



Zimmerman & Markman Inc.
Political Consulting and Advertising

RECEIVED

SEP 15 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

September 13, 2011

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

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

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 (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.