



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY OFFICE OF THE MAYOR

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5500 | F: 201 547 5442



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Contact: **Hannah Peterson**

M: 732-881-1209

E: HPeterson@jcnj.org

New Jersey Attorney General and Jersey City to Collaborate on Statewide Directive Mitigating Marijuana Convictions

30-Day Postponement of all Marijuana Cases Statewide to be implemented immediately; Jersey City and Attorney General to jointly draft statewide directive on marijuana charges

JERSEY CITY – After a Monday meeting between Jersey City officials and The New Jersey Attorney General’s Office an agreement was reached on the path forward addressing Jersey City’s marijuana decriminalization policy and the Attorney General Office’s concerns.

Effective Tuesday morning, a memo was released to all 21 county prosecutors regarding a 30-day statewide adjournment of all marijuana charges and soon-to-be developed statewide guidelines with regard to downgrades and dismissal of simple marijuana offenses.

“This is a huge win for Jersey City, the state of NJ, and most importantly the people who would have been impacted by the creation of a criminal record due to a simple marijuana arrest,” said Mayor Fulop. “We are excited that Attorney General Grewal and Jersey City found common ground, avoiding the collateral consequences of convictions for marijuana possession while our great state is on the cusp of legalization,” Fulop Continued.

On Wednesday, July 18th, Jersey City Mayor Steve Fulop and Chief Prosecutor Jake Hudnut announced that the City would dismiss simple marijuana possession cases that come before the municipal courts or amend these charges to local ordinance violations, effectively decriminalizing marijuana in Jersey City. In addition to the racial inequalities and potentially life-altering consequences that stem from marijuana prosecution and conviction, there is a significant cost burden on local municipalities who oversee these charges. But on July 20, 2018, Attorney General Gurbir Grewal voided the policy. While Jersey City disagrees with the Attorney General’s interpretation of applicable law, the City respects the Attorney General’s action and his authority.

However, on Monday, in light of public support for the policy, Jersey City officials from the Municipal Prosecutor’s office, the Department of Public Safety, and the Law Department met with Attorney General Grewal to discuss how the objectives of decriminalization can effectively be implemented both in Jersey City and across New Jersey. As a result of this positive and productive meeting, Attorney General Grewal will convene a working group of criminal justice stakeholders this summer – including Chief Prosecutor Hudnut – to study this issue and advise the Attorney General on statewide solutions that achieve the same aims of decriminalization in accordance with existing state law and court rules.

“I took the job as Chief Prosecutor in Jersey City to help build a progressive, proactive, and thoughtful prosecutors office. We want to make sure that Jersey City is at the forefront of these conversations and I’m proud to have pushed this issue from the onset,” said Jersey City Chief Prosecutor Jake Hudnut

The directive will provide guidance on the appropriate circumstances warranting downgrade to local ordinance or outright dismissal of marijuana cases statewide. The aim of this directive will be to mitigate or eliminate the likelihood of disorderly person misdemeanor convictions for simple possession of marijuana while New Jersey is on the verge of legalization of marijuana, as well as the collateral consequences that come with those convictions. Collateral consequences include driver’s license suspension, criminal records, loss of student financial aid, bans from public housing, adverse effects on employment opportunities, and loss of immigration status.

In today’s memo, the Attorney General has further directed all municipal prosecutors throughout the state to seek adjournments of their pending marijuana cases until after September 4, 2018. This means that all open marijuana cases in the state’s municipal courts will be postponed until the Attorney General’s directive is issued and could effectively amount to a moratorium of – or a substantial reduction in – marijuana convictions in New Jersey between now and future legalization.

Said Chief Prosecutor Hudnut, “In adjourning all marijuana cases across New Jersey while a directive is prepared, Attorney General Grewal has put himself at the national forefront of progressive prosecutors. I am looking forward to working closely with him in the coming weeks on this directive, as well as on other issues affecting all of our state’s municipal courts. I believe that all of New Jersey’s municipal courts should exercise integrity and thoughtfully administer justice every day. In Attorney General Grewal, I have found a strong, progressive partner in that pursuit.”

All media inquiries should be directed to Hannah Peterson at HPeterson@jcnj.org or 732-881-1209.