

13 JUL 18 AM 9:51

OAKLAND CITY COUNCIL

Resolution No. 84564 C.M.S.

INTRODUCED BY COUNCILMEMBER LIBBY SCHAAF

RESOLUTION IN SUPPORT OF SENATE BILL 649 (POSSESSION OF CONTROLLED SUBSTANCES: PENALTIES, LENO), ALSO KNOWN AS THE LOCAL CONTROL IN SENTENCING ACT, WHICH WOULD MAKE THE UNLAWFUL POSSESSION OF CERTAIN CONTROLLED SUBSTANCES PUNISHABLE AS EITHER A FELONY PUNISHABLE IN COUNTY JAIL OR AS A MISDEMEANOR PUNISHABLE BY COUNTY JAIL FOR NOT MORE THAN ONE YEAR.

WHEREAS, illegal drugs and drug use continue to be a significant problem that causes harm both to individual drug users as well as society at-large; and

WHEREAS, existing law mandates that the unlawful possession of certain controlled substances, including, among others, opiates, opium, opium derivatives, mescaline, peyote, tetrahydrocannabinols, and cocaine base, must be considered a felony punishable by imprisonment in a county jail for 16 months, or 2 or 3 years; and

WHEREAS, the vast majority of police organizations, District Attorneys, policy leaders, and crime experts agree that felony charges provide a necessary punishment for many types of serious drug crimes; and

WHEREAS, a growing body of police organizations, policy leaders, and crime experts also agree that a felony conviction can equal an overly severe punishment for certain illegal drug possession crimes; and

WHEREAS, SB 649, known as the Local Control in Sentencing Act, will allow for prosecutorial and judicial discretion to charge possession of personal use amounts of **illicit** drugs such as opiates, opium, opium derivatives, mescaline, peyote, tetrahydrocannabinols, and cocaine base for personal use, as a felony or a misdemeanor as the case warrants, leaving an important level of sentencing authority in the hands of the sentencing judge; and

WHEREAS, SB 649 would not make any changes to the law related to illegal substance crimes involving selling, manufacturing or possessing drugs for sale; and

WHEREAS, creating an option to charge low-level drug possession as a misdemeanor rather than a felony will allow local government to more effectively manage scarce crime control resources, and reduce at times unnecessary and costly incarceration; and

WHEREAS, less resources spent incarcerating non-violent personal-use illegal drug users will generate savings to focus more resources on probation, drug treatment, and mental health services, as well as resources for law enforcement on more serious offenders; and

WHEREAS, significant crime policy research shows that effective use of the probation system can create crime reductions similar to if not greater than incarceration for first and second-time non-violent illegal drug users; and

WHEREAS, felony convictions for personal drug use create significant lifelong negative effects such as incredible difficulty gaining legitimate employment, educational assistance, or public aid; and

WHEREAS, the negative effects of a felony conviction actually may increase the likelihood that non-violent drug users will be more likely to re-offend due to limited licit opportunities; and

WHEREAS, according to state data there are approximately 10,000 convictions for felony drug possession for personal use each year in California; and

WHEREAS, the State of California has been sued by the Federal Government for significant prison overcrowding such that now California prison officials must find new ways to reduce prison overcrowding; and

WHEREAS, SB 649 promises to alleviate overcrowding in county jails, ease pressure on California's court system and result in millions of dollars in annual savings for local governments; now, therefore be it

RESOLVED: That the City of Oakland supports Senate Bill 649 (Possession of Controlled Substances: Penalties), Leno, also known as the Local Control in Sentencing Act, which would make the unlawful possession of certain controlled substances punishable as either a felony in county jail or as a misdemeanor by imprisonment in a county jail for not more than one year.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 30 2013

PASSED BY THE FOLLOWING VOTE:

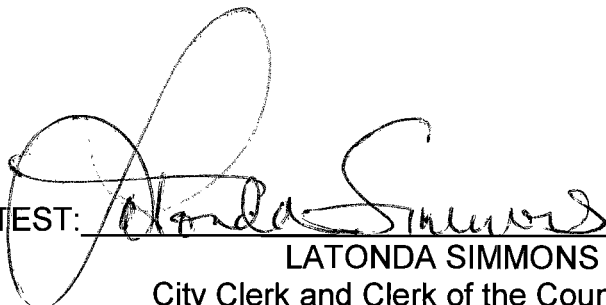
AYES – ~~BROOKS~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~REID~~, SCHAAF, AND PRESIDENT KERNIGHAN ~ 6

NOES – 0

ABSENT – Reid - 1

ABSTENTION – 0

Excused - Brooks - 1

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California