

LOCAL LAW NO. ____ OF 2019

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO DEPRIORITIZE
THE ENFORCEMENT OF MARIJUANA LAWS

A LOCAL LAW to
create Chapter 159,
Article III of the Code
of the City of Beacon
concerning the
prioritization of the
enforcement of
marijuana laws

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 159, Article III of the Code of the City of Beacon entitled
“Marijuana Policy” is hereby created as follows:

§ 159-17 Legislative findings, intent and purpose.

- A. The Police Department and City Court expend considerable financial resources and significant amounts of personnel time enforcing laws that prohibit the possession and use of marijuana.
- B. In most cases, local prosecutors dismiss charges related to the possession and use of marijuana. When this occurs, the City recoups none of the costs it has incurred to initiate and maintain the charges. However, the charged individual carries a record of a dismissed marijuana charge on the “sealed” portion of their criminal record for the rest of their life. This sealed arrest record continues to impact the charged individual’s ability to secure employment, obtain student loans and obtain various licenses and permits for years into the future.
- C. The physical harms and societal risks associated with the use of marijuana are not significantly greater than the physical harms and societal risks associated with the use of alcohol and tobacco. The consequences associated with the initiation of marijuana charges are substantially out of proportion with those harms and risks.
- D. Although marijuana use is widespread, the enforcement of marijuana laws tends to follow the biases and prejudices present in society. Notably, while approximately the same proportion of black people and white people

use marijuana, marijuana arrest rates are more than three times higher for black people than they are for white people.

- E. Decades spent arresting millions of marijuana users have failed to control marijuana use or reduce the availability of marijuana. Marijuana usage rates are higher in the United States than they are in the Netherlands, where marijuana has been de facto legal since 1976.
- F. A majority of New Yorkers favor legalizing the possession and use of marijuana. For example, Quinnipiac University polling from January 2019 reveals that 65% of New Yorkers favor legalizing the possession and use of marijuana. Moreover, support is across the board, with majorities of every polled subgroup—men, women, Republicans, Democrats, independents, upstate, downstate, suburban, young, middle-aged and old—in favor of legalization. Notwithstanding this, as well as Governor Cuomo’s own campaign promise, both branches of the legislature have failed to enact a legalization bill or even bring one to the floor for debate.
- G. In enacting this Article, the City Council intends to make the enforcement of marijuana offenses the City’s lowest law enforcement priority, and further, to establish a policy of supporting state and federal legislative changes to allow for the regulated distribution and use of marijuana, rather than its prohibition.

§ 159-18 Definitions.

For the purposes of this Article:

MARIJUANA

All parts of the plant of the genus *Cannabis*, whether growing or not, but excluding mature stocks, fiber, oil or cake derived from the seeds of said plant and the sterilized seeds of the said plant. The City Council intends for this definition to be coextensive with the definition of “marihuana” contained in § 220.00(6) of the Penal Law (or such other definition as may amend or replace this Penal Law definition in the future).

MARIJUANA OFFENSE

Any law that prohibits the possession or use of marijuana or its cultivation for personal use, regardless of whether said law prohibits such conduct on its face or as applied in particular circumstances (such as but not limited to disorderly conduct charges premised on the use of marijuana).

§ 159-19 Marijuana Policy.

- A. The enforcement of marijuana offenses is hereby declared to be the lowest law enforcement priority of the City of Beacon.

- B. Beacon law enforcement officers shall make law enforcement activities relating to marijuana offenses their lowest law enforcement priority. Law enforcement activities relating to marijuana offenses include, but are not limited to, investigation, citation, arrest, seizure of property and providing assistance to the prosecution of marijuana offenses.
- C. In the course of hiring and retaining employees and officers and procuring goods and services, and to the extent consistent with other applicable laws, the City of Beacon shall not take account of or otherwise consider the fact that an individual has engaged in conduct that amounts to a marijuana offense or has been charged or convicted of a marijuana offense; provided, however, that such conduct does not take place during the course or scope of one's employment, service or provision of goods or services for or to the City.
- D. For the avoidance of any doubt, and without limiting the generality of the foregoing, this Policy does not apply to offenses related to the operation of motor vehicles or other machinery while under the influence of marijuana and/or any other intoxicating substances.

§ 159-20 Resolutions.

- A. The City Council hereby calls on the Legislature of the State of New York to enact legislation removing sanctions from the possession and use of marijuana by adults; allowing for the lawful sale and distribution of marijuana to adults; and, providing for the imposition of fair and reasonable taxes and fees on sales of marijuana within the State.
- B. The City Council hereby calls on Congress to enact legislation that would amend federal law to allow states and localities to remove sanctions from the possession and use of marijuana and to implement programs to tax and regulate marijuana.
- C. The City Council hereby calls on the United States Attorney General to direct federal law enforcement authorities to not enforce federal laws in a manner that would inhibit state and local programs providing for the taxation and regulation of marijuana.
- D. This Article is not intended to condone or encourage the use of marijuana or any other potentially harmful substance, whether legal or illegal. Rather, this Article reflects the City Council's conclusion that the costs of according a high priority to marijuana enforcement outweigh the benefits of such a policy.

Section 2. Numbering for Codification.

It is the intention of the City and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 3. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State.