

# **CITY of ALBUQUERQUE**

## **TWENTY FIRST COUNCIL**

**SPONSORED BY: Rey Garduño and Isaac Benton**

1 **RESOLUTION**

- 2 ESTABLISHING A POLICY THAT ENFORCEMENT OF LAWS CRIMINALIZING
- 3 POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA FOR ADULT
- 4 PERSONAL USE SHALL BE A LOW LAW ENFORCEMENT PRIORITY.

5        WHEREAS, state law makes possession of one ounce or less of marijuana  
6        a criminal offense punishable by a fine and imprisonment; and

7 WHEREAS, enforcement of criminal laws relating to the mere possession  
8 of one ounce or less of marijuana for adult personal use should constitute a  
9 very low priority for the City's law enforcement resources because the money  
10 spent arresting, incarcerating, and prosecuting adults for simple marijuana  
11 possession could be better spent elsewhere; and

12        WHEREAS, attitudes and laws governing the possession and use of  
13    marijuana have dramatically shifted in favor of legalizing or at least  
14    decriminalizing possession of small amounts of marijuana for personal use;  
15    and

16 WHEREAS, according to a poll performed by Research & Polling, Inc. in  
17 February, 2013, approximately 57% of New Mexico voters favor reducing the  
18 penalty for adult possession of marijuana for personal use from a criminal  
19 misdemeanor to a civil penalty with small fines and no jail time: and

20 WHEREAS, according to the same poll approximately 52% of New Mexico  
21 voters support legalizing marijuana for adults; and

22 WHEREAS, according to the results of an advisory question placed on the  
23 2014 general election ballot in Bernalillo County, approximately 60% of City  
24 residents support marijuana decriminalization; and

1        WHEREAS, the City is considering a separate ordinance, ordinance O-15-60  
2        that abolishes the City's criminal marijuana possession laws from the City's  
3        Criminal Code and replace them with civil penalties.

4        BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
5        ALBUQUERQUE:

6            **Section 1. LOW LAW ENFORCEMENT PRIORITY.**        The Albuquerque  
7        Police Department, the City Attorney's Office and all other City law  
8        enforcement officials shall make the investigation, arrest, and prosecution of  
9        criminal offenses for the possession of one ounce or less of marijuana for  
10      adult personal use a low law enforcement priority.

11           **Section 2. ENFORCEMENT PROCEDURES.**        The Albuquerque Police  
12      Department and City Attorney shall establish appropriate forms and  
13      procedures for the administration of the civil marijuana possession penalties  
14      prescribed by O-15-60 as soon as possible.

15           **Section 3. REPORTING.**        The Albuquerque Police Department shall  
16      report all marijuana arrests if any, including any criminal citations issued for  
17      marijuana use or possession if any, to the City Council on an annual basis.

18           **Section 4. SEVERABILITY.**        If any section, paragraph, sentence, clause,  
19      word, or phrase of this resolution is for any reason held to be invalid or  
20      unenforceable by any court of competent jurisdiction, such decision shall not  
21      affect the validity of the remaining provisions of this resolution. The Council  
22      hereby declares that it would have passed this resolution and each section,  
23      paragraph, sentence, clause word or phrase irrespective of any provisions  
24      being declared unconstitutional or otherwise invalid.

25           **Section 5. EFFECTIVE DATE.**        This resolution shall take effect five  
26      days after publication by title and general summary.

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