



State of New Jersey

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July 24, 2018

To: ALL COUNTY PROSECUTORS
ALL COUNTY MUNICIPAL PROSECUTOR LIAISONS
ALL MUNICIPAL PROSECUTORS

Re: Statewide Guidance on Charging Marijuana-Related Offenses in Municipal Court

Dear Prosecutors:

On July 19, 2018, the Chief Municipal Prosecutor of the City of Jersey City issued a memorandum to his Assistant Municipal Prosecutors titled "New Marijuana Decriminalization Policy" (the "Municipal Decriminalization Memorandum"). The following day, July 20, 2018, I concluded that the Municipal Decriminalization Memorandum was an improper exercise of a municipal prosecutor's authority and issued a letter pursuant to my supervisory authority under N.J.S.A. 2B:12-27 rendering the memorandum void and without legal effect.

The issuance and subsequent rescission of the Municipal Decriminalization Memorandum made clear that some municipal prosecutors would benefit from additional guidance about the scope of their discretionary authority, particularly with regard to marijuana offenses. To address this issue, I plan to convene a working group of criminal justice stakeholders – including the Hudson County Prosecutor and the Chief Municipal Prosecutor of the City of Jersey City – to study the issue and advise me on possible solutions. By the end of August, I intend to issue a statewide directive concerning the scope and appropriate use of prosecutorial discretion in marijuana-related offenses in municipal court.

In the interim, I ask that all municipal prosecutors in New Jersey seek an adjournment until September 4, 2018, or later, of any matter involving a marijuana-related offense pending in municipal court. This adjournment will give my office sufficient time to develop appropriate guidance for prosecutors. Please note that this request shall not be construed in any way to create any substantive right that may be enforced by any third party.

Sincerely,

Gurbir S. Grewal
Attorney General

cc: Hon. Esther Suarez, Hudson County Prosecutor
AAG Veronica Allende, Director, Division of Criminal Justice
Hon. Glenn A. Grant, Acting Administrative Director, Administrative Office of the Court
Jacob V. Hudnut, Chief Municipal Prosecutor, City of Jersey City

