A Democratic takeover could make Virginia more marijuana-friendly. But legalization may still be years away.

By **Graham Moomaw** - October 17, 2019

Ever since Colorado and Washington became the first states to legalize marijuana in 2012, cannabis-skeptical Republicans have controlled at least one chamber of the Virginia General Assembly.

In a few months, that could change. If Democrats win full control of the statehouse next month by gaining four seats, Virginia would enter unknown territory on marijuana policy, with new faces at the helm of legislative committees that have resisted sweeping change.

Even if power changes hands, supporters of marijuana reform say Virginia may still be years away from legalizing recreational use. But several Democrats said decriminalization — reducing the penalty for possessing small amounts of marijuana from a criminal offense to a civil violation more akin to a traffic ticket — could be a near-term priority if their party wins control.

"I think we could do decriminalization in the first session and then get to work on a larger study about how and when we could move toward legal and regulated adult use," said Attorney General Mark Herring (D), a legalization supporter who's announced a run for governor in 2021. "Obviously we'd need to bring a lot of stakeholders together to do that. It's a step that I think Virginians are ready for."

Del. Steve Heretick, D-Portsmouth, who unsuccessfully filed a 70-page marijuana legalization bill in the 2019 legislative session, predicted the state would most likely conduct a study before legalization could gain serious traction.

"Legalization is still a ways off," Heretick said. "But I think the assembly would be looking at marijuana legislation with a very different eye than we've seen in the past decade."

Within the last few years, policymakers have slowly warmed to medical cannabis, authorizing a limited dispensary program that's scheduled to begin operations before the end of the year. The five licensed cannabis producers will offer CBD (cannabidiol) and THC products like oils, sprays and capsules. They will not be allowed to sell smokable medical marijuana.

Regardless of whether Republicans or Democrats are in control, the medical cannabis program is expected to continue to expand, possibly with the approval of more dispensary locations and the establishment of a new regulatory board to oversee cannabis in Virginia.

"If the majority were to remain the same, we would continue to see measured, incremental and slow progress when it comes to marijuana policy reform," said Jenn Michelle Pedini, the executive director of cannabis reform group Virginia NORML. "If the majority were to shift to Democrats, that would create a pathway for much more robust reform, including decriminalization."

Several Republican lawmakers contacted for this story declined to comment.

At a town hall meeting in Northern Virginia last month, Sen. Adam Ebbin, D-Alexandria, said he plans to reintroduce a decriminalization bill next year so that minor pot convictions don't cause more Virginians', particularly people of color, to lose their jobs, driver's licenses, student aid and other benefits.

"I support full legalization," Ebbin said. "But I think the place to start, at least in Virginia, is with decriminalization."

Del. Lee Carter, D-Manassas, said he will reintroduce a legalization bill for the 2020 session and a separate measure to expunge "all criminal records for misdemeanor and felony cannabis possession" if Virginia were to decriminalize or legalize pot.

Gov. Ralph Northam (D) supports marijuana decriminalization and medical cannabis, but he has not called for outright legalization.

The state's fledgling medical cannabis program has drawn bipartisan support, and some Republicans have shown interest in going further.

Ed Gillespie, the Republican candidate for governor in 2017, proposed what he called a "three strikes and you're in law," a version of decriminalization that would end criminal charges for first and second simple marijuana possession offenses.

Even as attitudes change, marijuana arrests have spiked. In 2018, Virginia law enforcement agencies reported almost 29,000 such arrests, the highest level in 20 years.

Under existing law, a first conviction for marijuana possession can carry a $500 fine and up to 30 days in jail. Subsequent convictions can bring fines of up to $2,500 and up a year in jail.

Some local prosecutors have announced they'll no longer prioritize marijuana possession cases, but Herring said that's not a substitute for a "unified and consistent" statewide policy.

"Criminalizing marijuana possession is not working. And it has not been for years," Herring said.

A Virginia State Crime Commission study on decriminalization completed in 2017 found that an "extremely low" number of offenders get jail time in cases where marijuana possession was the only offense.

Senate Majority Leader Tommy Norment, R-James City, who requested the decriminalization study, filed a bill in 2018 to reduce penalties for pot possession and make it easier for first offenses to be expunged. That legislation easily passed the Senate with bipartisan support but failed in a House of Delegates subcommittee.

