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Lobbying Guide



Lobbying: The Basics

WHAT YOU NEED TO KNOW



Targeting Legislators

Before you can engage with a legislator, you must first know who you are dealing with. Before you can work with your legislator, you must know where they stand on the issue and what type of legislator they are. Lobbying legislators is about persuading them to do what you want. There are five main categories of legislators to think about, and each requires its own strategy.

1. Champions

All issues need a group of lawmakers dedicated to being tireless, committed advocates for your cause. What they can do for you is make the case to their colleagues, help develop a strong “inside” strategy, and be the visible spokesperson. What they need is good information, and visible support outside the capitol.

2. Allies

Another group of legislators will be on your side, but can be pushed to do more-- to speak up in party caucuses or on the floor.

3. Fence Sitters

Some legislators will be uncommitted on the issues, potentially able to vote either way. These legislators should be your key targets and your lobbying strategy will rely upon you putting together the right mix of “inside” persuasion and “outside” pressure to sway them your way.

4. Mellow Opponents

Another group of legislators will be sure votes against you, but are not inclined to be active on your issue. With this particular group it is key to keep them from becoming more active on the issue at hand. You want to lobby them without causing them to become agitated or angry.

5. Hard Core Opponents

These lawmakers will be leading the opposition. What is most important here is isolation. You want to isolate them to highlight the extremes of their position, rhetoric, alliances, and to give lawmakers pause about joining them.

“Inside” vs “Outside” Lobbying

Inside Lobbying:

One form of lobbying takes place in the Capitol. It includes a mix of the following:

- Meetings with lawmakers and legislative staff
- Providing analysis and information to committees and legislative offices
- Testifying in committee
- Negotiating with policy makers and lobby groups

For the most part, this type of lobbying is carried out by or in coordination with advocates who regularly work at the capitol.

Outside Lobbying:

An effective lobbying campaign also requires activity outside of the capitol, aimed at shifting politics and pressure around the issue. Some of these activities include:

- Media activity including news conferences, editorial board visits, and assisting reporters with stories
- Local lobbying visits by constituents and their legislators
- Building broad and diverse coalitions
- Letter writing campaigns to legislators
- Grassroots activities such as rallies, etc.

It is important to coordinate “outside” lobbying with “inside” lobbying activities, this assures that they make strategic sense in terms of timing, targeting, messages, etc.

Six Practical Tips on How to Effectively Lobby Your Legislator or Elected Official:

I. Establish your agenda and goals

- Know what subject you are going to address. Don't overload with the issues--stick to no more than two issues at a time.
- Decide what you would like to get out of the visit. (i.e., a commitment to vote, leadership, or information on the issues)
- Allow time for small talk at the outset, but not too much. Remember, it's YOUR visit.
- If it is a group visit, decide who will start the discussion and put the agenda on the table.

2. Listen well

-Much of lobbying is listening, looking for inclinations of elected official's views, and finding opportunities to provide good information.

-If you are meeting with a "silent type", try to draw him/her out by asking questions

-If you are confronted with a "long-winded type", look for openings to bring her/him back to the point.

3. Be prepared, but don't feel that you need to be an expert.

-Most elected officials are generalists, like many of us. Do your homework, but don't feel the need to know every angle of the issue. Air personal feelings and experiences where appropriate and try to relate the concerns of friends and the community.

-Know when to admit, "I don't know", and offer to follow up with more information.

-Be open to counter-arguments, but don't get stuck on them. Don't be argumentative or confrontational.

4. Don't stay too long.

-Try to get closure on your issue. If you hear what you hoped for, express your thanks and leave. If you reach an impasse, thank him/her, even if disappointed, and say so. Leave room to continue the discussion in the future.

5. Always remember to dress appropriately.

-You are meeting with you elected official, and you want to look the part. You want to look nice, but don't overdo it. Dress like you are going to a job interview and you are good to go!

Marijuana Decriminalization

Talking Points

Virginia State Specific Talking Points

Talking Point #1: Marijuana possession offenses cost Virginia taxpayers a combined \$43.4 million per year for arrests and prosecution - a total that accounts for more than five percent of local law enforcement budgets,

REFERENCE: George Mason University Center for Regional Policy Analysis.

