

Fewer pot fines may be imposed

By Rod Murphy

Possession of small amounts of marijuana will carry less stringent federal penalties if the Senate Judiciary Committee's Revision of the federal criminal code passes on the Senate floor early next year.

The new position is a result of a compromise between committee members favoring decriminalization and those who wanted stiffer penalties for marijuana possession.

The compromise was worked out by Sen. Birch Bayh, D-Ind. and Sen. Orrin Hatch, R-Utah. The position was adopted last week by an 11-2 vote.

The new law is a four-point program, with graduating penalties for pot possession, according to Carol Sanger, Bayh's press secretary.

Possession of up to 10 grams (roughly seven joints) will be a criminal violation like a traffic ticket, according to Sanger.

Record erased

A fine of up to \$100 could be levied at the judge's discretion. For the first two offenses, the record will be erased upon payment of the fine, she said. On the third offense, the arrest record will be erased after the first year.

For possession of 10 grams to one ounce, a flat fine of \$100 will be assessed, the record to be erased upon payment of the fine after the first two offenses. The third offense carries a flat \$500 fine, she said.

In both of the above instances, there will be no arrest made but a summons will be issued to appear in court, like a traffic ticket. The marijuana also is subject to confiscation.

For possession of one to five ounces, a fine up to \$500 and/or 30 days in prison can be assessed at the judge's discretion, she said.

Possession of more than five ounces will carry the present penalty, one year and/or a \$5,000 fine for the first offense and two years and/or \$10,000 for the second offense.

The new law accomplishes two of Bayh's goals on the marijuana issue, according to Sanger.

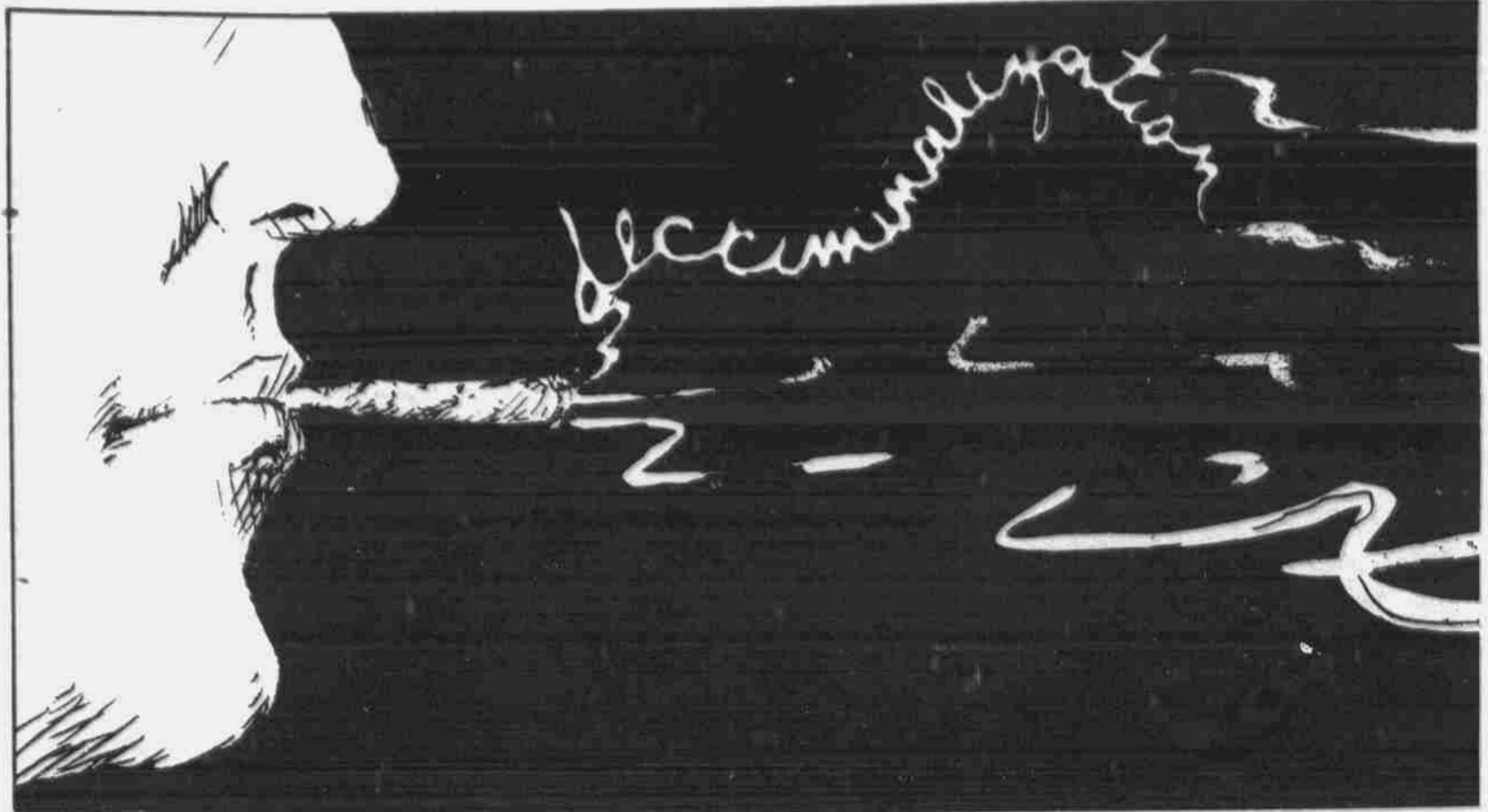
New code

Bayh has always been in favor of decriminalization for possession of up to one ounce, she said.

Under the new code, there is no chance for a criminal record to be retained for possession of a small amount of marijuana, she said.

"Too many kids have had their records marred by a first offense," she said.

The compromise also will help focus federal attention away from users of small amounts of pot and onto the pushers, who bring illegal drugs into the country, she said.



Bayh believes too much of the present drug enforcement effort is spent on the small user, she said.

Symbolic gesture

The new law basically is a symbolic gesture to the states to revise their marijuana laws. State law will take precedent over federal law in this area, she said.

On the other side of the issue, Hatch led the fight against decriminalization.

Even though Hatch's moral position was against de-

criminalization, according to his counsel, Mike Hunter, he realized it was not appropriate to retain the previously still penalties.

Overall, Hatch believes his position won out over Bayh's since criminal penalties still are applied for all types of marijuana possession, Hunter said.

Full Senate reaction has been quite favorable to the compromise, Hunter said. He added that total decriminalization would have been defeated by the Senate.

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