



### HOW PHILLY WORKS IS PHILLY GOING TO POT?

*You may have heard that Philly's City Council knocked down the penalty for being caught with a little weed.*

*Don't celebrate just yet, stoners.*

*The city's District Attorney and top cop say state law trumps city law. And state law says you can go to jail and pay a hefty fine if you're caught with 30 grams or less of marijuana.*

*Just in case you're a bit hazy about what this all means, this **HOW PHILLY WORKS** should help.*

-- July 2, 2014

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#### **Can I toké up in my front yard now?**

Sorry, no. The bill passed by Council has nothing to do with allowing marijuana for recreational or medicinal use. It sets out a lower penalty if you're caught with a small amount of marijuana. According to state law, you can spend up to 30 days in jail and be fined \$500.

#### **How small is "small"?**

Under both City Council's new bill and state law, a "small amount of marijuana" is up to 30 grams (about an ounce). We have it on excellent authority that it takes about half a gram to make one joint.

#### **What did City Council do?**

Council's bill calls for an alternative punishment – one that doesn't involve jail, the courts, or a criminal record. It says anyone caught with a small amount of marijuana will be ticketed and get a \$25 fine, payable to the city in the same manner as a littering fine.

#### **What was behind Council's move?**

Council thinks the state-mandated punishment doesn't fit the crime. And that small drug arrests are diverting resources better directed towards more serious offenses. Councilman Jim Kenney, the bill's sponsor, said about 17,000 police hours are spent just processing marijuana arrests each year. According to the state's official crime reporting system, 4,336 people were arrested in Philly for possessing small amounts of pot in 2013.

#### **Guess that means a lot of people are walking around with criminal records.**

That was another of Kenney's concerns. A criminal record can make it tough to find a job, not to mention get into college or enlist in the army. Actually, most people arrested for possessing marijuana under state law can have the charges expunged from their record if they are eligible for, and complete, a diversion program.



### **Tell me more.**

This isn't a primer on drug possession so talk to a lawyer instead of taking our word for it. In a nutshell though: If you are arrested in Philly for having a small amount of marijuana (as opposed to being charged with possession plus intent to deliver or other offenses), you may be eligible for the District Attorney's Small Amounts of Marijuana (SAM) program. After paying a \$200 fine and attending a three-hour class, the charges will be expunged from your record.

### **If Philly already has SAM, why would Council bother with this issue?**

Because \$200 is a lot of money. And Council obviously believes it makes more sense not to arrest people in the first place than to arrest them and drop the charges later.

### **I hear Kenney wants to run for mayor. Is he trying to court the drug users' vote?**

Spoken like a true Philly cynic. We have no clue how big this bloc is. Or how many turn out to vote.

### **Seriously: How will cops know whether to follow state or city law?**

That's actually the point raised by Dennis O'Brien, one of three Council members who opposed the bill. O'Brien says two people with the same amount of marijuana could end up with very different punishments depending on the cop who happens to catch them. The disparity could invite a legal challenge. O'Brien also believes it's the job of state government to write drug laws, not City Council.

### **You said the District Attorney and top cop are against Council's law.**

They are: D.A. Seth Williams and Police Commissioner Charles Ramsey have vowed to keep following state law. So even if the law survives a possible veto by Mayor Nutter (who acknowledges concerns like O'Brien's), Council's law may not get enforced anyhow.

### **Have any other cities tried something like this?**

Chicago has, and a bill for D.C. is awaiting approval by Congress. Chicago passed its \$250-500 fine in 2012, but it didn't work quite as city lawmakers planned. The next year, only 7% of Chicago offenders were ticketed. The other 93% were arrested in accordance with the harsher state law.

### **Is there a chance marijuana will be approved for recreational or medicinal use?**

Since this can only happen on the state level, our prediction is not anytime soon. Last week a state Senate Committee approved a bill to legalize marijuana for patients with certain medical conditions. Tom Wolf, the Democratic candidate for governor, supports this idea. But GOP House leaders say the bill would be dead on arrival in their chamber. And Governor Corbett isn't too keen on it either. (For more on the marijuana debate in Pennsylvania, see [this edition](#) of our "Guv Race 101" series.) We'll keep you posted if any developments happen.

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