

ORDINANCE #69429
Board Bill No. 275
Floor Substitute

An Ordinance establishing policies for the possession and enforcement of marijuana offenses in the City of St. Louis, Missouri; containing a severability clause, and a penalty clause and an effective date clause.

WHEREAS, the Missouri State Court system and Circuit Attorney's Office of the City of St. Louis currently handle a multitude of marijuana possession cases;

WHEREAS, valuable prosecutorial resources are utilized in prosecuting marijuana offenses;

WHEREAS, the City Counselor's Office of the City of St. Louis has available resources to prosecute minor marijuana offenses in an efficient and expeditious manner in City Court thereby allowing State resources to be focused on more serious crime;

WHEREAS, people should not possess the controlled substance of marijuana, but also should not incur unreasonably harsh consequences as a result of possession of minor amounts;

WHEREAS, the message of this ordinance is that people should not use marijuana, but also should not lose opportunities for education and employment because of such use. The limited resources of law enforcement should be directed primarily toward crimes of violence or property loss;

WHEREAS, when any law enforcement officer suspects any adult as defined by state criminal statutes, other than those excluded in section two below, of possession of less than 35 grams of marijuana, it is desired that such person not be required to post bond, suffer physical arrest, be taken into custody or detained for other than the issuance of a summons;

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Possession and Enforcement of Marijuana Offenses.

It shall be unlawful for any person to possess marijuana as defined in Chapter 195.010 et. seq. of the Revised Statutes of Missouri as amended.

SECTION TWO.

It is intended that the following persons shall continue to be prosecuted in State Court rather than City Court:

- i. Those who have pled or been found guilty of a felony within the preceding ten (10) years; or
- ii. Who have pled or been found guilty in a state court of a Class A misdemeanor, other than misdemeanor marijuana possession, within the preceding five (5) years; or
- iii. Who have pled or been found guilty in a state or municipal court of misdemeanor marijuana possession on two or more occasions within the preceding five (5) years; or
- iv. Who are arrested on suspicion of any felony or misdemeanor arising from the same set of facts and circumstances as the alleged marijuana offense.
- v. Who possess marijuana packaged in a manner intended for sale or distribution;
- vi. Who possesses over 35 grams of marijuana;
- vii. Who otherwise causes the City Counselor's Office to reasonably believe that a request for handling by the Circuit Attorney is warranted.

SECTION THREE. Penalty Clause.

Any person violating this Ordinance shall be subject to a fine of not less than one hundred dollars and not more than five hundred dollars. There is a strong presumption that the proper disposition of any such case is to suspend the imposition of sentence and/or require community service work and/or drug counseling and education.

SECTION FOUR. Funding of Substance Abuse Awareness, Prevention and Treatment Programs.

Any fine collected as a result of this ordinance will be used to cover administrative costs of the court, and any amount collected greater than the cost of administration shall be evenly divided between the City of St. Louis General Revenue Fund and the St. Louis Mental Health Board for the purpose of funding substance abuse awareness, prevention and treatment programs with an emphasis on high school-aged youth.

SECTION FIVE. Severability Clause.

The provisions of this section are severable. If any provision of this Ordinance is declared invalid, that invalidity shall not affect other provisions of the Ordinance which can be given effect without the invalid provision.

SECTION SIX. Effective Date.

This Ordinance shall take effect on June 1, 2013.

Approved: April 29, 2013