Talking Point #2: We arrest more people for marijuana than any other illicit drug in Virginia. Accounting for more arrests than all other illicit drugs combined.

Drug	Arrests	Pct.
Opiates/Cocaine	10,696	30%
Marijuana	19,726	55%
Synthetic Narcotics	983	3%
Other Drugs	3,168	9%
All Illicit Drugs	35,748	100%

Reference: Marijuana in Virginia: Arrests, Usage, and Related Data

Jon Gettman, Ph.D. The Bulletin of Cannabis Reform 2009

Talking Point #3: Marijuana arrests accounted for 5.18% of all arrests in Virginia for 2006

Reference: Marijuana in Virginia: Arrests, Usage, and Related Data

Jon Gettman , Ph.D.The Bulletin of Cannabis Reform 2009

Talking Point #4: Marijuana arrests have a disproportionate impact on two demographic groups – young people and minorities. In many cases an arrest for marijuana possession makes a criminal out of an otherwise law-abiding individual.

Here are selected 2007 marijuana possession arrest rates for Virginia:

Group	Pct of Arrests	Arrest Rate per 100,000
All individuals	100%	228
Males age 15-19	26%	1,704
Females age 15-19	5%	303
Males age 20-24	27%	1,674
Females age 20-24	5%	315
Whites	55%	170
Blacks	45%	509

Reference: Marijuana in Virginia: Arrests, Usage, and Related Data

Jon Gettman , Ph.D.The Bulletin of Cannabis Reform 2009

General Talking Points

TALKING POINT #1: Decriminalizing marijuana frees up police resources to deal with more serious crimes.

-60,000 individuals are behind bars for marijuana offenses at a cost to taxpayers of \$1.2 billion per year.

REFERENCE: Marijuana Arrests and Incarceration in the United States. 1999. The Federation of American Scientists' Drug Policy Analysis Bulletin.

-Taxpayers annually spend between \$7.5 billion and \$10 billion arresting and prosecuting individuals for marijuana violations. Almost 90 percent of these arrests are for marijuana possession only.

REFERENCE: NORML. 1997. [Still Crazy After All These Years: Marijuana Prohibition 1937-1997](#): A report prepared by the National Organization for the Reform of Marijuana Laws (NORML) on the occasion of the Sixtieth anniversary of the adoption of the Marijuana Tax Act of 1937. Washington, DC; Federal Bureau of Investigation's combined Uniform Crime Reports: Crime in the United States (1990-2000): Table: Arrest for Drug Abuse Violations. U.S. Department of Justice: Washington, DC.

-The state of California saved nearly \$1 billion dollars from 1976 to 1985 by decriminalizing the personal possession of one ounce of marijuana, according to a study of the state justice department budget.

REFERENCE: M. Aldrich and T. Mikuriya. 1988. [Savings in California marijuana law enforcement costs attributable to the Moscone Act of 1976](#). Journal of Psychoactive Drugs 20: 75-81.

-New Mexico's 2001 state-commissioned Drug Policy Advisory Group determined that marijuana decriminalization "will result in greater availability of resources to respond to more serious crimes without any increased risks to public safety."

REFERENCE: New Mexico Governor's Drug Policy Advisory Group. 2001. [Report and Recommendations to the Governor's Office](#). State Capitol: Santa Fe.

-Marijuana arrests have more than doubled since 1991, while adult use of the drug has remained stable. During this same period, the number of arrests for cocaine and heroin fell by approximately 33 percent.

REFERENCE: Bureau of Justice Statistics. 2000. Drugs and Crime Facts. Table: Number of Arrests by Drug Type, 1982-99. U.S. Department of Justice: Washington, DC; U.S. Department of Health and Human Services. 1996. National Household Survey on Drug Abuse: Main Findings (1990- 1999). DHHS Printing Office: Rockville, MD.

-Police arrest more Americans per year on marijuana charges than the total number of arrestees for all violent crimes combined, including murder, rape, robbery and aggravated assault.

