

11-7-2011

Reduced Marijuana Penalties. Initiative Statute.

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DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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April 18, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12126

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: Failure of #1518, Related to Marijuana

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative statute filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: REDUCED MARIJUANA PENALTIES. INITIATIVE
STATUTE.

SUMMARY DATE: November 7, 2011

PROPONENT: Bill Zimmerman



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November 8, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11112

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: 1518, Related to Marijuana

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**REDUCED MARIJUANA PENALTIES.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Bill Zimmerman
212 26th Street, Suite #145
Santa Monica, CA 90402

(310) 451-2522

#1518

**REDUCED MARIJUANA PENALTIES.
INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
California Constitution, Article II, Section 8(b)

2. Official Summary Date: Monday, 11/07/11

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 336) Monday, 11/07/11

 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elections Codes §§ 9014, 9030(a))..... Thursday, 04/05/12

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elections Code § 9030(b))..... Tuesday, 04/17/12

(If the Proponent files the petition with the county on a date prior to
04/05/12, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elections Code § 9030(b).)

 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties..... Thursday, 04/26/12*

 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elections Code §§ 9030(d)(e))..... Friday, 06/08/12

* Date varies based on the date of county receipt.

INITIATIVE #1518

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 04/26/12, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d)(e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a))Monday, 06/18/12*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elections Code §§ 9031(b)(c)).Tuesday, 07/31/12

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 06/18/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code §§ 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elections Code §§ 9031(d), 9033)... Saturday, 08/04/12*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9013, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.



KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE

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November 7, 2011

The Honorable Debra Bowen
Secretary of State
Office of the Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95814

FILED
In the office of the Secretary of State
of the State of California

NOV 07 2011

VIA
EMAIL
5:30pm

Attention: Ms. Katherine Montgomery
Elections Analyst

By 
Debra Bowen, Secretary of State
Deputy Secretary of State

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 11-0040, "The Marijuana Penalties Act of 2012"

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions.

Sincerely,

DAWN L. MCFARLAND
Acting Initiative Coordinator

For KAMALA D. HARRIS
Attorney General

DLM:

cc: Bill Zimmerman, Zimmerman & Markman Inc.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REDUCED MARIJUANA PENALTIES. INITIATIVE STATUTE. Limits punishment to \$250 fine or community service for possession, cultivation, sale, or transportation of up to two ounces of marijuana; limits punishment to six months in county jail and/or \$500 fine if violator is less than 21. Retains existing penalties for marijuana offenses on school grounds and for offenses involving sale to a minor, employment of minor in criminal marijuana enterprise, or driving under influence of marijuana. Makes property forfeiture laws inapplicable to marijuana offenses involving two ounces or less. Retains laws regarding marijuana in the workplace, driving under influence, and medical marijuana. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Unknown savings to state and local governments on the costs of enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders.** (11-0040)

11 0040



Zimmerman & Markman Inc.
Political Consulting and Advertising

RECEIVED

SEP 15 2011

September 13, 2011

Attorney General Kamala D. Harris
1300 I Street
Sacramento CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for title and summary of proposed initiative

Dear Attorney General Harris:

In November 2010, California voters nearly passed a wide-ranging measure to legalize, tax and regulate marijuana. Proposition 19 got 46.5% of the statewide vote. I believe the consensus in favor of ending criminal penalties for low-level marijuana offenses is even broader. Simple possession of one ounce is now an infraction with a small fine, but I doubt that a majority of Californians wants to jail or imprison nonviolent adults who use or purchase even a bit more. That's why the enclosed measure covers a somewhat broader range of low-level offenses involving up to two ounces of marijuana.

At a time when our prisons are undergoing a court-ordered population reduction, and county jails will be asked to handle even more offenders, citizens must make smart choices. Ending criminal penalties for two ounces of marijuana is a smart decision for our time, and one with broad support among Californians.

Therefore, pursuant to Article II, Section 10(d) of the California Constitution, I am submitting the attached proposed statewide ballot measure ("The Marijuana Penalties Act of 2012") to your office, and I request that you prepare a circulating title and summary of the measure as provided by law. Also enclosed are the required signed statement pursuant to California Elections Code sections 9001 and 9608, and a check in the amount of \$200. A further enclosure, Appendix A, lists my address as a registered voter and provides a direct telephone contact.

