



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY FIRST COUNCIL**

COUNCIL BILL NO. R-15-243 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Rey Garduño and Isaac Benton

RESOLUTION

Establishing A Policy That Enforcement Of Laws Criminalizing Possession Of One Ounce Or Less Of Marijuana For Adult Personal Use Shall Be A Low Law Enforcement Priority (Garduño, Benton)  
ESTABLISHING A POLICY THAT ENFORCEMENT OF LAWS CRIMINALIZING POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA FOR ADULT PERSONAL USE SHALL BE A LOW LAW ENFORCEMENT PRIORITY.

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

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

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

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

WHEREAS, according to the same poll approximately 52% of New Mexico voters support

legalizing marijuana for adults; and

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

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

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

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

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

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

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

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

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