REFERENCE: Federal Bureau of Investigation. 2001. Uniform Crime Report: Crime in the United States, 2000. Table 29: Total estimated arrests in the United States, 2000. U.S. Department of Justice: Washington, DC.

-Marijuana violations constitute the fifth most common criminal offense in the United States.

REFERENCE: Bureau of Justice Statistics. 2000. Drugs and Crime Facts. Table: Estimated totals of top 7 arrest offenses, United States, 1999. U.S. Department of Justice: Washington, DC.

-More than 734,000 individuals were arrested on marijuana charges in 2000. Eighty-eight percent of those arrested were charged with marijuana possession only.

REFERENCE: Federal Bureau of Investigation. 2001. Uniform Crime Report Crime in the United States, 2000. Table: Arrest for Drug Abuse Violations. U.S. Department of Justice: Washington, DC.

-Almost 5 million Americans have been arrested for marijuana since 1992. That's more than the entire populations of Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, Washington DC and Wyoming combined.

REFERENCE: Federal Bureau of Investigation. Uniform Crime Reports: Crime in the United States (1993-2000). Table: Arrest for Drug Abuse Violations. U.S. Department of Justice: Washington, DC.

TALKING POINT #2: Far more harm is caused by the criminal prohibition of marijuana than by the use of marijuana itself.

-According to editors of the prestigious Lancet British medical journal: "The smoking of cannabis, even long-term, is not harmful to health. ... It would be reasonable to judge cannabis as less of a threat ... than alcohol or tobacco."

REFERENCE: [Deglamorising Cannabis](#). 1995. The Lancet 346: 1241. Editorial. November 14, 1998. The Lancet.

-According to a 1999 federally commissioned report by the National Academy of Sciences Institute of Medicine (IOM), "Except for the harms associated with smoking, the adverse effects of marijuana use are within the range tolerated for other medications."

REFERENCE: National Academy of Sciences, Institute of Medicine (IOM). 1999. [Marijuana and Medicine: Assessing the Science Base](#). National Academy Press: Washington, DC, 5.

-The National Academy of Sciences further found, "There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs."

REFERENCE: National Academy of Sciences, Institute of Medicine (IOM). 1999. [Marijuana and Medicine: Assessing the Science Base](#). National Academy Press: Washington, DC, 6.

-More than 76 million Americans have admittedly tried marijuana. The overwhelming majority of these users did not go on to become regular marijuana users, try other illicit drugs, or suffer any deleterious effects to their health.

REFERENCE: Combined data from the U.S. Department of Health and Human Services. 1996. National Household Survey on Drug Abuse: Main Findings 1994. Rockville, MD and 1995. National Household Survey on Drug Abuse: Population Estimates 1994; [Deglamorising Cannabis](#). 1995. The Lancet 346: 1241. Sydney Morning Herald, February 18, 1997.

-According to the U.S. Department of Health and Human Services, 35 percent of adults admit to having tried marijuana. Of these, only 5 percent have used marijuana in the past year, and only 3 percent have used marijuana in the past month.

REFERENCE: U.S. Department of Health and Human Services. 2000. National Household Survey on Drug Abuse. Table G.9. Percentages Reporting Lifetime, Past Year, and Past Month Use of Illicit Drugs Among Persons Aged 26 or Older: 1999. DHHS Printing Office: Rockville, MD.

-According to former U.S. President Jimmy Carter: "Penalties against drug use should not be more damaging to an individual than the use of the drug itself. Nowhere is this more clear than in the laws against the possession of marijuana in private for personal use."

REFERENCE: President Jimmy Carter: Message to Congress, August 2, 1977.

-Convicted marijuana offenders are denied federal financial student aid, welfare and food stamps, and may be removed from public housing. Other non-drug violations do not carry such penalties. In many states, convicted marijuana offenders are automatically stripped of their driving privileges, even if the offense is not driving related.

REFERENCE: Section 483, Subsection F of the Higher Education Act of 1998; Amendment 4935 to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; U.S. Bureau of Justice Statistics. 1992. Drugs, Crime, and the Justice System. U.S. Department of Justice: Washington DC; [NORML's State Guide to Marijuana Penalties](#).

