



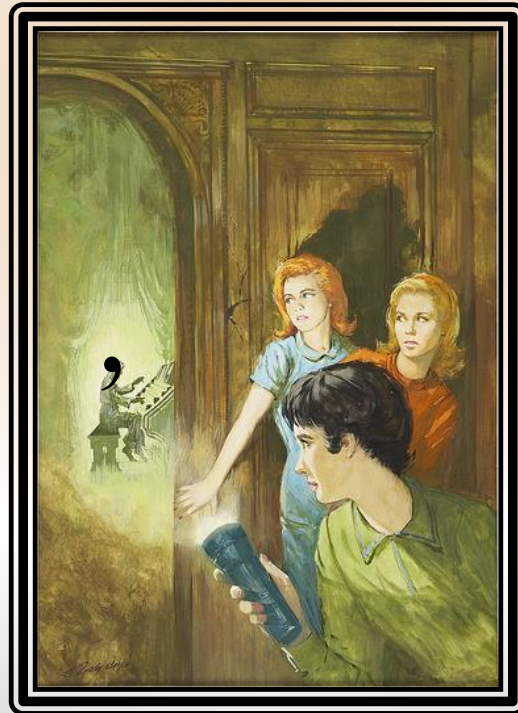
The Case of the Errant Comma:

A Trilogy of
Comma Mysteries

NCSL
Professional Development
Seminar

October 6, 2015

Chapter 1:
The Mystery of the
Missing Comma



Denver Post

July 1, 2015

Woman's Parking Citation Tossed

MIDDLETOWN, Ohio — An appeals court has agreed with an Ohio woman who said her parking citation should be tossed because the village law was missing a comma.

Andrea Cammelleri says she shouldn't have been issued a citation in 2014 based on the wording of the law enacted by the village of West Jefferson.

The law lists several types of vehicles that can't be parked longer than 24

hours, including a "motor vehicle camper," with the comma missing between "vehicle" and "camper."

Cammelleri says her pickup truck did not fit that definition.

The village says the law's meaning was clear in context, but Judge Robert Hendrickson of the 12th Ohio District Court of Appeals says in last week's ruling that West Jefferson should amend the law if it wants it read differently.

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Village of West Jefferson Ordinances

351.16 PARKING TIME LIMIT.

(a) It shall be unlawful for any person, firm or corporation to park or leave standing upon any street, road, thoroughfare or highway in the Village, any motor vehicle camper, trailer, farm implement and/or non-motorized vehicle for a continued period of twenty-four hours except on weekends and holidays, at which the time shall be seventy-two hours.

...

(Ord. 89-21. Passed 3-28-89.)



Village of West Jefferson Ordinances

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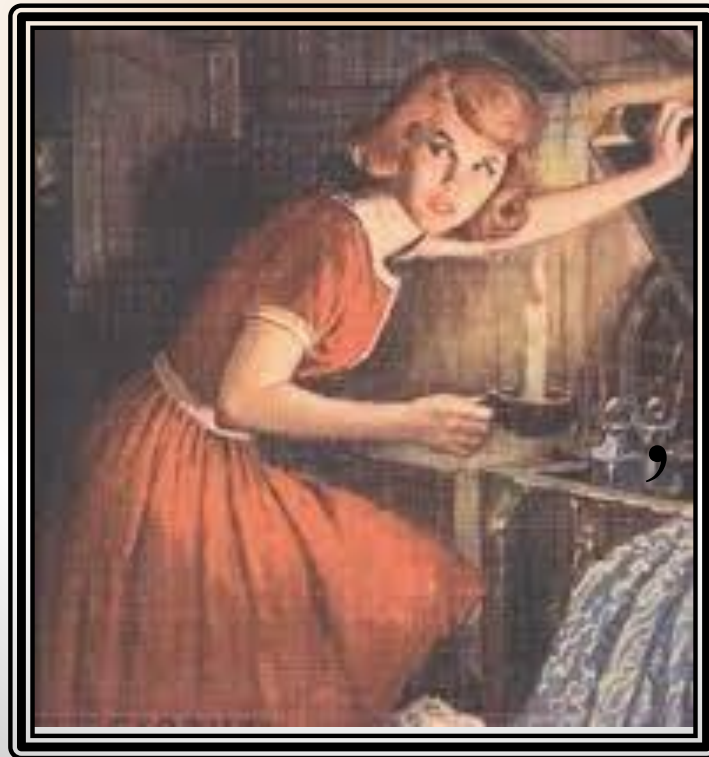
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Chapter 2:
The Case of the
\$2,000,000 Comma





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“[The agreement] shall continue in force for a period of five years from the date it is made, and thereafter for successive five year terms, unless and until terminated by one year prior notice in writing by either party.”



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\$2,000,000



Chapter 3:
The Case of the
Errant Comma



“Punctuation marks are no part of an act. To determine the intent of the law, the court, in construing a statute, will disregard the punctuation, or will repunctuate, if that be necessary, in order to arrive at the natural meaning of the words employed.”

