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HOUSE JOINT RESOLUTION NO. 530

Offered January 13, 2021

Prefiled January 8, 2021

Directing the Virginia State Crime Commission to study the propriety and effectiveness of alternative approaches to the Commonwealth's enforcement scheme for the possession of controlled substances, including decriminalization of the possession of such substances. Report.

Patrons—Hudson, Kory, Scott, Adams, D.M., Bagby, Bourne, Carter, Guzman, Hayes, Hope, Hurst, Levine, Rasoul, Reid, Samirah, Simon and Subramanyam

Referred to Committee on Rules

WHEREAS, simple possession of controlled substances listed on Schedules I through VI is punishable as a crime in Virginia, with penalties ranging from a Class 4 misdemeanor punishable by a fine of not more than \$250 to a Class 5 felony punishable by a term of imprisonment of not less than one year nor more than 10 years; and

WHEREAS, the War on Drugs has entailed overwhelming financial and societal costs, and the policy behind it does not reflect a modern understanding of substance use disorder as a disease or substance abuse as a public health problem; and

WHEREAS, traditional legal interventions, including arrest and incarceration, have proven ineffective in treating addiction and promoting public health, requiring new approaches that emphasize treatment and rehabilitation over arrest and punishment; and

WHEREAS, others states have removed criminal penalties for individuals in possession of controlled substances in amounts reflecting personal use and instead have imposed civil penalties, and such reforms have resulted in significant financial savings to such states in both the adjudication of criminal cases and the reduced burden on jails and prisons; and

WHEREAS, the Commonwealth of Virginia has removed criminal penalties for simple possession of marijuana, replacing such criminal penalties with a \$25 civil penalty; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the propriety and effectiveness of alternative approaches to the Commonwealth's enforcement scheme for the possession of controlled substances, including decriminalization of the possession of such substances.

In conducting its study, the Virginia State Crime Commission shall (i) identify possible approaches to decriminalization, including those that have been implemented or adopted in other states and countries and those that have been proposed or considered by policymakers, but not adopted; (ii) identify the policy arguments, research, and evidence for and against each approach, including the fiscal impact, effect on crime rates, and how each approach influences other social costs, such as drug use, overdose, poverty, homelessness, and public health; (iii) assess how decriminalization will affect enforcement, adjudication, and punishment of drug possession, including the possibility of reallocation of police resources, reduction in criminal cases, and reduction in incarceration rates; (iv) recommend threshold quantities for individual possession that would remain non-felonious or non-criminal; (v) assess whether currently available treatment services and harm-reduction interventions are adequate to ensure the reforms have their intended effects, and if they are inadequate, what services or other interventions would need to be created; and (vi) if additional treatment or harm-reduction services would be required, assess how much they would cost and identify options for funding them.

All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2021, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2022 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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