

Sen. Scott Brown out of joint Pol pushes bill vs. driving with pot

By Jessica Van Sack | Monday, September 28, 2009 | <http://www.bostonherald.com> | Local Politics

Sen. Scott Brown wants to smoke out pot-carrying Massachusetts' drivers with a \$1,000 fine. The Wrentham Republican's bill, which would fill a little-known loophole in the new marijuana decriminalization law passed by voters last year, is scheduled for a Beacon Hill hearing tomorrow before the Joint Committee on the Judiciary.

"People who drive while smoking marijuana create a potential hazard," Brown said. "Public safety is my number one concern. This is an area that police thought was severely lacking."

Brown, who's running for the U.S. Senate, filed the proposed legislation shortly after voters approved Question 2 in the November 2008 election, which wiped out criminal penalties for possessing less than an ounce of pot in the Bay State.

"It's a mess," said Wellesley Deputy Police Chief Bill Brooks of the current law. "A minor with alcohol can be arrested, but not if he has pot."

Brooks called the disparity "incredible."

Brooks and his boss, Wellesley Police Chief Terrence Cunningham, president of the Massachusetts Chiefs of Police Association, lobbied Brown to draft the bill to make the penalty for possessing pot in a car similar to that of driving with an open container of alcohol.

Brown's proposal would punish scofflaws found with pot in a car by yanking their driver's license for up to 90 days.

He said he is open to decreasing the proposed penalty to \$500, bringing it in line with the open container law.

The Herald reported in July that Bay State stoners were brazenly lighting up in front of cops and refusing to pay fines instituted by the new pot law, which makes possessing one ounce or less of marijuana a civil penalty punishable with a \$100 citation.

Because the law has no requirement for offenders to show identification to cops, widespread defiance of the law has ensued and cops are powerless to enforce the law and to haul tokers into court.

A Herald review found a staggering 83 percent of 415 tokers cited in Boston since the law took effect in January refused to pony up the \$100 as of July.

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