

RESOLUTION NO. 025-2018

A RESOLUTION STRONGLY OPPOSING STATE ISSUE 1 TO REDUCE PENALTIES FOR CRIMES OF OBTAINING, POSSESSING, AND USING ILLEGAL DRUGS, AND DECLARING AN EMERGENCY.

WHEREAS, Members of the City of Findlay, Ohio City Council have agreed that Community Corrections and Treatment is an appropriate and effective alternative to incarceration for eligible, non-violent drug offenders; and,

WHEREAS, the Ohio Criminal Laws, Community Corrections and Community Prosecution Practices, including current sentencing law, Intervention of Lieu of Conviction, and intervention initiatives have fostered these treatment opportunities; and,

WHEREAS, State Issue 1: To Reduce Penalties for Crimes of Obtaining, Possessing, and using Illegal Drugs is a proposed constitutional amendment proceeding in a fashion that bypasses the Ohio Legislature, and was not subject to the normal debate, hearings, consideration and discussion of legal and financial impact of such an amendment; and,

WHEREAS, the initiative severely limits judicial review and court input at every stage for drug offenders, and establishes a treatment model that excludes jail/incarceration as a potential and effective intervention/sanction and motivation option; and,

WHEREAS, the proposed amendment places issues of criminal law and criminal sentencing in the Constitution of the State of Ohio where it does not belong, and makes future changes or corrections for the errors contained in State Issue 1 or unintended consequences caused by State Issue 1 extremely difficult and expensive as they may only be accomplished by another constitutional amendment; and,

WHEREAS, this proposed amendment is not limited to drug offenses and would significantly limit the ability of the courts to supervise anyone on probation, including violent offenders; and,

WHEREAS, this proposed constitutional amendment hampers the ability of the criminal justice and treatment systems to fulfill their mandated role of holding offenders accountable for their criminal behavior and rewarding success in treatment; and,

WHEREAS, this proposed constitutional amendment would mandate that criminal offenses of obtaining, processing or using any drug such as Fentanyl, Heroin, Methamphetamine, Cocaine, LSD, and other controlled substances cannot be classified as a felony, but only a misdemeanor; and,

WHEREAS, this proposed constitutional amendment would prohibit jail time as a sentence for obtaining, possessing, or using such drugs until an individual's third conviction for such an offense within twenty-four (24) months; and,

WHEREAS, this proposed constitutional amendment would allow an individual convicted of obtaining, possessing, or using such drug prior to the effective date of the amendment to ask a court to reduce the conviction to a misdemeanor, regardless of whether the individual has completed the sentence; and,

WHEREAS, this proposed constitutional amendment would require sentence reductions of incarcerated individuals, except those incarcerated for murder, rape, or child molestation, by up to 25% if the individual participates in rehabilitative, work or educational programming; and,

WHEREAS, this proposed constitutional amendment does not guarantee that the City of Findlay or Hancock County would receive any additional funding for local treatment programs, education program, incarceration expenses or other expenditures incurred by the local criminal justice system; and,

WHEREAS, this proposed constitutional amendment is widely opposed by member of the City of Findlay Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: The City Council of the City of Findlay, Ohio is opposed to the Ohio Constitutional Amendment designated: State Issue 1: To Reduce Penalties for Crimes of Obtaining, Possessing and Using Illegal Drugs and urges its defeat.

SECTION 2: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare and for the further reason that the said City of Findlay, Ohio City Council is opposed to said State Issue 1, therefore, this Resolution shall be in full force and effect immediately upon its adoption by Council.


PRESIDENT OF COUNCIL


MAYOR

PASSED October 16, 2018

ATTEST Deiuse DeVore
CLERK OF COUNCIL

APPROVED October 16, 2018