-Under federal law, possessing a single marijuana cigarette or less is punishable by up to one year in prison and a \$10,000 fine, the same penalty as possession of small amounts of heroin, cocaine or crack.

REFERENCE: J. Morgan and L. Zimmer: 1997. Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence. The Lindesmith Center: New York, 42.

-In several states, marijuana offenders may receive maximum sentences of life in prison.

REFERENCE: [NORML's State Guide to Marijuana Penalties](#).

-A recent national study found that blacks are arrested for marijuana offenses at higher rates than whites in 90 percent of 700 U.S. counties investigated. In 64 percent of these counties, the black arrest rate for marijuana violations was more than twice the arrest rate for whites.

REFERENCE: J. Gettman. 2000. [United States Marijuana Arrests, Part Two: Racial Differences in Drug Arrests](#). The NORML Foundation: Washington, DC.

TALKING POINT #3: Decriminalization does not lead to greater marijuana use.

-Government studies conclude that marijuana decriminalization has had virtually no effect on either marijuana use or beliefs and related attitudes about marijuana among American young people in those states that have enacted such a policy.

REFERENCE: L. Johnson et al. 1981. Marijuana Decriminalization: The Impact on Youth 1975-1980. Monitoring the Future, Occasional Paper Series: Paper No. 13. Institute for Social Research, University of Michigan.

-Citizens who live under decriminalization laws consume marijuana at rates less than or comparable to those who live in regions where the possession of marijuana remains a criminal offense.

REFERENCE: E. Single et al. 2000. The Impact of Cannabis Decriminalization in Australia and the United States. Journal of Public Health Policy 21: 157-186.

-There is no evidence that marijuana decriminalization affects either the choice or frequency of use of drugs, either legal (such as alcohol) or illegal (such as marijuana and cocaine).

REFERENCE: C. Thies and C. Register. 1993. Decriminalization of marijuana and demand for alcohol, marijuana and cocaine. *The Social Sciences Journal* 30: 385-399.

-States and regions that have maintained the strictest criminal penalties for marijuana possession have experienced the largest proportionate increase in use.

REFERENCE: Connecticut Law Review Commission. 1997. [Drug Policy in Connecticut and Strategy Options: Report to the Judiciary Committee of the Connecticut Assembly](#). State Capitol: Hartford.

-Rates of hard drug use (illicit drugs other than marijuana) among emergency room patients are substantially higher in states that have not decriminalized marijuana use. Experts speculate that this is because the lack of decriminalization may encourage the greater use of drugs that are even more dangerous than marijuana.

REFERENCE: K. Model. 1993. The effect of marijuana decriminalization on hospital emergency room episodes: 1975-1978. *Journal of the American Statistical Association* 88: 737-747

TALKING POINT #4: Criminal laws prohibiting marijuana possession do not deter marijuana use.

-Marijuana use remains consistent despite a high level of enforcement, and there is no detectable relationship between changes in enforcement and levels of marijuana use over time.

REFERENCE: J. Morgan and L. Zimmer. 1997. [Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence](#). The Lindesmith Center: New York, 46.

-Marijuana users believe that their behavior will go undetected; thus fear of arrest is usually not a factor in people's decisions whether or not to use it.

REFERENCE: Canadian Centre on Substance Abuse National Working Group on Addictions. 1998. *Cannabis Control in Canada: Options Regarding Possession*. Ottawa.

-Marijuana laws have no "specific" deterrent impact on drug taking behavior. Studies show that marijuana offenders continue to use marijuana after their conviction at rates equal to those prior to their arrest. No relation between the actual or perceived severity of their previous sentence and subsequent use has been found.

REFERENCE: P. Erickson. 1980. [Cannabis Criminals: The Social Effects of Punishment on Drug Users](#). Addiction Research Foundation: Toronto.

-In surveys, most individuals cite health concerns and family responsibilities rather than legal concerns as their primary reasons for ceasing (or never initiating) marijuana use.

