



Uniform Code Citations for Misdemeanor Cannabis Possession

Proposed ordinance #2016-36

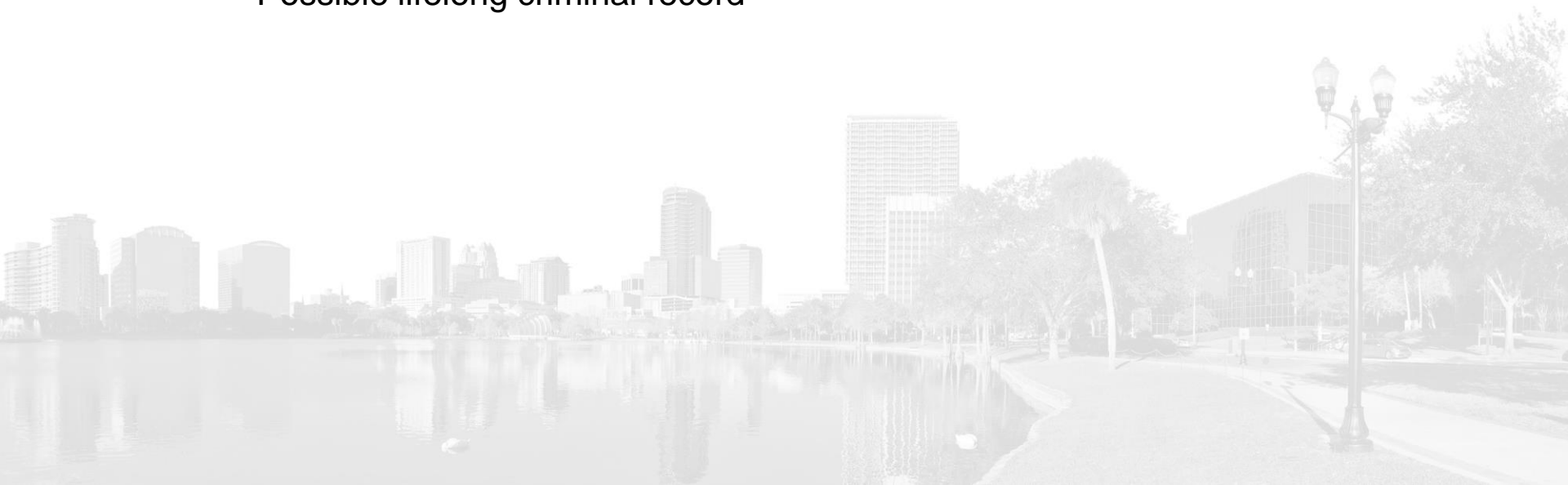
Proposed ordinance #2016-36

- Makes possession of ≤ 20 g. of marijuana a code violation
- Makes possession of marijuana paraphernalia a code violation
- Violation is a civil infraction
- Violation is made a “Class I” code violation
 - 1st offense \$50.00 fine
 - 2nd offense \$100.00 fine
 - 3rd and subsequent offenses Mandatory court appearance



Current state law

- Possession of ≤ 20 g. of marijuana is a 1st degree misdemeanor
- Possession of drug paraphernalia is a 1st degree misdemeanor
- Under state law, suspects are subject to arrest, and:
 - Up to 1 year in jail; and
 - Up to a \$1,000 fine; and
 - Up to 1 year of probation
 - Possible lifelong criminal record



Uniform Code Citation

Orange County Uniform Code Citation

County Court Case No.

Issuing Agency

☐ City Ordinance
☐ County Code/OrdinanceCitation No. **5990**

The undersigned certifies that, upon personal investigation, he/she has reasonable cause to believe, and does believe, that on:

Day of the week	Month	Day	Year	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
First Name	M.I.		Last		
Street Address					
City	State			Zip Code	
Phone No.	D.O.B.		Race	Sex	Height
Violator Identification: Driver's License, Social Security or Other					
State	Type of Identification				
Vehicle Make/Type (if applicable)	Year	Color	Tag No.		
Location of Violation:					

Did commit the following code violations/civil infraction:

Code/Section No.:	
Description of Violation:	
Offense (if applicable) <input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Other (specify) _____	Class of Violation:
Requires Mandatory Court Appearance (if applicable) Yes No	Penalty, if contested, not to exceed \$500. Penalty, if paid by _____ as follows: Total Amount Due if not Contested: \$ _____
Signature of Officer: _____	I.D. No. _____
Date & Time of Issuance	
Time <input type="checkbox"/> AM <input type="checkbox"/> PM	
Print Name	Month Day Year
Title of Officer	

Notice to Violator:

This citation is issued pursuant to Section 162.21, Florida Statutes. The violation for which you are charged is a civil infraction. Your signature below does not constitute an admission of guilt; however, willful refusal to sign and accept this citation is a misdemeanor of the 2nd degree punishable by a fine of \$500.00 and/or 60 days in jail as provided by s.775.082 or s.775.083 Florida Statutes.

