type	Awaiting Trial	Sentenced
Newly Committed/Sentenced	177	101
Probation Violator	25	51
Failure to Appear	123	NA
Failure to Pay Costs/Fines	8	NA
Other*	4	2
Total	337	154

Other\* includes: bail violators, holds for immigration, return from escape, and parole violators

**Table 4: FY 2009 Commitments by Probation Violation Type**

Violation Type	Awaiting Trial	Sentenced
New Charge	1	39
Technical	11	9
Missing	13	3
Total	25	51

- ❑ **The annual cost to the Department of Corrections is \$4,092 for each inmate to provide food, clothing, linens, medication and medical services.<sup>6</sup>**

The annual costs include food, clothing, linens, medications and medical services. They do not include personnel costs, administrative overhead costs, capital purchases, capital improvements, etc.

The annual cost will not be found in the budget. The Department reports what they spend on food, clothing, medicines, etc. in their budget request and these equate to a per-diem cost per inmate.

It is also important to note that possession of marijuana while on probation can lead to a penalty of ten days at the Adult Correctional Institution by statute.<sup>7</sup>

<sup>6</sup> Department of Corrections Fiscal Year 2011 Budget Request

<sup>7</sup> Rhode Island General Laws 12-19-14

- ❑ **The Office of the Rhode Island Public Defender will see cost savings if Rhode Island were to decriminalize the possession of an ounce or less of marijuana.<sup>8</sup>**

Public Defender John J. Hardiman, Esq. testified that the average cost of appointed counsel in misdemeanor trials was \$347. The average number of misdemeanors that an assistant public defender works on varies between 1,200 – 1,500 cases per year.

**Persons eligible and represented by Public Defender’s Office**

Year	Number of Individuals Charged with any Marijuana Offense	Number of Individuals Charged with Simple Possession
2009	1,280	1,145
2008	1,169	1,079
2007	1,253	1,128
2006	1,140	1,070
2005	927	837

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<sup>8</sup> Rhode Island Public Defender’s Office testimony to the Special Senate Commission to Study the Prohibition of Marijuana on February 3, 2010

## CONCLUSION

### **❑ Rhode Island should adopt a marijuana decriminalization policy**

Even by conservative estimates, Rhode Island state agencies and departments involved in criminal justice stand to save money in their respective offices should the Rhode Island General Assembly decide to pass the decriminalization of possession of an ounce or less of marijuana for individuals eighteen years of age and older. The majority of the Commission agrees that marijuana law reform will not only benefit the state from a budget perspective, but would also avoid costly arrests or incarcerations due to simple possession of marijuana.

The majority of the Commission would like to see reform similar to what has happened in Massachusetts. Our neighboring state issues a civil penalty of one hundred dollars for possession of an ounce or less of marijuana for individuals eighteen and older that goes directly to the municipality in which the penalty was issued. The entire Commission believes that current laws in effect for minors should remain in place.

It is important to note that Commission Members Col. Joe Moran, Chief of Police, Central Falls Police Department and Joseph Osediacz, a retired Rhode Island State Trooper, did not support this recommendation.

## **LEGISLATIVE ISSUES TO CONSIDER**

The Commission discussed the list of legislative issues below at their meeting on March 4, 2010. This list does not reflect a consensus of the Commission members on decriminalization policy. This list is intended to inform any decriminalization of marijuana policy that the state may consider.