Finally, I declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Los Angeles County registered to vote.

Sincerely yours,

Bill Zimmerman
Proponent

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. Section 11360.1 is added to the Health and Safety Code, to read:

- 11360.1 (a) This Act shall be known and may be cited as the Marijuana Penalties Act of 2012.
- (b) The People of the State of California declare that the purposes and intents of this Act are to:
- (1) Remove state prison and jail penalties for adults aged 21 years or older who commit low-level marijuana offenses, without affecting laws or policies pertaining to the workplace, driving under the influence, or marijuana-related activities on or near school grounds.
 - (2) Ensure that courts retain authority to hold accountable those under 21 years of age who violate marijuana laws.
- (c) (1) Notwithstanding any other provision of law, and except as otherwise provided in this Section, every person aged 21 years or older who commits a low-level marijuana offense shall be guilty of an infraction punishable only by a fine of not more than two hundred and fifty dollars (\$250) or community service.
- (2) Notwithstanding any other provision of law, and except as otherwise provided in this Section, any person under the age of 21 who commits a low-level marijuana offense shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, as provided in Section 11357(c).
- (3) The limitations on penalties provided by subdivisions (c)(1) and (c)(2) shall not apply to any person who sells, or possesses with intent to sell, marijuana to a minor, employs a minor in a criminal enterprise involving marijuana, or drives under the influence of marijuana.
- (d) (1) As used in this Section, "low-level marijuana offense" means violating Sections 11357(c), 11358, 11359 or 11360 with two ounces or less of marijuana, so long as such violations do not take place upon the grounds of, or within, any school as that term is described in Section 11357.
- (2) "Community service" means community service to be completed within 90 days, at times and in such an amount as not to interfere with the sentenced person's ability to retain employment or attend school.
- (e) The penalties provided in subsection (c)(1) or (c)(2) of this Act shall not apply to violations of Vehicle Code Section 23222(b) insofar as such violations involve not more than 28.5 grams of marijuana.

(f) The penalties provided in subsection (c)(2) of this Act shall not apply to violations of Section 11360(b) insofar as such violations involve not more than 28.5 grams of marijuana.

(g) Notwithstanding any other provision of law, no property shall be subject to forfeiture pursuant to Section 11470 if the act or acts giving rise to such forfeiture involve two ounces or less of marijuana.

(h) Notwithstanding any other provision of law, the records pertaining to any arrest and/or conviction for any low-level marijuana offense shall be subject to the same provisions governing destruction as are provided in Section 11361.5.

(i) Nothing in this Act is intended to:

(1) Limit the authority of employers to enact and enforce policies pertaining to marijuana, employees and the workplace.

(2) Limit or change existing or future laws pertaining to driving under the influence of marijuana.

(3) Limit or change existing state or local laws or regulations pertaining to medical use of marijuana or the Medical Marijuana Program, including but not limited to Section 11362.5 and Article 2.5 (commencing with Section 11362.7) of Chapter 6 of Division 10 of the Health and Safety Code.

(4) Limit or change existing laws making available voluntary deferred entry of judgment or diversion programs, including but not limited to Chapter 2.5 (Section 1000 et. sec.), Chapter 2.7 (Section 1001 et. sec.) and Chapter 2.9 (Section 1001.50 et. sec.) of Part 2, Title 6 of the Penal Code.

SEC. 2. This Act may be amended by a majority vote of both houses of the legislature, the governor concurring, but only to further its intents and purposes and not to increase any of the penalties prescribed herein, or to decrease the applicable amounts of marijuana to which the penalties herein apply.

SEC. 3. If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

SEC. 4. In the event that provisions of this measure conflict with those of another initiative on the same ballot, and this measure receives more affirmative votes, the provisions of this measure shall prevail in their entirety. If this measure is superseded by another on the same ballot that is later held invalid, this measure shall be self-executing and given full force of law.

SEC. 5. The provisions of this Act shall become effective January 1, 2013, and shall apply to any person sentenced on or after that date.