REFERENCE: National Academy of Sciences, Institute of Medicine (IOM). 1982. *Marijuana and Health*. National Academy Press: Washington, DC.

-A California police officer's study concluded, "The reduction in penalties for possession of marijuana for personal use does not appear to [be] a factor in people's decision to use or not use the drug."

REFERENCE: California State Office of Narcotics and Drug Abuse. 1977. *A First Report on the Impact of California's New Marijuana Law*. State Capitol: Sacramento.

The Costs of Marijuana Laws in the State of Virginia

The above comparison of marijuana arrests and marijuana use provide a basis for evaluating the benefits of marijuana laws. Here are three perspectives that help frame the issue of evaluating the costs of marijuana laws in Virginia.

a) Fiscal Costs.

The criminal justice system in Virginia cost \$4.14 billion for 2006. This includes state, county, and local costs. Here is the breakdown for those costs:

Police Protection \$1.74 billion

Judicial and Legal Services \$725.36 million

Corrections \$1.68 billion

Total \$4.14 billion

The federal Office of National Drug Control Policy (ONDCP) provides a simple way of making a general estimate of the criminal justice costs of drug-related arrests. Actually, estimating the costs of different types of arrests is a very complicated challenge because of the differences between individual offenses and, for example, the investigative and follow-up work they require. However the use of a percentage basis method provides a general estimate of the costs associated with marijuana offenses. The method utilized by ONDCP is to (a) calculate the percentage of total arrests accounted for by drug arrests and

then (b) apply that percentage to total criminal justice system costs.

There were 324,061 arrests in Virginia in 2006. There were 16,771 marijuana arrests that year, accounting for 5.18% of all arrests in Virginia for 2006. Consequently, according to this percentage basis method of estimation, marijuana arrests cost \$214.42 million in Virginia for 2006. Marijuana in Virginia

b) Opportunity Costs

Budgets are, out of necessity, about making choices. This is especially true when resources are scarce, such as when state and local governments are grappling with budget gaps between revenue and program commitments. Economists recognize opportunity costs as the consequences of making specific budgetary decisions. Providing funds for one program often means accepting less or no funds for some other government activity. For example, providing law enforcement with the obligation, or opportunity, to make arrests for marijuana offenses deprives law enforcement of funds to apply to other investigations and activities.

Law enforcement agencies publish statistics on their ability to resolve known offenses through the arrest of criminal suspects. After an offense is reported to the police, the objective is "cleared" by an arrest. Crime rates are based on the number of reported offenses. Arrest rates are based on the number of arrests. Clearance rates, usually provided for the most serious crimes, are based on the percentage of known offenses cleared by arrest.

Here are the 2007 clearance rates for serious crimes in Virginia:

Murder 54.00%

Rape 36.90%

Robbery 25.40%

Assault 58.30%

Larceny 17.00%

Motor Vehicle Theft 15.90%

All the above crimes 31.50%

Another significant aspect of evaluating law enforcement priorities concerns the growing economic impact of what is referred to as “white-collar crime.” This is a broad term for what are essentially non-violent theft, including such crimes as fraud, identity theft, embezzlement, and securities fraud. While a great deal of media attention is devoted to law enforcement responses to street crimes, the economic impact of these crimes is dwarfed by the magnitude of white-collar crime, which is conservatively estimated to have an impact of 10 times the value of street crimes.

Marijuana arrests also divert law enforcement and criminal justice system resources from possession and sales offenses involving other illicit drugs. In 2007, marijuana arrests were 55% of all drug arrests in Virginia. Other drugs such as cocaine, heroin, methamphetamine, and synthetic narcotics such as Oxycontin present far more serious threats to both individuals and the public. These other illegal drugs also have far more severe dependence liabilities than marijuana. Here is a summary of drug arrests in 2007:

Drug	Arrests	Pct.
Opiates/Cocaine	10,696	30%
Marijuana	19,726	55%
Synthetic Narcotics	983	3%
Other Drugs	3,168	9%
All Illicit Drugs	35,748	100%

