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PRESS RELEASE

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New marijuana legislation favored by Mendocino County District Attorney David Eyster and other North Coast prosecutors is on its way to a vote on the floor of the state Assembly.

The bill would give local district attorneys the option of charging pot growers with misdemeanors instead of the currently required mandatory felony charges punishable with costly state prison terms. Misdemeanor convictions may ultimately carry lighter penalties, including fines or time in local county jails. "Major state savings" are seen by Legislative analysts, including the Republican analysts, if the measure is eventually enacted by the state Legislature.

Eyster said the broader prosecution discretion is needed, especially in rural counties where more of the state's marijuana production occurs.

"It gives prosecutors the flexibility we need," said Eyster. Since taking office in January, Eyster has been working to streamline current marijuana cultivation laws and reduce prosecution costs. Introduced by Assemblyman Tom Ammiano of San Francisco, the amendment bill would allow district attorneys to decide charging based on the magnitude of the case, rather than "one-size-fits all felony."

The measure was approved Wednesday by the Assembly Appropriations Committee on a 9-7 vote.

"When it comes to marijuana cultivation, one size definitely does not fit all," said Eyster.

"However," said Eyster, "speculation on how many illegal plants might constitute a future misdemeanor is an exercise in futility. While numbers will be a factor to be considered, other factors – like prior criminality and potential danger to neighbors and the community – need also to be factored into the charging decision."

"Passage of this minor change in statutory language will allow local prosecutors to possibly determine that a home gardener with a few non-medical marijuana plants will not be prosecuted at the same level as a profiteer operating a major marijuana plantation," said Eyster.

Ammiano said the change is "long overdue and is simply common sense."

Ammiano said the bill will save the state money, and allow for more cost-effective prosecution.

Analysts said the annual state savings could be in the range of \$1.5 million. It's expected that at the county level the savings will be even greater.

The San Francisco lawmaker applauded Eyster for helping trying to create "a rationale public policy for marijuana in California."

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