

NEWS

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Ovitt Supports County's Medical Marijuana Lawsuit

Last week the Board of Supervisors voted to join San Diego County's lawsuit against the State of California for legalizing the use of marijuana for medicinal purposes. The suit stems from the voters' passage of the Compassionate Use act of 1996, which allows cards to be issued to private citizens allowing for the use of marijuana for medicinal purposes. This is in clear conflict with the federal Controlled Substances Act, which prohibits use and possession of marijuana for any purpose except federally approved programs. This direct conflict between two state and federal laws places many County programs, dollars, and workers at risk.

The conflict becomes extremely problematic in regards to law enforcement. In a memo to the San Bernardino Board of Supervisors dated December 1st, 2005, Sheriff Gary Penrod stated that the issuance of medical marijuana cards places him in an unenviable position of turning a blind eye to either state or federal statutes. If a Deputy arrests a suspect for possession of marijuana, federal prosecutors may decide not to prosecute. This could leave the Sheriff's Department open to claims of false arrest and imprisonment. The District Attorney's office only prosecutes state crimes, and therefore is prohibited from helping enforce the Sheriff's arrest.

Kern and Ventura County District Attorneys' have asked California's Attorney General for a legal opinion as to whether peace officers, government employees and judges would violate federal law under certain circumstances involving the State's medical marijuana program. This opinion, which is yet to be rendered, is extremely relevant since county employees would be responsible for the distribution of medical marijuana cards.

Public Safety is a primary responsibility for the Board of Supervisors, and a main priority to me. Although we should always respect the will of the people whether or not we agree with their choice, this lawsuit is unrelated to the politics of the legalization of medical marijuana. Law enforcement officials throughout California should not be put in a position of choosing whether to ignore either state or federal law. The State of California has the obligation to its thirty-five million or so residents to clarify this situation so that law enforcement officials have the tools, resources, and laws to fully protect our residents.

This lawsuit is a strong step of leadership for San Bernardino County. While many counties are just ignoring State law and waiting to be sued into compliance, San Bernardino and San Diego

Counties are leading the charge towards resolving this issue. Rather than just “take the easy way out,” we’re forcing the State to be accountable to the will of the people while not hindering Public Safety. I am proud of our efforts to protect our citizens and look forward to resolving this legal conflict.