U.S. v. Shreveport Grain & Elevator Co. (1932)



Amendment 64



- Passed in 2012.



Amendment 64



- Passed in 2012.
- Legalized possession and use of recreational marijuana for people 21 years of age and older.



18-18-102. Definitions. As used in this article:

(18) "Marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin. It does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination if these items exist apart from any other item defined as "marijuana" in this subsection (18). "Marijuana" does not include marijuana concentrate as defined in subsection (19) of this section.



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21 U.S.C. § 802 (16)

(16) The term “marihuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.



ARTICLE XVIII

Miscellaneous

Section 16. Personal use and regulation of marijuana. (2) (f) "Marijuana" or "marihuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Colorado Constitution





10 MINUTES
NON-STOP
NEWS

ALWAYS INVESTIGATING

HASH LAB EXPLOSIONS ON THE RISE IN COLORADO
MAKING HASH IS NO LONGER ILLEGAL DUE TO AMENDMENT 64





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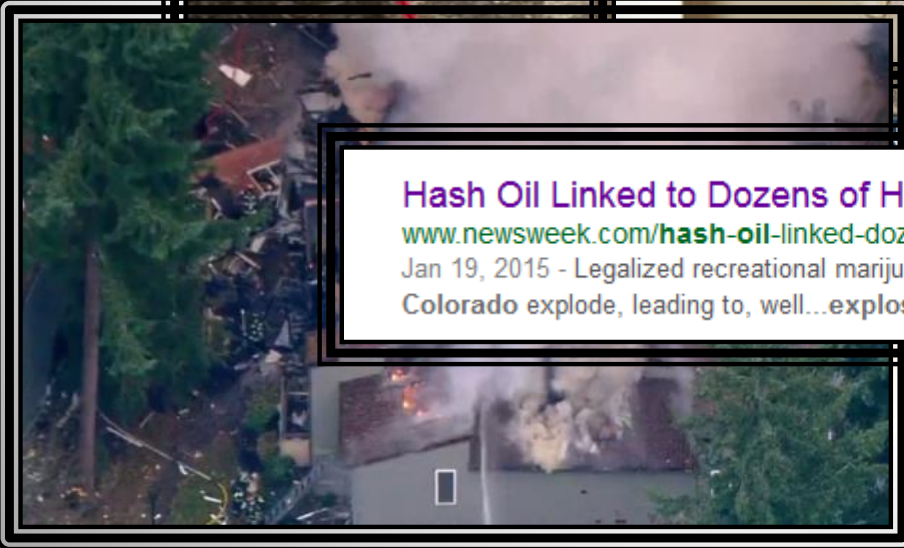
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Hash Oil Linked to Dozens of Home Explosions in Colorado
www.newsweek.com/hash-oil-linked-to-dozens-home-explosions-colorado-...
Jan 19, 2015 - Legalized recreational marijuana has seen the use of hash oil in Colorado explode, leading to, well...explosions.





Colorado Attorney General Says Making Marijuana Oil At Home Is Illegal

In defining the word “marijuana,” Amendment 64 includes the caveat that the term “does not include industrial hemp, nor does it include fiber produced from the stalks, oils, or cake made from the seeds of the plant.”

It’s the **comma** after “oil” in that sentence on which the attorney general’s office hangs much of its argument. In a five-sentence footnote, the attorney general’s office argues that the exclusion of “oil” stands separately from any reference to industrial hemp or marijuana seeds.

Denver Post December 31, 2014





“The court has been unable to discern the source of the addition of the comma found in the current version of the statute. But there is no indication that the legislature intended to fundamentally alter the meaning of the definitional exclusion by the insertion of additional, and likely **wayward, punctuation**. And, there is nothing to indicate that the drafters of 64 had a different intent when they borrowed the definition—comma included.”

People v. Mannaioni,

Denver District Court Case No. 14 CR 3398



18-18-406.6. Extraction of marijuana concentrate - definitions.

(1) It shall be unlawful for any person who is not licensed pursuant to article 43.3 or 43.4 of title 12, C.R.S., to knowingly manufacture marijuana concentrate using an inherently hazardous substance.

(2) It shall be unlawful for any person who is not licensed pursuant to article 43.3 or 43.4 of title 12, C.R.S., who owns, manages, operates, or otherwise controls the use of any premises to knowingly allow marijuana concentrate to be manufactured on the premises using an inherently hazardous substance.

(3) A person who violates this section commits a level 2 drug felony.

(4) As used in this section, unless the context otherwise requires, "inherently hazardous substance" means any liquid chemical, compressed gas, or commercial product that has a flash point at or lower than thirty-eight degrees celsius or one hundred degrees fahrenheit, including butane, propane, and diethyl ether and excluding all forms of alcohol and ethanol.





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