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Councilmember Marion Barry

Councilmember Tommy Wells

Councilmember Kenyan McDuffie

Councilmember David Grosso

Councilmember Jack Evans

Councilmember Jim Graham

Councilmember Anita Bonds

Councilmember Mary Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Tommy Wells introduced the following bill, which was referred to the
Committee on _____.

To amend the District of Columbia Uniform Controlled Substances Act and related provisions to
make the possession of less than one ounce of marijuana a civil offense subject to a fine.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
act be cited as the "Simple Possession of Small Quantities Of Marijuana Decriminalization
Amendment Act of 2013."

Sec. 2. The District of Columbia Controlled Substances Act of 1981, effective August 5,
1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01 *et seq.*) is amended as follows:

1 (a) Section 102 (D.C. Official Code § 48-901.02) is amended as follows:

2 (1) Paragraph 9 is amended by striking the phrase “relationship” and inserting in
3 its place the phrase “relationship; provided, that transfer without remuneration of 1 ounce or less
4 of cannabis does not constitute distribution.”

5 (2) Paragraph 13 is amended as follows:

6 (A) Subparagraph (A) is amended by striking the word “or” at the end;

7 (B) Subparagraph (B) is amended by striking the phrase “for sale.” and
8 inserting the phrase “for sale; or” in its place; and

9 (C) By adding a new subparagraph (C) to read as follows:

10 “(C) The preparation of 1 ounce or less of marijuana for personal
11 consumption or transfer without remuneration.”.

12 (D) A new paragraph (32) is added to read as follows:

13 “(32) Remuneration means anything of value, including money, real property,
14 tangible and intangible personal property, contract rights, choses in action, services, and any
15 rights of use or employment or promises or agreements connected therewith.”

16 (b) Section 401 (D.C. Official Code § 48-904.01) is amended as follows:

17 (1) Subsection (a)(1) is amended by adding a sentence at the end to read as
18 follows: “Notwithstanding any provision of this section to the contrary, possession of marijuana
19 weighing less than one ounce shall not constitute a criminal violation of this section.”.

20 (2) Subsection (d) is amended as follows:

21 (A) Paragraph (1) is amended by striking the phrase “as provided in
22 paragraph (2) of this subsection,” and inserting the phrase “as provided in paragraph (2) or (3) of
23 this subsection,” in its place.

24 (B) A new paragraph (3) is added to read as follows:

25 “(3)(A) A person 18 years of age or older who possesses marijuana
26 weighing less than one ounce shall not be guilty of a criminal offense. Such possession shall be a
27 civil violation, subjecting the person to a civil fine of \$100 and forfeiture of the marijuana.

1 “(B) A person under the age of 18 who possesses marijuana
2 weighing less than one ounce shall not be guilty of a criminal offense. Such possession shall
3 subject the person to the same civil penalties in (3)(A) and the person under the age of 18 shall
4 be required to attend a drug awareness program.

5 “(i) The parents or legal guardian of any offender under the
6 age of eighteen shall be notified of the offense and the availability of a drug awareness program.

7 “(ii) The program must be made available without cost and
8 must provide at least four hours of group discussion or instruction based on science and
9 evidence-based principles and practices specific to the use and abuse of cannabis, alcohol, and
10 other controlled substances.

11 “(iii) If the minor fails to complete the drug education
12 program within one year of notice of its availability, the court shall issue an order requiring the
13 minor to complete eight hours of community service and shall be assessed a fine of \$200.

14 “(C) The District shall not impose any form of penalty, sanction, or
15 disqualification on a person for engaging in the actions specified in section (a)(3) apart from
16 those imposed by this section.”.

17 (c) Section 502 (D.C. Official Code § 48-905.02) is amended by adding a new subsection
18 (a)(9) to read as follows:

19 “(a)(9) Any other provision of this section notwithstanding, no property is subject to
20 forfeiture due to a violation of § 48-904.01(d)(3); provided, that the marijuana that constitutes
21 the violation is subject to forfeiture; provided further, that property otherwise subject to the
22 provisions of this section shall be subject to forfeiture if the same course of conduct that gives
23 rise to a violation of §48-904.01(d)(3) constitutes a separate violation of this Chapter.”.

24
25 Sec. 3. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-
26 149; D.C. Official Code 48-1101 *et seq.*) is amended as follows:

27 (a) Section 4 is amended as follows:

1 (1) A new subsection (f) is added to read as follows:

2 “(f)(1) Notwithstanding any other provision of law, the use, or possession with
3 intent to use drug paraphernalia to pack, repack, store, contain, conceal, inhale, ingest, or
4 otherwise introduce into the human body less than one ounce of marijuana by any person 18
5 years of age or older shall not constitute a violation of this section. Such action by any person
6 under the age of 18 shall subject the person to the requirement to attend a drug awareness
7 program, as required in § 48-904.01(d)(3).

8 “(2) The transfer without remuneration of drug paraphernalia that the
9 transferor knows or has reason to know will be used to transport, store or otherwise carry, or to
10 inhale, ingest, or otherwise introduce into the human body less than one ounce of marijuana shall
11 not constitute a violation of this section.”.

12
13 Sec. 4. Section 14 of An Act to regulate the manufacturing, dispensing, selling, and
14 possession of narcotic drugs in the District of Columbia, approved June 20, 1938 (52 Stat. 792;
15 D.C. Official Code § 48-921.02) is amended as follows:

16 (a) Subsection (a) is amended by striking the phrase “A search warrant” and inserting the
17 phrase “Except as provided in subsection (a-1), a search warrant” in its place.

18 (b) A new subsection (a-1) is added to read as follows:

19 “(a-1) The possession of marijuana weighing less than one ounce shall not solely furnish
20 cause for a search warrant and shall not afford pretext for seizure except as provided in § 48-
21 905.02(a)(9).”.

22
23 Sec. 5. Section 501 of the District of Columbia Public Assistance Act of 1982, effective
24 April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.01) is amended by adding a new
25 sentence to the end to read as follows: “Any other provision of this Title to the contrary, no

1 person shall be rendered ineligible for public assistance by reason of a civil violation of § 48-
2 904.01(d)(3).”.

3

4 Sec. 6. Section 13a(a) of the District of Columbia Traffic Act, 1925, approved March 3,
5 1925 (43 Stat. 1119; D.C. Official Code § 50-1403.02) is amended by adding a sentence at the
6 end to read as follows: “Notwithstanding any other provision of law, a violation of § 48-
7 904.01(d)(3) shall not constitute a drug offense for the purposes of this section.”.

8

9 Sec. 7. Fiscal impact statement.

10 The Council adopts the fiscal impact statement in the committee report as the fiscal
11 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
12 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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14 Sec. 8. Effective date.

15 This act shall take effect following approval by the Mayor (or in the event of veto by the
16 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
17 provided in section 602(c)(1) of the District of Columbia approved December 24, 1973 (87 Stat.
18 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

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