

**JUDGE JAMES P. GRAY (Ret.)**

Assemblyman Jose Solario  
State Capitol  
Sacramento, California 95814

Re: Support for AB 390

Dear Jose:

As a trial court judge in the Orange County Superior Court with more than 23 years of active service, I support Assemblyman Tom Ammiano's proposed AB 390.

The objections that the opponents of this forward-thinking bill generally cite are, first, that marijuana causes harm to the user and to society, and second, that the bill would "send the wrong message to our children." But the reality of the situation is that, first, marijuana is already abundant in California, and the rest of the country as well, so whatever harm it would cause is basically already upon us, and that, second, society would no more be encouraging or condoning children or anyone else to use marijuana by instituting these changes than it now encourages or condones anyone to drink alcohol or smoke cigarettes.

But many other harms directly caused by our present system would be materially reduced by the program that would be established by AB 390, once federal law were to be changed to allow it to be implemented. These include the fact, as stated by the Honorable Betty Yee, chair of the State Board of Equalization, that the strictly regulated and controlled distribution of marijuana to adults over the age of 21 would bring in about \$1.3 billion in additional tax revenue to our state.

Government estimates that presently illicit marijuana today is a \$14 billion per year business in California alone, and, of course, that is untaxed revenue. Since AB 390 would undercut the present retail price of marijuana by about 50 percent, even with the \$50 surcharge per ounce and applicable sales taxes, it would still generate this much-needed tax revenue. But in addition it would also save our taxpayers at least \$1 billion that now we spend in a futile effort to eradicate marijuana and prosecute and incarcerate non-violent marijuana users.

In 2008, California authorities seized about 2.9 million marijuana plants with an estimated wholesale value of \$11.6 billion in 542 raids. (In spite of this "success," marijuana was still our state's largest cash crop.) But the money that we spent on these raids could be saved, because by undercutting the price, AB 390 will do what the eradication efforts could not: come close to putting the Al Capones of the marijuana world out of business.

In addition, today there are literally thousands of people in our state prisons because they did nothing but smoke marijuana. These were people who were on parole, with the condition that they use no form of illicit substance. But if they smoked marijuana at all they would either fail to appear for the drug testing or be tested positive. So either way they would be re-incarcerated. And often this has caused their families to go back onto welfare. Holding

people accountable for their actions instead of punishing the mere smoking of marijuana would save taxpayers a sizeable amount of money.

But even more importantly, *AB 390 will make marijuana less available for our children!* Today it is easier for our children to get marijuana, *if they want to*, than it is a six-pack of beer. Why is that? Because the alcohol is controlled and regulated by the government, and marijuana is controlled and “regulated” by illegal drug dealers, and they don’t ask for i.d.! As a consequence, no alcohol is offered for sale on high school campuses, but marijuana, including free samples to get them started, is offered to our children consistently.

Furthermore, today children are not being recruited to sell Coors beer or Jack Daniels bourbon, but they are routinely being recruited by adults to sell marijuana. Why would anyone do such a thing? Because then everyone makes more money! And to whom do these children sell their drugs? To people like us? No, they unfailingly sell the marijuana to their peers, thus recruiting more children to a lifestyle of marijuana usage and marijuana selling. As a trial court judge, I have seen this happen time and time again. It is not a pretty sight, and it is all caused directly by our present system.

Children are solicited to join juvenile street gangs for the same reason. And it works! Why? Because they want to be a “part of the action” in making money off the sale of illicit marijuana. So if passed and put into operation, AB 390 would probably be the most effective anti-gang legislation to have been enacted in a decade.

Finally, I believe AB 390 should be amended to allow hemp, which is the stalk and seeds of the marijuana plant, and which can be manipulated so that they have no mind-altering properties whatsoever, to be treated like cotton or any other industrial crop. The industrial history of hemp goes back thousands of years, and the crops to be manufactured from it are another story in themselves. But today California’s merchants are required to import their raw hemp materials from countries like Canada and England, to the disadvantage of all of us in California. So that hindrance to competition for our industries must be addressed and changed.

Certainly no system is perfect, but AB 390 is a major step in the right direction. That is why I so strongly support its passage, and also why I recommend that you and your colleagues give it your fullest favorable consideration and assistance.

Naturally if I can be of further assistance in this matter, please do not hesitate to contact me either on my cell phone at xxx-xxx-xxxx, or by e-mail at [JimPGray@sbcglobal.net](mailto:JimPGray@sbcglobal.net).

Best personal regards,

James P. Gray  
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