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**Testimony to the House Corrections and Juvenile Justice Committee
In Opposition to HB2686
February 19, 2020**

Our associations oppose HB2686. It is important to understand how a person gets to the point of a felony conviction for simple possession of marijuana. First, this crime does not become a felony until the third conviction. Even then, to get sentenced to prison for any SL5 Drug Offense requires one of three scenarios to occur: 1) the person has one person felony or one person and one non-person felony in their criminal history to be in a border box where a court would have decided the circumstances of the case warranted incarceration; 2) the person has two or more person felonies to be in a presumptive imprisonment box; or 3) the least likely way is to not have any of those conditions which results in a presumptive probation and the court would have to find a cause to place in prison. Of course, they could also be there because they were placed on probation and the court ordered them to prison for not complying with their probation conditions.

We believe there are many unknowns that will be ignored in a blanket dismissal of these cases retroactively. For example, while in prison are they in a substance abuse treatment program which they will not complete? Were they sentenced for this crime as part of plea bargain from a more serious offense? What will the impact of this be on SB123 treatment programs for these offenders?

We oppose eliminating this low level felony for the third or subsequent conviction. But even if that policy decision were to be advanced, we more vehemently oppose applying it retroactively.

We encourage you to reject this bill and not move it out of committee.

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