Failure to pay the applicable civil penalty or request a hearing shall constitute a waiver of your right to contest this citation, and judgment may be entered against you for an amount not to exceed \$500.00 per infraction.

If you elect not to contest the citation and admit to the violation, you may present this citation by mail or by person from 9 a.m. To 5 p.m. to the County Criminal/Misdemeanor Court, 425 N. Orange Ave., 2nd Floor, Suite 250, Orlando, FL 32801, phone number 407.836.2066 and pay the fine (reduced civil penalty). Payment must be made by cash, money order, or certified check made payable to the County Court of Orange County (no personal checks accepted; do not mail cash) by month _____ day _____ year _____.

If you elect to contest the citation you must appear in Court at _____ a.m./p.m., month _____ day _____ year _____. At the County Criminal/Misdemeanor Court, 425 N. Orange Ave., 2nd Floor, Suite 250, Orlando, FL 32801 to request a hearing date.

Signature of Individual

→ → See Other Side → →

CLERK OF THE ORANGE COUNTY COURT

Classes of municipal code violations

	Reduced Civil Penalty		
Violation Classification	First Offense	Second Offense	Third and Subsequent Off.
Class I	\$50.00	\$100.00	Court Hearing Mandatory
Class II	\$100.00	\$200.00	Court Hearing Mandatory
Class III	\$150.00	\$300.00	Court Hearing Mandatory
Class IV	\$200.00	\$400.00	Court Hearing Mandatory
Class V	\$500.00	\$500.00	Court Hearing Mandatory

Marijuana enforcement

- 2001 – 2010: 7 to 8 million Americans arrested for pot possession
- 2011 – More arrests for pot than all violent crimes together
- 2010 – 62% of those arrested were 24 years old or younger
 - More than a third were teenagers or younger
- 2010 – 18 to 25 year olds:
 - Just over 1/3 of all whites smoked marijuana at least once
 - Just under 1/3 of all African-Americans smoked marijuana at least once
- \$3 – \$10 billion spent annually enforcing marijuana laws
- Racial disparity:
 - 716/100,000 African-Americans arrested for marijuana
 - 192/100,000 whites arrested for marijuana
 - African-Americans were 3.72 times more likely to be arrested

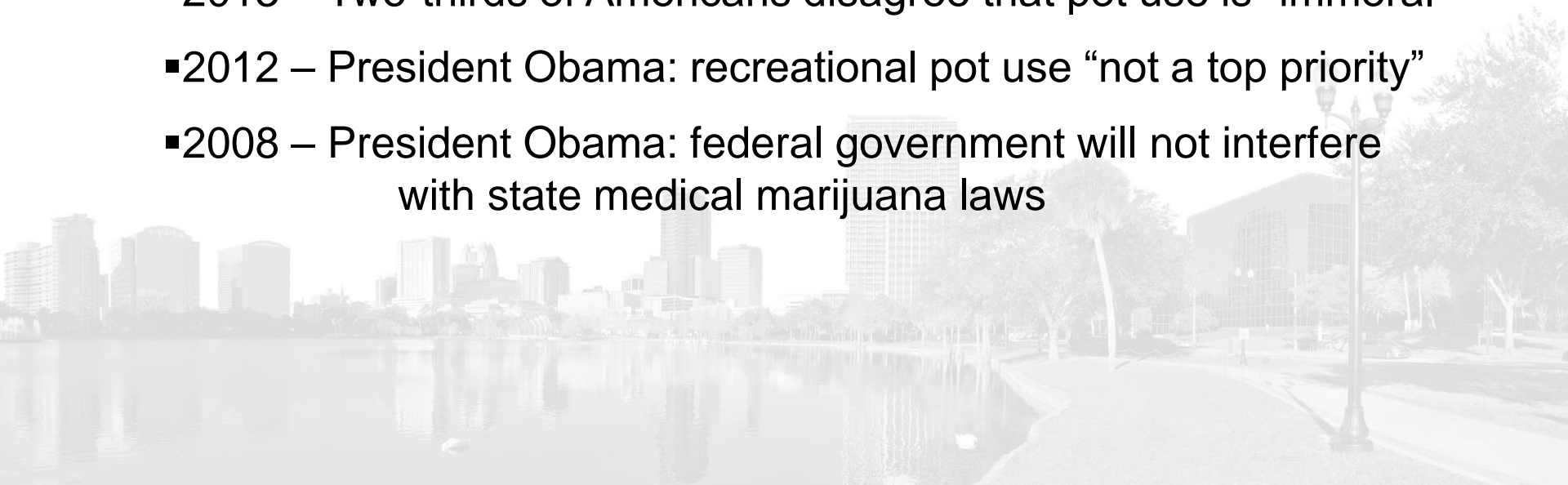
Possible impacts of a marijuana arrest

- Lose financial aid for college
- Lose the opportunity to attend college or university of choice
- Government fiscal impacts
- Loss of job opportunities
- Loss of opportunity to serve in the military
- Loss of certain public benefits
- Loss of housing opportunities
- More difficult to secure credit
- Possibility of a lifelong criminal record



