

The Star-Ledger

N.J. will halt prosecuting marijuana possession cases, attorney general says

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NJ Advance Media for NJ.com and The Star-Ledger

Published Nov. 25, 2020

New Jersey's top law enforcement official on Wednesday ordered prosecutors to halt all low-level marijuana cases statewide as lawmakers continue to debate bills to formally legalize cannabis.

Anyone charged only with possession, being under the influence of marijuana or having marijuana while driving, among other charges, should have their cases postponed until at least January 25, state Attorney General Gurbir Grewal wrote to municipal, county and state prosecutors.

The order affects adults and juveniles currently being prosecuted, as well as anyone arrested in the coming weeks. It does not apply to people accused of distributing marijuana.

“It simply does not make sense or serve justice to proceed with prosecutions on charges that may be foreclosed soon through legislative action,” Grewal said in a statement. “Fairness demands that we suspend prosecution of marijuana possession-related cases while we await direction from the Legislature.”

In cases where residents are facing additional charges on top of low-level marijuana offenses, Grewal told prosecutors to “use their discretion” to either ask that the marijuana charges be dismissed or to postpone the entire case.

Yet the latest directive does not stop arrests, which disproportionately target Black people in New Jersey, according to the American Civil Liberties Union.

Marijuana arrests have continued after residents overwhelmingly voted for legalization on Election Day.

Lawmakers in the state Senate quickly got to work on a bill to decriminalize possession of up to six ounces, as well as distribution of up to one ounce.

But state Sen. Nicholas Scutari, D-Union, added an amendment that would downgrade penalties for possessing psilocybin, commonly known as “magic” mushrooms, days before lawmakers in both chambers were scheduled to vote on the measure.

The Senate passed the bill 29-4, but the Assembly stalled the vote due to concerns over the mushroom amendment. Lawmakers say negotiations are ongoing, but there's been no progress since.

Municipal prosecutors have continued to bring charges against many people for small amounts of possession, defense attorneys say. And they've reported uneven enforcement of the law, with some dismissing cases and others fully prosecuting the offenses.

The Ocean County Prosecutor's Office, for example, has continued to prosecute a young couple caught with less than 9 grams of marijuana on a beach earlier this year. In Elizabeth, police created a flyer entitled "The Blunt Truth," telling residents: "We, the Police will still charge you with every law related to marijuana."

Representatives for the two agencies did not respond to requests for comment.

Grewal previously reminded cops statewide that cannabis remains illegal until lawmakers regulate it, although he's told officers that they have "broad discretion when handling low-level marijuana offenses."

NJ Advance Media managing producer Robin Wilson-Glover contributed to this report.