

CITY of ALBUQUERQUE

TWENTY FIRST COUNCIL

COUNCIL BILL NO. R-15-243 ENACTMENT NO. _____

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 THE CITY'S LOWEST LAW ENFORCEMENT
5 PRIORITY

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

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

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

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

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

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

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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. LOWEST LAW ENFORCEMENT PRIORITY. The Albuquerque
7 Police Department, the City Attorney's Office and all other City law enforcement
8 officials shall make the investigation, arrest, and prosecution of criminal
9 offenses for the possession of one ounce or less of marijuana for adult
10 personal use the City's lowest 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 phrase irrespective of any provisions being
24 declared unconstitutional or otherwise invalid.

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

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