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March 13, 2019

- I. Agreement on Marijuana Legalization; Final Passage Remains Uncertain
- II. Senate to Consider Bill Removing Statute of Limitations on Civil Actions for Sexual Abuse

I. Agreement on Marijuana Legalization; Final Passage Remains Uncertain

In joint statements released yesterday, the Governor, the Senate President, the Assembly Speaker, Senator Nick Scutari, and Assemblywoman Annette Quijano announced that they have reached consensus on the provisions of legislation to legalize recreational adult use marijuana.

We anticipate release of draft bill language in the near future and possible floor votes on legalization on March 25. However, it appears that the measure does not yet have sufficient support in either house, so passage this month remains uncertain.

Once released, the League will provide a commentary and analysis on the new draft. In the meanwhile, the new draft bill language will have the following provisions:

- 1) The State tax will be \$42/ounce imposed at the cultivation stage;
- 2) The local option tax will be the following:
 - a. 3% for retail;
 - b. 2% cultivation;
 - c. 2% manufacturing;
 - d. 1% wholesale.
- 3) State oversight will be administered by a Commission. This body will include three members appointed by the Governor and remaining two will be appointed by the Governor upon recommendation of the Senate President and Assembly Speaker, respectively.
- 4) The expungement process will include a “virtual expungement” that will prevent

certain marijuana offenses from being considered, "...in certain areas such as education, housing, and occupational licensing." There will also be established an "expedited expungement" process for individual with low-level marijuana offenses.

The League, as you know, has advocated for a higher local option than the 2% originally contemplated and has worked closely with the Urban Mayors Association on the expungement and restorative justice provisions. Currently, the bill allows for the automatic eligibility for expungement of convictions for possession of 50 grams or less of marijuana. There remain concerns regarding an individual's cost of seeking expungement, which can be time-consuming, complicated, and burdensome.

Draft bill amendments are expected in the upcoming days, and the League will provide an analysis of the new language, with a particular focus on the local option tax and expungement in a timely manner.

Contact: Michael F. Cerra, Assistant Executive Director, mcerra@njlm.org, 609-695-3481, ext. 120.

II. Senate to Consider Bill Removing Statute of Limitations on Civil Actions for Sexual Abuse

Tomorrow, the State Senate will vote on [S-477](#), which would extend the statute of limitations in civil actions for sexual abuse claims, expand categories of potential defendants, and create a two-year window for parties to bring actions previously time-barred.

The League is supportive of any measure that would allow survivors of sexual assault the ability to seek justice against the individual perpetrator as well as those who knowingly and willfully enabled them. However, we have concerns with language in the bill that would completely eliminate the application of Title 59 (Tort Claims Act) in such cases against municipal governments. The wholesale exemption to all of Title 59 in these matters would create a host of unintended consequences outside of the scope of S-477's purpose.

We are urging the Senate to delay voting on S-477 until these concerns can be fully addressed. We are asking our members to [reach out to their legislators](#) asking them to take a closer look at the potential impact the total removal of Title 59 in these cases would have on municipal governments and property tax payers.

Contacts:

- Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481, ext. 121.
- Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481, ext. 137.



222 West State Street, Trenton, NJ 08608
Phone: 609-695-3481 Web: www.njlm.org

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