

The Virgin Islands Consortium

Marijuana Decriminalization Becomes Law, Senate Overrides De Jongh Veto

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A bill that decriminalizes the use of marijuana in the U.S. Virgin Islands is now the law of the land, as the full Senate body voted on Dec. 19 to override Governor de Jongh's previous veto of the measure.

The new law leaves in place stiff penalties for individuals caught selling the drug and for those caught growing it in bulk. However, for individuals caught with less than 1 oz. of the substance, the penalty has been lowered to a fine of \$100 to \$200. Law enforcement may also confiscate the marijuana, and if the person in possession is under the age of 18, the minor's parents or guardian would be notified, and would be required to complete an "approved drug awareness program." Previously, individuals caught with less than an

ounce of marijuana could face jail time.

Speaking to *VI Consortium* on Sunday, Sen. Terrance "Positive" Nelson, who authored the bill, said, "the trend is evident," and that decriminalization is different from legalization. He also said decriminalization of marijuana is a matter of changing the penalty, and stated the move has been adopted by most Attorney Generals in the U.S., as they have found it to be more cost effective to decriminalize the substance in lieu of jailing persons for small amounts of possession.

While decriminalization means possessing small amounts of marijuana, less than 1 oz. in the U.S. Virgin Islands, will no longer result in a criminal record or a jail sentence; legalization means consumers face no penalty at all for possessing marijuana.

Furthermore, it means the supply side of the business—growing, transportation and retailing—is also legal, according to an article on [The Economist](#).

Nelson thanked his colleagues for supporting the measure, saying, "It will go a long way in easing cost on the judicial system and judicial process."

Those who voted for and against the measure are as follows:

1. Senator Craig Barshinger — Yes
2. Senator Judi Buckley — Yes
3. Senator Diane Capehart — Yes
4. Senator Donald G. Cole — Yes
5. Senator Kenneth Gittens — Yes
6. Senator Clifford Graham — Yes
7. Senator Alicia "Chucky" Hansen — Absent
8. Senator Myron Jackson — Yes
9. Senator Shawn-Michael Malone — Yes
10. Senator Terrence "Positive" Nelson — Yes
11. Senator Nellie Rivera-O'Reilly — Yes
12. Senator Clarence Payne — Yes
13. Senator Tregenza A. Roach — Yes
14. Senator Samuel Sanes — Yes
15. Senator Janette Millin Young — Yes

See a list of states that have passed laws decriminalizing marijuana [here](#).

Back Story

De Jongh line-item vetoed the marijuana decriminalization legislation back in October, which was bundled with the government's fiscal year 2015 budget, contending that the bill represented an "inconsistent application of the law as it pertains to private employees versus government employees."

The governor said the legislation curtails the government's ability to "enforce and regulate workplace rules and codes of conduct, particularly in those areas involving hazardous jobs, public safety and the operation of heavy equipment," and it compromises the ability of the "judiciary to effectively enforce its orders pertaining to pre-trial release and bail."

Since its passage in the 30th Legislature, bill No. 30-0018 has stirred much controversy, as concerned citizens began taking a closer look at the measure, identifying loopholes that would leave law enforcement officers ill-equipped to uphold certain laws.

In September, Nelson [told](#) *VI Consortium* that marijuana was not his main priority.

"Let me straighten you out," Nelson said, "the marijuana issue is a hot topic, everybody is talking about it. It's not me, it's on the radio — everybody's talking about it. That's what they have to the front. Twenty-three states have passed [marijuana bills] so it's a big issue, but it's not really my priority. Of course it's not."

Senator Nelson added that the controversy surrounding marijuana was not something he ever intended, as all along he only wished to place the topic before residents before any other step was taken.

"This whole marijuana business that's going all over the place [and has become] viral, what did I want," Nelson said, "I wanted to ask the people what they think about it before we took any initiative on it."