The need to improve clearance rates for serious crime, to devote greater resources to white-collar crime, and to address the problems presented by more dangerous drugs all provide compelling reasons for society to reconsider whether the opportunity costs of marijuana law enforcement are acceptable.

c) Social Costs

Marijuana arrests have a disproportionate impact on two demographic groups – young people and minorities. In many cases an arrest for marijuana possession makes a criminal out of an otherwise law-abiding individual. It is not surprising that the majority of marijuana arrests involve teenagers and young adults given the popularity of marijuana use with younger age groups. However differences in the arrest rates between whites and blacks cannot be explained by differences in marijuana use. In

2007, for example, 10.5% of whites used marijuana in the last year while 12.2% of blacks reported such use. For marijuana use in the last month, the comparable figures were 6% of whites and 7.2% of blacks. These figures indicate that marijuana use by blacks is about 20% more prevalent than use by whites. While this is a statistically significant difference, it does not explain why arrest rates for marijuana possession for blacks are three times higher nationally than for whites. For example, the arrest rate per 100,000 for blacks in 2007 was 598, while for whites the arrest rate was 195.

Here are selected 2007 marijuana possession arrest rates for Virginia:

Group	Pct of Arrests	Arrest Rate per 100,000
All individuals	100%	228
Males age 15-19	26%	1,704
Females age 15-19	5%	303
Males age 20-24	27%	1,674
Females age 20-24	5%	315
Whites	55%	170
Blacks	45%	509

4) Marijuana Use

There were 633,000 annual marijuana users in Virginia during 2007, of which 411,000 reported marijuana use in the past month. As noted above, the number of annual marijuana users in Virginia increased from 572,000 in 2003 to 633,000 in 2007. This was an average annualized change of 2.05% per year. The number of monthly marijuana users increased from 352,000 in 2003 to 411,000 in 2007, which produced an average annualized change of 3.15%.

There is general consensus that minors should not use alcohol, marijuana, or tobacco. According to the most recent (2007) data 13.30% or 82,000 youths aged 12 to 17 in Virginia used marijuana in the past year. Of these, 7.80% (of the total population of this age group) or 48,000 youths used marijuana in the past month. Marijuana's illegal status did not prevent these youths from having access to marijuana. Indeed, most teenagers report that marijuana is fairly easy to obtain. One of the reasons marijuana

remains easy for youths to obtain is the profit incentive created by the illegal market. Simply put, teenagers make money by selling marijuana to other youths, which increases the availability of marijuana among teens. In this way, marijuana's illegality makes it more widely and readily available to teenager

VA House Bill No. 1443

HOUSE BILL NO. 1443

Offered January 12, 2011

Prefiled November 15, 2010

A BILL to amend and reenact §§ [18.2-250.1](#), [18.2-251](#), [18.2-252](#), and [18.2-259.1](#) of the Code of Virginia, relating to penalties for simple possession of marijuana.

Patron-- Morgan

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ [18.2-250.1](#), [18.2-251](#), [18.2-252](#), and [18.2-259.1](#) of the Code of Virginia are amended and reenacted as follows:

§ [18.2-250.1](#). Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ [54.1-3400](#) et seq.). *The attorney for the Commonwealth or the county, city or town attorney may prosecute such a case. Any violation of this section may be charged by summons.*

Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section ~~shall be guilty of a misdemeanor, and be confined in jail not more than thirty days and a fine is subject to a civil penalty~~ of not more than \$500, ~~either or both; any person, upon a second or subsequent conviction of a violation of this section, shall be guilty of a Class 1 misdemeanor payable to the Literary Fund.~~

B. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies, jail officers, or correctional officers, as defined in § [53.1-1](#), certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

§ [18.2-251](#). Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any *criminal* offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § [18.2-250](#) ~~or to possession of marijuana under §~~ [18.2-250.1](#), the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § [18.2-251.01](#) or [19.2-299.2](#), as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § [9.1-174](#), or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (i) to successfully complete treatment or education program or services, (ii) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (iii) to make reasonable efforts to secure and maintain employment, and (iv) to comply with a

plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

The court shall, unless done at arrest, order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of §§ [18.2-259.1](#), [22.1-315](#) and [46.2-390.1](#), and the driver's license forfeiture provisions of those sections shall be imposed. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § [16.1-278.9](#) for the same offense.

