



Judicial Council of California

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September 1, 2010

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: SB 1449 (Leno) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports SB 1449, which reclassifies from a misdemeanor to an infraction possession of not more than 28.5 grams of marijuana.

SB 1449 would correct the inconsistency between the classification and penalty for the possession of not more than 28.5 grams of marijuana.

Though classified as a misdemeanor, conviction of marijuana possession subjects a defendant to no greater punishment than that associated with being found guilty of an infraction. Jail time cannot be imposed, nor can the basefine exceed \$100. Normally, the Judicial Council does not take a position on questions of punishment. In this case, however, the offense is an infraction in everything but name. This mischaracterization comes at too great a cost for the courts at a time when resources are shrinking and caseload is growing. Given the comparatively light consequences of the punishment and the courts' limited resources, the council believes that appointment of counsel and jury trial should be reserved for defendants who are facing loss of life, liberty, or property greater than \$100.

For the above reasons, we respectfully request your signature on SB 1449.

Sincerely,

June Clark
Senior Attorney

JC/yt

cc: Hon. Mark Leno, Member of the Senate
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research