- Decriminalization of possession of an ounce or less of marijuana
- Civil penalty of \$150 that goes directly to the municipality in which the ticket was written
- Subject to people 18 years of age and older
- Offenders 18 years and under shall be required to take part in a drug awareness program
- Possession of an ounce or less should have no affect on those on parole or probation
- Stiffer fines for repeat violators
- Stiffer fines/penalties for possession or use in a school zone
- Failure to present correct identification to law enforcement shall be considered a separate violation
- In the event of failure to pay the fine, the fine shall double after 30 days, and continue to double every 30 days until the fine is paid.
- “No part of the bill shall restrict law enforcement from conducting searches based on probable cause that marijuana is present in a motor vehicle, in a container, or on a person.” -Current Massachusetts legislation
- “Any person in possession of a identification card, license or other form of identification issued by the State or any state, city or town, or any college or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found in possession of what appears to the officer to be an ounce or less of marijuana, or any person without any of such forms of identification that fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that the officer intends to provide such individual with a citation for possession of an ounce or less of marijuana may be arrested.” – Current Massachusetts Legislation
- Inclusion of language that mirrors MA language which would make it clear that no other civil or criminal penalty or sentence was allowable aside from the civil fine (so as to exclude probation revocations from being triggered).
- Inclusion of language that defines possession to also include positive urine tests or other tests which find marijuana in someone's body, as done in the MA bill.
- A guarantee that every year the first \$50,000 of fine profits will go to prevention campaigns, recommending that they be used at least in part for an anti marijuana and driving statewide billboard campaign to teach people that driving high is as dangerous as driving drunk.

**2009 -- S 1032**

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LC02940  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2009**

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**SENATE RESOLUTION**

**CREATING A SPECIAL SENATE COMMISSION TO STUDY THE PROHIBITION OF  
MARIJUANA**

**Introduced By:** Senators Miller, Blais, Perry, C Levesque, and Sosnowski

**Date Introduced:** June 26, 2009

**Referred To:** Recommended for Immediate Consideration

RESOLVED, That a special legislative commission to be known as the “Marijuana Prohibition Study Commission” be and the same is hereby created consisting of nine (9) members, all of whom shall be appointed by the Senate President, with appointment consideration given to the following: elected members of the Rhode Island Senate, local law enforcement officials, physicians, nurses, social workers, academic leaders in the field of

addiction studies, advocates or patients in the state's medical marijuana program, advocates working in the field of prisoner re-entry, economists, and members of the general public.

The purpose of said commission shall be to make a comprehensive study and issue findings about the effects of policies forbidding the possession, cultivation, and sale of marijuana in the State of Rhode Island.

(a) The commission shall meet with the purpose of evaluating the effects and costs of marijuana prohibition, including:

(1) Whether and to what extent Rhode Island youth have access to marijuana despite current laws prohibiting its use;

(2) Whether adults' use of marijuana has decreased since marijuana became illegal in Rhode Island in 1918;

(3) Whether the current system of marijuana prohibition has created violence in the state of Rhode Island against users or among those who sell marijuana;

(4) Whether the proceeds from the sales of marijuana are funding organized crime, including drug cartels;

(5) Any dangers associated with marijuana resulting from it being sold on the criminal market, including if it is ever contaminated or laced with other drugs;

(6) Whether those who sell marijuana on the criminal market may also sell other drugs, thus increasing the chances that youth will use other illegal substances;

(7) The costs associated with the current policies prohibiting marijuana sales and possession, including law enforcement, judicial, public defender, and corrections costs;

(8) The number of arrests and persons incarcerated for marijuana offenses in Rhode Island;

(9) The number and rate of unsolved crimes in Rhode Island, including for sexual assault, murder, theft and robbery;

(10) Whether there have been cases of corruption related to marijuana law enforcement;

(11) The amount of revenue anticipated if Rhode Island were to make sales of marijuana legal and impose a "sin tax" of \$35 per ounce or greater;

(12) The experience of individuals and families sentenced for violating marijuana laws;

(13) The experience of states and European countries, such as California, Massachusetts and the Netherlands, which have decriminalized the sale and use of marijuana;

(14) How marijuana's risks compare to other illegal and legal substances, including its chance of lethal overdose and dependence;

(15) Any other information relevant to evaluating the costs and success or failure of imposing criminal penalties on marijuana possession and sales and on failing to regulate its sales;  
and

(16) The study commission may also make recommendations regarding marijuana policies.

Forthwith upon passage of this resolution, the members of the commission shall meet at the call of the President of the Senate who shall select a chairperson.

Vacancies in said commission shall be filled in like manner as the original appointment.

The membership of said commission shall receive no compensation for their services.

All departments and agencies of the state shall furnish such advice and information, documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this resolution.