Changing attitudes toward marijuana

- 2015 – 69% believe alcohol is more damaging to health than marijuana
- 2015 – 49% of all adults have tried marijuana
- 2015 – Americans favoring legalization of marijuana: 58%
- 2013 – Less than 4 in 10 Americans believe marijuana is a “gateway” drug
- 2013 – Two-thirds of Americans disagree that pot use is “immoral”
- 2012 – President Obama: recreational pot use “not a top priority”
- 2008 – President Obama: federal government will not interfere with state medical marijuana laws

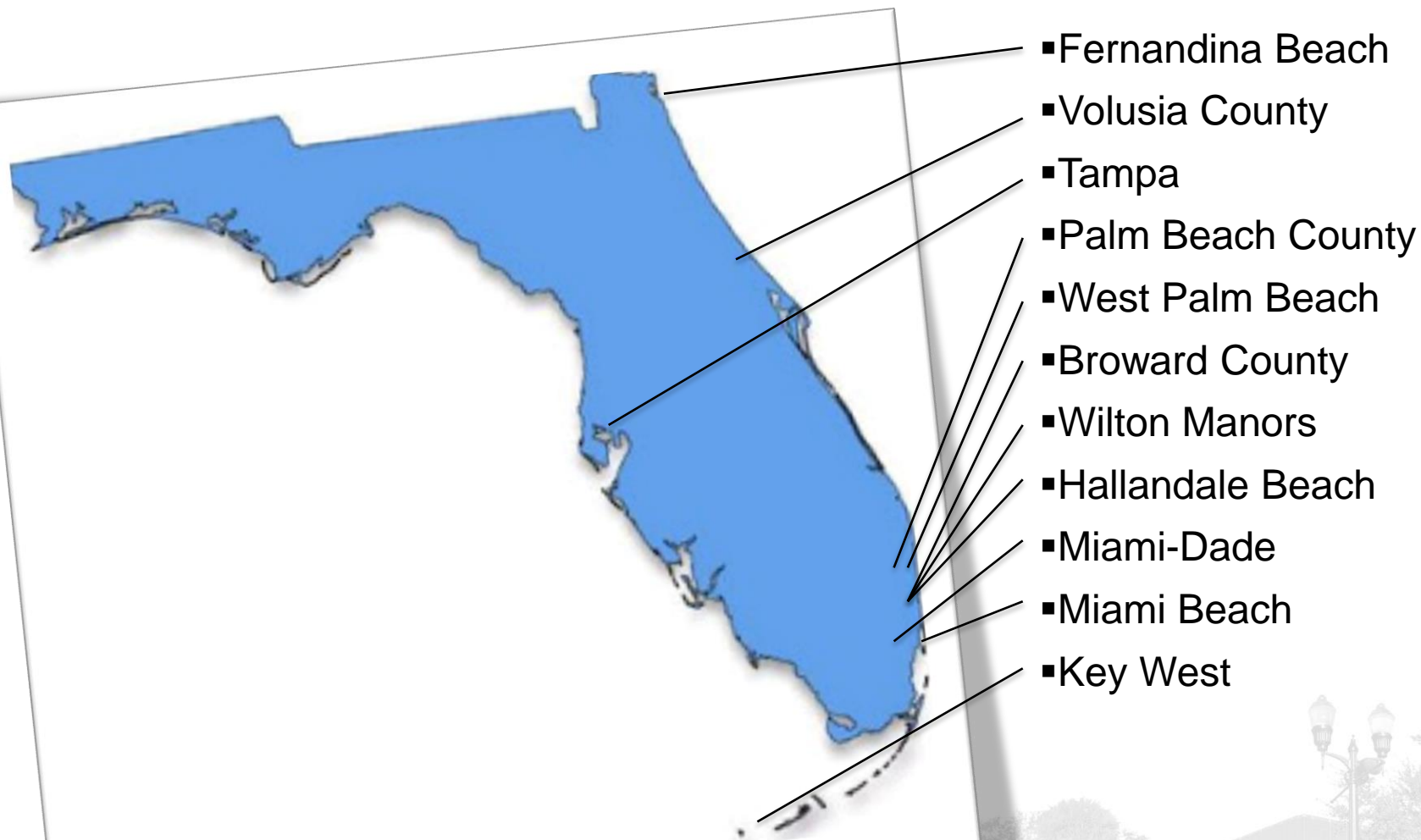


Changing marijuana laws

- Conditional release 33 states
- Medical 24 states
- Decriminalization 16 states
- Medical cannabidiol 14 states (incl. Florida)
- Tax 20 states
- Legalization 4 states + District of Columbia

▪ Florida

- Compassionate Use of Low-THC Cannabis (2014)
- Compassionate Use of Medical Cannabis (2016)
- Florida Right to Medical Marijuana Initiative (2016 ballot)



Civil citations for cannabis possession