

**BOARD BILL NO. 275 CS INTRODUCED BY ALDERMAN SHANE COHN,
ALDERMAN LARRY ARNOWITZ, ALDERWOMAN PHYLLIS YOUNG,
ALDERMAN SCOTT OGILVIE, ALDERWOMAN DIONNE FLOWERS,
ALDERWOMAN MARLENE DAVIS, ALDERMAN ANTONIO FRENCH,
ALDERMAN TERRY KENNEDY**

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

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

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

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

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

14 **WHEREAS**, valid legal prescriptions for medicinal marijuana should be
15 recognized.

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

17 **SECTION ONE. Possession and Enforcement of Marijuana Offenses.**

18 It shall be unlawful for any person to possess marijuana as defined in Chapter
19 195.010 et. seq. of the Revised Statutes of Missouri as amended. The message of this
20 section is that people should not use marijuana, but should also not lose opportunities for

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1 education and employment because of such use. The limited resources of law
2 enforcement should be directed primarily toward crimes of violence or property loss.

3 When any law enforcement officer suspects any adult as defined by state criminal
4 statutes, other than those excluded herein, of possession of a misdemeanor amount of
5 marijuana, that person shall not be required to post bond, suffer arrest, be taken into
6 custody for any purpose nor detained other than the issuance of a summons, suffer
7 incarceration, suffer loss of driver's license, or any other punishment or penalty other
8 than the issuance of a summons.

9 **SUBSECTION A. Exemptions from Section One.**

10 Section One shall not apply to persons:

11 i. Who have pled or been found guilty of a felony within the
12 preceding ten (10) years; or

13 ii. Who have pled or been found guilty in a state court of a
14 Class A misdemeanor, other than misdemeanor marijuana possession, within the
15 preceding five (5) years; or

16 iii. Who have pled or been found guilty in a state or municipal
17 court of misdemeanor marijuana possession on two or more occasions within the
18 preceding five (5) years; or

19 iv. Who are arrested on suspicion of any felony or misdemeanor
20 offense chargeable only under state law, arising from the same set of facts and
21 circumstances as the alleged marijuana offense.

22 **SECTION TWO. Penalty Clause.**

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1 Any person violating this Ordinance shall be subject to a fine of not less than one
2 hundred dollars and not more than five hundred dollars. There should be a strong
3 presumption that the proper disposition of any such case is to suspend the imposition of
4 sentence and/or require community service work and/or drug counseling and education.
5 All such matters shall only be referred to the City Counselor, and no other prosecuting
6 attorney, and the City Counselor shall not refer the matter to any other prosecutor,
7 agency, or office unless provisions of Section One, Subsection A are applicable.

8 **SECTION THREE. Funding of Substance Abuse Awareness, Prevention and**
9 **Treatment Programs.**

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

15 **SECTION FOUR. Severability Clause.**

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

19 **SECTION FIVE. Effective Date.**

20 This Ordinance shall take effect on June 1, 2013.

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