

Dear Ms. Philips:

I want to add my support for the passage of Ohio Senate Bill 160 for marijuana-related record expungements. Unfortunately, I am not available tomorrow to testify for the committee, however, I have attached a copy of City of Cincinnati Ordinance No. 351 I asked the City's Law Department to draft which would expunge the criminal record of those convicted of non-violent marijuana-related offenses in the City of Cincinnati involving 100 grams or less of marijuana. Expunging these records would allow individuals to be able to obtain meaningful employment, housing and education.

I would like to express my deepest thanks to Senator Rulli and Chair Eklund, along with the other members of the Senate, for taking up this worthy cause.

Thank you for allowing me to add my voice to those who support Senate Bill 160.

Warm regards,

Christopher E.C. Smitherman

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City of Cincinnati

AEB
PBM/RAA

An Ordinance No. 351

- 2019

MODIFYING the provisions of Article II, "City Manager," of the Cincinnati Administrative Code by **ORDAINING** new Section 25, "Expungement of Marijuana-Related Offenses."

WHEREAS, on June 12, 2019, Council enacted Section 910-23, "Possession of Marijuana," of the Cincinnati Municipal Code to decriminalize the possession and use of less than one hundred grams of marijuana; and

WHEREAS, convictions for marijuana-related offenses have a lasting impact on an individual's ability to obtain employment, housing, and education and to be productive members of our community; and

WHEREAS, the sealing of a criminal record (expungement) is a legal process provided under Ohio Revised Code § 2953.32 that allows individuals to have all references to a prior criminal conviction cleared and their court files sealed in relation to such conviction; and

WHEREAS, Council now wishes to remove barriers to employment, housing, and education for those convicted of nonviolent marijuana-related offenses involving 100 grams or less of marijuana by promoting and funding representation for expungement pursuant to Ohio Revised Code § 2953.32; now, therefore,

BE IT **ORDAINED** by the Council of the City of Cincinnati, State of Ohio, three-fourths of the members elected to Council concurring:

Section 1. That new Section 25, "Expungement of Marijuana-Related Offenses," of Article II, "City Manager," of the Cincinnati Administrative code is hereby ordained to read as follows:

Sec. 25. Expungement of Marijuana-Related Offenses.

(A) For a period of three fiscal years beginning with Fiscal Year 2021, the council shall annually appropriate an amount determined by the city manager to be sufficient to fund expungement representation services for individuals who have been charged by the City of Cincinnati and convicted of nonviolent marijuana-related offenses involving 100 grams or less of marijuana who may be eligible to have their record sealed under Ohio Revised Code § 2953.32. The appropriation shall include the funding of one new FTE position to manage the expungement effort. Council may not reduce the overall budget to offset or account for the addition of this new FTE.

(B) The city shall engage third party organizations to represent individuals who have been charged by the City of Cincinnati and convicted of nonviolent marijuana-related offenses involving 100 grams or less of marijuana in proceedings to have their record sealed under Ohio Revised Code § 2953.32. The city manager shall administer these contracts, including monitoring the work done by contractors.

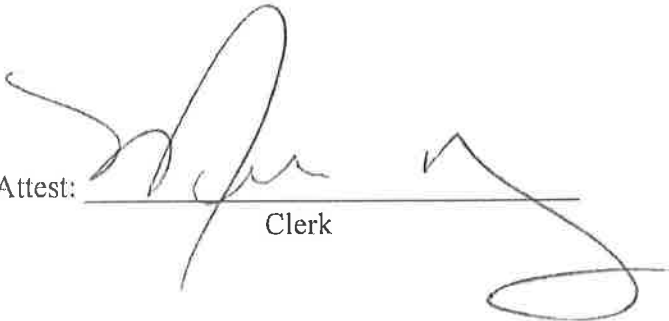
(C) The city manager shall be responsible for identifying individuals who were charged by the City of Cincinnati and convicted of nonviolent marijuana-related offenses involving 100 grams or less of marijuana who may be eligible to have their record sealed under Ohio Revised Code § 2953.32. The city manager shall notify such individuals of their potential eligibility and of the availability of city funded-expungement representation. The city manager may delegate these responsibilities to the appropriate city department.

(D) The city manager shall provide a report to the council on the number of eligible individuals identified and the number of expungements funded after one year, and every two years thereafter.

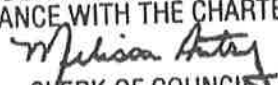
Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 hereof.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 19, 2019

Attest: 
Clerk

John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 351-2019
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10-1-2019

CLERK OF COUNCIL