

MORRIS COUNTY CHIEFS OF POLICE ASSOCIATION



March 9, 2021

Dear Residents,

On February 22, 2021, Governor Murphy signed legislation regarding marijuana laws in New Jersey. There has been a lot of attention on the aspect of the law that forbids police officers from contacting parents when they issue a warning to a minor for a marijuana or alcohol offense. A large number of constituents have reached out to their representatives to express their displeasure. As a result there are bills being introduced to repeal this portion of the law and we are grateful for this.

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Mount Olive Township

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Vice President
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There remains another aspect of the newly signed law that needs to be repealed. The legislation prohibits police officers from engaging in certain actions when investigating a person under 21 for possession of marijuana, hashish, cannabis, or alcohol. Importantly, officers who violate these provisions may be charged criminally with depriving the individual of their civil rights, *regardless of whether the officer intended to do so.*

The prohibited conduct includes:

- Officers shall not ask an individual under 21 for consent to search the person to determine a violation of that crime.
- The odor of marijuana, hashish, or alcohol no longer constitutes reasonable articulable suspicion to initiate a stop of an individual under the age of 21, nor does it provide probable cause to search the person's personal property or vehicle to determine a violation of N.J.S.A. 2C:33-15(a)(1).
- The unconcealed possession of an alcoholic beverage, marijuana, hashish, or cannabis item in violation of N.J.S.A. 2C:33-15(a)(1) that is observed in plain sight shall not constitute probable cause to initiate a search of an individual under the age of 21 or that individual's personal property or vehicle to determine a violation of any law.
- An individual under the age of 21 who violates N.J.S.A. 2C:33-15(a)(1) shall not be arrested, detained, or otherwise taken into custody except to the extent required to issue a written warning or provide notice of a violation to a parent/guardian, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required.

- When responding to a violation or suspected violation of N.J.S.A. 2C:33-15(a)(1), law enforcement officers fails to activate their body worn cameras, which must remain activated throughout the encounter.

If a police officer does any of the above they are subject to being charged criminally for a 3rd degree crime; the penalty being 3-5 years in prison and up to a \$15,000 fine. The penalties of this law for police officers are unreasonably harsh and compromises the ability of law enforcement to protect the health and safety of those underage who are breaking the law.

The ballot question which passed last November was to legalize recreational use of marijuana for adults 21 and older. The legislation that was signed by Governor Murphy essentially eliminates consequences for all persons under 21 for possession of marijuana and alcohol. This is the legislature's efforts to prevent police officers from investigating and seizing illegal marijuana and alcohol.

The Police Chiefs of the Morris County Association of Chiefs of Police are seriously concerned with this legislation and the impact it will have on our communities and our police officers' ability to do their jobs. The Chiefs of Police strongly urge you to contact your representatives and urge them to repeal this portion of the legislation.

Sincerely,

Stephen Beecher
Chief of Police-Mount Olive
President-Morris County Police Chiefs Association