

NEWS

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Board votes to seek clarity and appeal marijuana ruling

The San Bernardino County Board of Supervisors today voted to forge ahead in its effort to resolve a conflict between federal and state marijuana laws by appealing a San Diego judge's ruling earlier this month on the County's medical marijuana case.

Proposition 215 requires counties to issue identification cards to medical marijuana users to shield them from arrest for the cultivation, possession, or use of the substance. However, federal laws prohibiting marijuana possession and use do not make allowances for medical applications. This creates a conflict for County law enforcement officers, especially those serving on joint narcotics task forces charged with enforcing federal law.

In ordering the appeal of San Diego Superior Court Judge William R. Nevitt Jr.'s Dec. 6 ruling, the San Bernardino County Board of Supervisors made it clear that it was not passing judgment on the medical benefits of marijuana or even seeking to overturn Proposition 215. The County simply wants the courts to resolve the apparent conflict for law enforcement, as Judge Nevitt did not consider the issue of local law enforcement officers who are cross-deputized to also serve as federal law enforcement officers as part of narcotics task forces.

"I am very pleased with the Board's decision to appeal," said San Bernardino County Sheriff Gary Penrod. "This is a bad law that is set up for abuse. This law opens the door to expanded cultivation of marijuana, which is a violation of federal law."

"We support the Board of Supervisors' effort to resolve this conflict between state and federal law," said Ontario Police Chief Jim Doyle, president of the San Bernardino County Police Chiefs and Sheriff Association. "We need more clear direction."

The San Bernardino County Board of Supervisors also expressed concern that the identification cards required by state law effectively sanction the violation of federal laws and create the false impression that people who hold the cards are completely immune from arrest when in fact they would be subject to arrest under federal laws.