



Legislation Text

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Res. No. 641

Resolution calling on the coordination of the New York State Division of Criminal Justice Services (DCJS), the New York State Office of Court Administration, and New York City District Attorneys to expunge the records of all city misdemeanor marijuana convictions.

By the Public Advocate (Mr. Williams) and Council Members Levin, Cumbo, Ayala, Lander, Kallos, Treyger, Rivera and Miller

Whereas, In recent years many jurisdictions around the country have sought to correct the wrongs of the war on drugs and collateral consequences of marijuana-related convictions; and

Whereas, In New York City, enforcement policies have been amended to move further away from criminalizing the low-level possession and use of marijuana; and

Whereas, As of September 2018, the New York City Police Department committed to issuing criminal summons in lieu of arrests for the majority of persons found smoking marijuana in public; and

Whereas, Arrests will only be made if persons are on probation or parole, have an existing criminal warrant, a recent history of violence, does not possess a form of identification, or if their smoking poses an immediate public safety risk, such as while driving a car; and

Whereas, While the City has taken steps to improve enforcement, a legacy of unduly harsh policies has had significantly negative adverse consequences on those with convictions for marijuana possession, hindering access to housing, education, and employment prospects for persons with decades-old convictions; and

Whereas, Due to racial disparities in policing strategies, research shows that poor communities of color are disproportionately affected by marijuana convictions; and

Whereas, According to the Misdemeanor Project at John Jay College of Criminal Justice, between 1993 and 2016, arrestees for marijuana-related charges were overwhelmingly Black and Latino men, despite there

being no difference in usage across race; and

Whereas, As many states have now legalized marijuana for recreational use, some jurisdictions, including San Francisco, San Diego, and Seattle have automatically cleared prior misdemeanor convictions for possession; and

Whereas, New York should follow in the footsteps of these jurisdictions; therefore be it

Resolved, That the Council of the City of New York calls on the coordination of the New York State Division of Criminal Justice Services (DCJS), the New York State Office of Court Administration, and New York City District Attorneys to expunge the records of all city misdemeanor marijuana convictions

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