§ [18.2-252](#). Suspended sentence conditioned upon substance abuse screening, assessment, testing, and treatment or education.

The trial judge or court trying the case of (i) any person found guilty of **violating a criminal violation** of any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances and like substances or (ii) any minor subjected to a civil penalty for violation of § [18.2-250.1](#), shall condition any suspended sentence or suspension of any penalty by first requiring such person to agree to undergo a substance abuse screening pursuant to § [18.2-251.01](#) and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by the supervising probation agency or by personnel of any program or agency approved by the supervising probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed as a part of the costs of such **criminal** proceedings. The judge or court shall order the person, as a condition of any suspended sentence or suspended civil penalty, to undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program or agency licensed by the Department of Behavioral Health and Developmental Services, by a similar program or services available through the Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services available through a local or regional jail, a local community-based probation services agency established pursuant to § [9.1-174](#), or an ASAP program certified by the Commission on VASAP.

§ [18.2-259.1](#). Forfeiture of driver's license for violations of article.

A. In addition to any other sanction or penalty imposed for a *criminal* violation of this article *or for a violation of §[18.2-250.1](#) committed by a minor*, the (i) judgment of *either a conviction under this article or of a violation of § [18.2-250.1](#) by a minor* or (ii) placement on probation following deferral of further proceedings under § [18.2-251](#) or subsection H of § [18.2-258.1](#) for any such offense shall of itself operate to deprive the person so convicted or placed on probation after deferral of proceedings under § [18.2-251](#) or subsection H of § [18.2-258.1](#) of the privilege to drive or operate a motor vehicle, engine, or train in the Commonwealth for a period of six months from the date of such judgment or placement on probation. Such license forfeiture shall be in addition to and shall run consecutively with any other license suspension, revocation or forfeiture in effect or imposed upon the person so convicted or placed on probation. However, a juvenile who has had his license suspended or denied pursuant to § [16.1-278.9](#) shall not have his license forfeited pursuant to this section for the same offense.

B. The court trying the case shall order any person so convicted or placed on probation *or any minor so penalized for a violation of § [18.2-250.1](#)* to surrender his driver's license to be disposed of in accordance with the provisions of §[46.2-398](#) and shall notify the Department of Motor Vehicles of any such conviction *or judgment* entered and of the license forfeiture to be imposed.

C. In those cases where the court determines there are compelling circumstances warranting an exception, the court may provide that any individual be issued a restricted license to operate a motor vehicle for any of the purposes set forth in subsection E of § [18.2-271.1](#). No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ [46.2-341.1](#) et seq.). The court shall order the surrender of such person's license in accordance with the provisions of subsection B and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection. This order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to such person who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, but only if the order provides for a restricted license for that period. A copy of the order and, after receipt thereof, the restricted license shall be carried at all times by such person while operating a motor vehicle. The court may require a person issued a restricted permit under the provisions of this subsection to be monitored by an alcohol safety action program during the period of license suspension. Any violation of the terms of the restricted license or of any condition set forth by the court related thereto, or any failure to remain drug-free during such period shall be reported forthwith to the court by such program. Any person who operates a motor vehicle in violation of any restriction imposed pursuant to this section shall be guilty of a violation of § [46.2-301](#).

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More About the Issues:

www.ssdp.org (Students for Sensible Drug Policy)
www.drugpolicy.org (Drug Policy Alliance)
<http://daregeneration.blogspot.com/> (SSDP Blog)
www.norml.org (National Organization for the Reform of Marijuana Laws)
<http://www.aclu.org/drugpolicy/index.html> (ACLU's Drug Policy site)
www.drugwarrant.com
www.leap.cc (Law Enforcement Against Prohibition)
www.erowid.org (General Drug Information)
www.maps.org (Multidisciplinary Association for Psychedelic studies)

SSDP Student Organizing Manual:

<http://ssdp.org/resources/ssdp-student-organizing-manual.pdf>