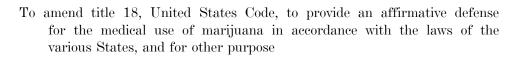
### [DISCUSSION DRAFT]

H.R.

111TH CONGRESS 1ST SESSION



#### IN THE HOUSE OF REPRESENTATIVES

Mr. FARR introduced the following bill; which was referred to the Committee on \_\_\_\_\_\_

### A BILL

- To amend title 18, United States Code, to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purpose
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,
  - **3** SECTION 1. SHORT TITLE.
  - 4 This Act may be cited as the "Truth in Trials Act".

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## 1SEC. 2. PROVIDING AN AFFIRMATIVE DEFENSE FOR THE2MEDICAL USE OF MARIJUANA; SEIZURE OF3PROPERTY.

4 (a) IN GENERAL.—Chapter 221 of title 18, United
5 States Code, is amended by striking section 3433 and all
6 that follows through the end of the chapter and inserting
7 the following:

# 8 "§3433. Affirmative defense for conduct regarding 9 the medical use of marijuana; seizure of 10 property.

11 "(a) Any person facing prosecution or a proceeding for any marijuana-related offense under any Federal law 12 shall have the right to introduce evidence demonstrating 13 that the marijuana-related activities for which the person 14 stands accused were performed in compliance with State 15 law regarding the medical use of marijuana, or that the 16 property which is subject to a proceeding was possessed 17 in compliance with State law regarding the medical use 18 19 of marijuana.

"(b)(1) It is an affirmative defense to a prosecution
or proceeding under any Federal law for marijuana-related
activities, which the proponent must establish by a preponderance of the evidence, that those activities comply with
State law regarding the medical use of marijuana.

25 "(2) In a prosecution or a proceeding for a mari-26 juana-related offense under any Federal criminal law,

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should a finder of fact determine, based on State law re garding the medical use of marijuana, that a defendant's
 marijuana-related activity was performed primarily, but
 not exclusively, for medical purposes, the defendant may
 be found guilty of an offense only corresponding to the
 amount of marijuana determined to be for nonmedical
 purposes.

8 "(c) Any property seized in connection with a pros-9 ecution or proceeding to which this section applies, with 10 respect to which a person successfully makes a defense 11 under this section, shall be returned to the owner not later 12 than 10 days after the court finds the defense is valid, 13 minus such material necessarily destroyed for testing pur-14 poses.

15 "(d) Any marijuana seized under any Federal law shall be retained and not destroyed pending resolution of 16 17 any forfeiture claim, if not later than 30 days after seizure the owner of the property notifies the Attorney General, 18 or a duly authorized agent of the Attorney General, that 19 a person with an ownership interest in the property is as-20 21 serting an affirmative defense for the medical use of mari-22 juana.

23 "(e) No plant may be seized under any Federal law
24 otherwise permitting such seizure if the plant is being
25 grown or stored pursuant to a recommendation by a physi-

cian or an order of a State or municipal agency in accord ance with State law regarding the medical use of mari juana.

4 "(f) [Definition of State to include DC and terri-5 tories?]".

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 221 of title 18, United States
8 Code, is amended by striking the item relating to section
9 3433 and all that follows through the end of the table and
10 inserting the following new item:

"3433. Affirmative defense for conduct regarding the medical use of marijuana; seizure of property.".