

COLUMBIA, MISSOURI SMART SENTENCING INITIATIVE PETITION

TO: THE CITY COUNCIL
CITY OF COLUMBIA
COLUMBIA, MISSOURI

We, the undersigned, being duly qualified electors of the City of Columbia, County of Boone, State of Missouri, present this Initiative Petition and respectfully request that the following proposed ordinance of the City of Columbia be passed by the City Council, and if not passed by the City Council, that it be submitted to a vote of the people of the City of Columbia.

The proposed ordinance is as follows:

AN ORDINANCE ESTABLISHING POLICY FOR MARIJUANA POSSESSION AND PARAPHERNALIA POSSESSION BY ADULTS PROSECUTIONS, amending Chapter 16 of the Code of Ordinances of the City of Columbia, Missouri by adding a provision to Division 23 of Chapter 16 relating to prosecuting marijuana and paraphernalia cases in the Municipal Court of the City of Columbia pursuant to applicable city ordinances, and fixing a time when this ordinance shall become effective.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

That Chapter 16, Division 23 of the Code of Ordinances of the City of Columbia, Missouri relating to the possession of a misdemeanor amount of marijuana as defined by state law and possession of marijuana drug paraphernalia is amended as follows:

(A) The purpose of this Initiative is to ensure that adults as defined by state criminal statutes are not arrested and suffer only a fine and/or community service or counseling and no other punishment or penalty, for the possession of a misdemeanor amount of marijuana and/or marijuana paraphernalia. This Initiative shall be liberally construed for the accomplishment of these purposes.

(B) When any law enforcement officer suspects any adult of possession of a misdemeanor amount of marijuana and/or possession of marijuana paraphernalia, that person shall not be required to post bond, suffer arrest, be taken into custody for any purpose nor detained for any reason other than the issuance of a summons, suffer prosecution, suffer incarceration, suffer loss of driver's license, or any other legal punishment or penalty other than: the issuance of a summons and, if found guilty, a fine of up to \$250. There shall be 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. All such matters shall only be referred to the Municipal Prosecuting Attorney, and no other prosecuting attorney, and the Municipal Prosecuting Attorney shall not refer the matter to any other prosecutor, agency, or office, unless the adult is also charged with a felony offense arising from the same set of facts and circumstances.

(C) The provisions of this measure are severable—if any provision of this measure is declared invalid, that invalidity shall not affect other provisions of the measure which can be given effect without the invalid provision.

(D) This Ordinance shall be effective upon passage by the Columbia City Council or voters of the City of Columbia and any city ordinance or regulation that is inconsistent with this Ordinance shall be null and void once this Ordinance is passed.

(E) The message of this ordinance is that people should not use marijuana, but should also 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. The enforcement of laws against marijuana shall be the lowest law enforcement priority.

Each of the undersigned states that he or she has personally signed this Petition, that he or she is a qualified elector of the City of Columbia, Missouri, that he or she has not signed any other Petition for the same proposal, and that his or her residence, including street and number, if such exists, is correctly written below after his or her name.

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STATE OF MISSOURI)
)
 COUNTY OF BOONE) ss.

I, _____, being first duly sworn upon oath, state as follows: I circulated the foregoing Initiative Petition; I believe each of the above signers to be a legal voter of the City of Columbia, Missouri; I believe each signature appended to the Petition is a genuine signature of the person whose name it purports to be and all of the above ____ signatures were affixed in my presence.

 Signature

 Address

SUBSCRIBED AND SWORN to, before me, a notary public, in Columbia, Missouri, this ____ day of _____, 2004.

 Notary Public

My Commission Expires: _____