The Joint Committee on Legislative Services is hereby authorized and directed to provide suitable quarters for said commission; and be it further

RESOLVED, That the commission shall report its findings and recommendations to the Senate no later than January 31, 2010, and said commission shall expire on January 31, 2014.

**2010 -- S 2002**

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LC00019  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2010**

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**SENATERESOLUTION**

**EXTENDING THE REPORTING DATE AND AMENDING THE MEMBERSHIP OF THE  
SPECIAL SENATE COMMISSION TO STUDY THE PROHIBITION OF MARIJUANA**

**Introduced By:** Senators Miller, Jabour, and Blais

**Date Introduced:** January 06, 2010

**Referred To:** Placed on the Senate Consent Calendar

RESOLVED, That the special legislative commission created by resolution No. 316  
passed by the Senate at its January session, A.D. 2009, and approved June 26, 2009, entitled

"Senate Resolution Creating A Special Senate Commission To Study The Prohibition Of Marijuana" is hereby authorized to continue its study and make a report to the Senate on or before March 31, 2010, and said commission shall expire on January 31, 2014; and be it further

RESOLVED, That the time for reporting authorized by resolution No. 316 passed by the Senate at its January session, A.D. 2009, and approved June 26, 2009, be and the same is hereby rescinded; and be it further

RESOLVED, That the composition of said legislative commission is hereby amended by increasing the membership to thirteen (13) members by adding four (4) new members: two (2) of whom shall be members of the Senate, not more than one from the same political party to be appointed by the Senate President; and two (2) of whom shall be members of law enforcement agencies, to be appointed by the Senate President.

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LC00019  
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## RHODE ISLAND POLICE CHIEFS' ASSOCIATION

PRESIDENT

Col. Joseph P. Moran III  
Central Falls Police Dept.

VICE PRESIDENT

Chief Edward A. Mello  
Westerly Police Dept.

SECRETARY

Chief Sidney M. Wordell  
Little Compton Police Dept.

TREASURER

Chief Jamie A. Hainsworth  
Glocester Police Dept.

SERGEANT AT ARMS

Chief Anthony M. Pesare  
Middletown Police Dept.

IMMEDIATE PAST PRESIDENT

Chief George L. Kelley III  
Pawtucket Police Dept.

March 15, 2010

The Honorable Joshua Miller  
State House, Room 211  
Providence, RI 02903

Dear Senator Miller:

I would like to take this opportunity to thank you for allowing me to represent the Central Falls Police Department and the Rhode Island Police Chief's Association as a member of the Senate Commission to Study the Prohibition of Marijuana.

As you are aware, I am totally opposed to the decriminalization of marijuana. Marijuana is a dangerous drug and we will be sending Rhode Islanders the wrong message by decriminalizing the possession of an ounce or less of marijuana. If the law is changed we would be taking away the Judges' opportunity to send offenders into treatment and counseling.

I also do not believe that the State will see the cost savings talked about in the Commission Report. When someone is arrested, there are court fees that are attributed usually in the amount of \$93.50, plus a fine for the possession of marijuana. If marijuana is decriminalized, there would be a fine of \$150.00, therefore the State would be losing and not gaining revenue that is stated in the draft report. By taking the same stance as the Commonwealth of Massachusetts, the municipality in which the civil violation is issued would benefit from additional revenue. I don't find that this is the proper way to deal with marijuana users, and I also find that the revenue allegedly generated would not be substantial enough to outweigh the dangers of marijuana use.

One of the other issues I find problematic is the use of marijuana while operating a motor vehicle. This falls under the same category as Driving under the influence of liquor and/or drugs. The State of Rhode Island would have to certify many police officers to be drug recognition experts. Blood tests would have to be utilized, and not the breathalyzer to find someone in violation of the law. It is for these reasons that I do not support the decriminalization of marijuana.

If I can be of any assistance to you in the future, please feel free to contact me at anytime.

Sincerely,

A handwritten signature in cursive script that reads "Colonel Joseph P. Moran III". The signature is written in dark ink and is positioned above the typed name.

Colonel Joseph P Moran III  
Central Falls Police Department  
President-Rhode Island Police Chiefs Association