Recreational marijuana is legal in 11 states and the District of Columbia, according to the National Conference of State Legislatures. Decriminalization measures have passed in 26 states and D.C.

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A veteran Virginia politics reporter, Graham grew up in Hillsville and Lynchburg, graduating from James Madison University and earning a master's degree in journalism from the University of Maryland. Before joining the Mercury, he spent six years at the Richmond Times-Dispatch, most of that time covering the governor's office, the General Assembly and state politics. He also covered city hall and politics at The Daily Progress in Charlottesville. Contact him at gmoomaw@virginiamercury.com

Out of 8.2 million vehicles inspected in Va. last year, nearly 20% had defects

By **Graham Moomaw** - December 20, 2019

Gov. Ralph Northam is proposing eliminating a requirement that all vehicles undergo an annual safety inspection. (Ned Oliver/Virginia Mercury)

Almost one out of every five vehicles inspected in Virginia last year had defects that required immediate repairs or a rejection sticker, according to Virginia State Police data.

This week, Gov. Ralph Northam proposed scrapping state-mandated vehicle safety inspections, drawing new focus to a decades-old program meant to ensure cars travelling Virginia roads are in reliable condition. The Northam administration has pointed out that most other states don't require inspections and says there's little data showing inspection programs improve public safety.

Whether inspections do or don't have an impact on crash rates, the State Police data shows the program forced fixes to be made to more than 1.6 million vehicles in 2018.

More than a million vehicles were found to have a "critical" problem and had to be repaired before they could be driven away from the shop. Almost 579,000 vehicles failed inspection and were marked with a rejection sticker that allows repairs to be made within 15 days.

In total, of the 8,209,716 vehicles inspected, 1,634,740 had defects, or roughly 19.9 percent.

The most common type of defect in 2018 was problems with steering and suspension, followed by emissions/exhaust systems. Almost 725,000 vehicles were found to have faulty brakes.

The Virginia Automotive Association, which represents auto repair and tire shops throughout the state, said those numbers show that scrapping the program would put more than a million "unsafe" vehicles on the roads that weren't there before.

"The statistics speak for themselves and we have very strong concerns over the governor's initiative," the automotive association said in a statement this week.

In its October newsletter, the group was still giving updates on the impacts of a bill that passed in the 2019 session to raise the inspection fee from $16 to $20 and how to combat a trend of inspection stickers being stolen from repair shops and sold on the black market for "up to $100."

Steve Akridge, the executive director of the automotive association, said his group was not consulted on the proposal before it was announced this week.

"It's a very well respected program across the country," Akridge said. "And I think our concern is over safety."

The numbers also show that the program — which is overseen by the State Police — generates significant business for the auto repair industry.

The governor's office said state transportation officials studied nationwide crash data from 2008 to 2017 and found "no connection between highway safety and safety inspections."

That review, according to the governor's office, said the crash rate in states without inspections declined by about 8 percent over that time period, but in Virginia the crash rate declined by about 2 percent. Of the 10 states with the lowest crash rates, Northam officials said, only three require inspections.

"The governor is committed to increasing highway safety across Virginia. That's why he's successfully advocated to strengthen the Move Over law and reduce distracted driving through implementation of a ban on hand-held devices in work zones," said Northam spokeswoman Alena Yarmosky. "A proposal with proven traffic safety components will be a part of this legislation and will be shared when it is announced."

Eliminating the mandatory inspections and the $20 fee could save Virginia motorists about $150 million a year, according to the Northam administration.

It's not yet clear how the General Assembly will react to the plan to do away with inspections.

"It seems like it's a very popular, populist position to take," said soon-to-be House Minority Leader Todd Gilbert, R-Shenandoah.

"I heard it for the first time yesterday that 34 states don't do it," said Del. Vivian Watts, D-Fairfax. "You can't prove it in any of the accident rate figures. So I'll be looking at it with heavy scrutiny."

