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City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS REBECCA KAPLAN and ABEL GUILLEN

RESOLUTION URGING THE CALIFORNIA LEGISLATURE TO EXPUNGE PAST ARRESTS AND CONVICTIONS FOR CANNIBAS-RELATED OFFENSES AND REMOVE ALL RESTRICTIONS AND BARRIERS THAT EXCLUDE INDIVIDUALS WITH CANNABIS RELATED OFFENSES FROM PARTICIPATING IN THE CANNABIS INDUSTRY OR BEING EXCLUDED FROM OTHER JOB OR BUSINESS OPPORTUNITY

WHEREAS, According to the ACLU's "The War on Marijuana in Black and White," between 2001 and 2010, there were over 8 million marijuana arrests in the United States, 88% of which were for possession; and

WHEREAS, Marijuana arrests now account for over half (52%) of all drug arrests in the United States, and marijuana possession arrests account for nearly half (46%) of all drug arrests; and

WHEREAS, In 2010, States spent over \$3.6 billion enforcing marijuana possession laws despite budget shortfalls and funding challenges for basic social services; and

WHEREAS, A black person is 3.73 times more likely to be arrested for marijuana possession than a white person, even though blacks and whites use marijuana at similar rates; and

WHEREAS, Racial disparities in marijuana possession arrests exist in all counties large and small, urban and rural, wealthy and poor, and with large and small black populations; and

WHEREAS, The War on Marijuana has needlessly ensnared hundreds of thousands of people in the criminal justice system, with a staggeringly disproportionate impact on African- Americans, and comes at a tremendous human and financial cost; and

WHEREAS, California must confront the issue of current or formerly incarcerated people who are being punished for acts that are no longer a crime; and

WHEREAS, California's SB 643 states that California's licensing authority "may deny the application for licensure or renewal of a state license if any of the following conditions apply: ... The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, ... includ[ing]...(A) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance; and

WHEREAS, In 2015, Oregon passed Senate Bill 364 to undo the lasting damage that comes from a criminal conviction on someone's record for a crime that no longer exists; and

WHEREAS Oregon's law, which was signed by the Governor, requires a court to use current classification of marijuana offenses when determining if person is eligible for order setting aside conviction; now, therefore, be it

RESOLVED: that the California State Legislature shall follow Oregon's lead and amend Medical Marijuana Regulation and Safety Act (MMRSA) to expunge past arrests and convictions for cannabis-related offenses that may no longer be illegal.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,
REID AND PRESIDENT GIBSON MCELHANEY

NOES –
ABSENT –
ABSTENTION –

ATTEST:

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