

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: September 15 , 2017

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Sharon M. Tso  Council File No: 17-0002-S107
Chief Legislative Analyst Assignment No: 17-08-0846

SUBJECT: Resolution (Harris-Dawson - Bonin) to support and/or sponsor legislation that
would amend California Health & Safety Code § 11357(a)(2)

CLA RECOMMENDATION: Adopt Resolution (Harris-Dawson - Bonin) to include in the City's
2017 - 2018 State Legislative Program SUPPORT for and/or SPONSORSHIP of legislation that
would amend California Health & Safety Code § 11357(a)(2) to change the punishment for the
possession of less than 28.5 grams of marijuana or less than 4 grams of concentrated cannabis by
a person over 18 years of age but not yet 21 years of age from a maximum \$100 fine to a
requirement to perform not more than 10 hours of community service and a requirement that the
person cited for possession participate in a youth and safety program.

SUMMARY

On August 18, 2017, a Resolution (Harris-Dawson - Bonin) was introduced to support and/or
sponsor legislation that would alter the punishment for possession of less than 28.5 grams of
marijuana or 4 grams of concentrated cannabis by a person over 18 years of age and less than 21
years of age to replace the current maximum fine of \$100 with a community service requirement.
The Resolution states that while cannabis use by adults is legal, it is still prohibited by current law
for those under 21 years of age who do not have a medical recommendation.

The Resolution states that minority youth, in particular black men, are more likely to be cited for
cannabis possession, and that paying a fine may be difficult for many young people. The
Resolution states that this could result in the cited individual being assessed further fines and put
into further contact with the justice system. The Resolution, therefore, seeks an official position of
the City of Los Angeles to support and/or sponsor legislation that would amend California Health
& Safety Code § 11357(a)(2) to change the punishment for the possession of less than 28.5 grams
of marijuana or 4 grams of concentrated cannabis by a person over 18 years of age but not yet 21
years of age from a maximum \$100 fine to a requirement to perform not more than 10 hours of
community service and a requirement for the cited individual to participate in a youth and safety
program.

BACKGROUND

The State of California, through provisions in the Health and Safety Code, regulates the possession
of marijuana. Under State law, persons 21 years of age or older are permitted to possess up to 28.5
grams of marijuana, or up to 4 grams of concentrated cannabis. Persons under the age of 21 are
prohibited from possessing marijuana or concentrated cannabis. An individual who is over 18 but
not yet 21 years old can be found guilty of an infraction, and subjected to a fine of not more than

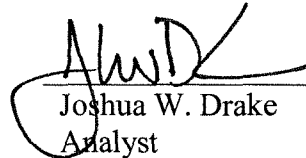
\$100. An infraction is a violation of the law that is not serious enough to be considered a crime, and an individual cannot be arrested for an infraction. It should be noted that, in California, a judge may sentence an individual to community service if they cannot pay the fine.

This proposal would also require individuals under 21 years of age who are cited for possession of marijuana to participate in a Youth and Safety Program. A program could be implemented educating youth on various drug-related issues, in collaboration with local communities, park services, law enforcement agencies, and other organizations.

DEPARTMENTS NOTIFIED

City Attorney's Office

Police Department


Joshua W. Drake
Analyst

SMT:jwd

Attachments: Resolution (Harris-Dawson - Bonin)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, with the passage of Proposition 64 by the voters of California in November 2016, recreational cannabis use by adults is now legal in the State; and

WHEREAS, while cannabis use by adults is legal, it is still prohibited by current law for those under the age of 21 who do not have a medical recommendation; and

WHEREAS, an individual who is over 18 years old, but not yet 21 years old who is in possession of not more than 28.5 grams of marijuana or 4 grams of concentrated cannabis can be found guilty of an infraction and fined not more than \$100; and

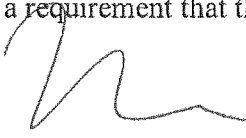
WHEREAS, minority youth, in particular young black men, are more likely to be cited for cannabis possession than their peers; and


WHEREAS, paying a fine may be difficult for many young people, which could lead to them being assessed additional fines and putting them in further contact with the justice system; and

WHEREAS, a more fair and equitable system which diverts people from the courts and into community service should be enacted for young people found in possession of cannabis; and

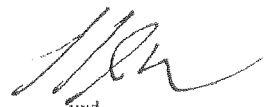
WHEREAS, requirements for community service and youth education programs instead of criminal fines will ensure that young people are not placed in negative contact with the justice system;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017 - 2018 State Legislative Program SUPPORT for and/or SPONSORSHIP of legislation which would amend California Health & Safety Code § 11357(a)(2) to change the punishment for the possession of less than 28.5 grams of marijuana or 4 grams of concentrated cannabis by a person over 18 years of age but not yet 21 years of age from a maximum \$100 fine and replace it with a requirement to perform not more than 10 hours of community service and a requirement that the person cited for possession participate in a Youth and Safety program.

PRESENTED BY: 
MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

SECONDED BY: 

AUG 18 2017


jwd

ORIGINAL