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Report: Digitizing Va. State Police tickets could make traffic stops last half as long

By **Graham Moomaw** - November 14, 2019

A parking lot outside a UVA dorm was filled with hundreds of state police cruisers on Wednesday afternoon. (Ned Oliver/Virginia Mercury - Aug. 8, 2018)

No driver wants to sit on the side of the road upwards of 20 minutes waiting to get a speeding ticket. And with cars whooshing by a few feet away, state troopers don't want to be stuck doing roadside paperwork any longer than they have to.

But there may be a way to make traffic stops less of a hassle for everybody, according to the Virginia State Police.

In Northern Virginia, the agency has started a two-year trial run of an electronic summons system that digitizes the ticket-writing process, allowing troopers to enter information into a computer – partially by scanning driver's licenses and vehicle registration cards – instead of filling out paper forms by hand.

Since late June, troopers participating in the test have seen average traffic stop times drop from 26 minutes per ticket to 10 minutes per ticket, according to a new State Police report.

With the electronic ticketing system, the trooper still prints a paper copy to give to the driver. But case information is electronically transmitted to local courts, eliminating the need for manual data entry and cutting down on flubs caused by sloppy handwriting.

Policymakers are considering rolling out the new system to State Police patrol cars everywhere, but that may require General Assembly approval of a new, $5 fee for all traffic and criminal cases originated by the State Police.

In addition to getting both troopers and violators back on the road and out of harm's way, faster traffic stops can also help clear congestion caused by rubbernecking drivers, according to State Police Lt. Col. Matthew D. Hanley.

For the e-summons pilot program, participating state troopers are using Panasonic ToughBook CF-33s, which have removable monitors that work as standalone touchscreen tablets. The devices cost $7,442 each, according to an agency report. (Courtesy Virginia State Police)

"Our whole goal with this program is really to get what we have to do done as quickly as possible and get that road open," said Hanley, director of VSP's Bureau of Field Operations.

State Police have been testing a few different types of digital technology. One setup requires troopers to scan information in their in-car computer, but another lets troopers take a touchscreen device right up to a driver's window.

Even some of the people unlucky enough to get ticketed that way, Hanley said, thought the new process was "pretty neat."

"We hand them this little iPhone-looking thing and they sign their name with their finger," Hanley said.

The system also enables the State Police to gather more precise data about where tickets are being handed out and who's getting them, according to Hanley.

The test won't be completed until next year, but some policymakers say the initial results show a strong case for expanding the program across the state.

Del. Paul Krizek, D-Fairfax, who helped establish the pilot program by sponsoring legislation to fund the e-summons system, said the initiative is "going exactly how we figured."

"This just saves a lot of money and time," Krizek said.

For a law enforcement agency that hands out around 500,000 tickets each year, the minutes no longer spent on paperwork add up.

The time saved by the new system, the agency said, was the equivalent of adding 11 troopers to the patrol division that includes Arlington, Fairfax and Prince William counties and the cities of Alexandria and Fairfax.

Implementing an e-summons system throughout the state – estimated to cost at least $5 million – would be functionally the same as adding 66 troopers, according to the State Police.

In 2018, the General Assembly budgeted almost $2 million for the pilot project in Northern Virginia. That funding became available in July 2018. According to the report, negotiations with the third-party vendor, Tyler Technologies, were delayed as officials worked through data-security concerns to ensure the program complied with state IT rules for cloud-based services. The contract was finalized on June 28.

In its report to state lawmakers, the agency called the initial results "extremely promising and encouraging."

"To this agency, the E-Summons pilot is already a resounding success," the report says.

Several localities have already implemented an e-summons system. Under current law, cities and counties are allowed to charge a $5 fee for each traffic or criminal offense to fund the purchase of e-summons equipment and software.

If the State Police were given the option to charge the same fee on tickets they hand out, the report said, the agency could roll out the system across the state without having to ask the legislature for more money.

Secretary of Public Safety and Homeland Security Brian Moran said officials are reviewing the report to decide whether the system should be expanded.

"Any time we increase fines or fees, we have to be judicious," Moran said.

Krizek said he's seen enough to consider reintroducing his bill to allow the State Police to assess the $5 fee to fund the system statewide.

"There's no doubt that we would rather these state troopers be out there patrolling instead of doing handwritten tickets on the side of the road," Krizek said.

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