

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:00 P. M., AUGUST 15, 2024

THE MEETING WAS HELD IN PERSON IN THE AV ROOM #308 IN CITY HALL.

Chad Robinson, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:00 p.m., August 15, 2024.

Committee Members Present:

Chad Robinson, Chair

Patrick Salango, Vice Chair

Frank Annie

Becky Ceperley

Joseph Jenkins

Sam Minardi (via Zoom)

Emmett Pepper (via Zoom – arrived after approval of minutes)

Absent:

Other Councilmembers Present:

Joe Solomon

Caitlin Cook

Jennifer Pharr

Mary Beth Hoover

Jeanine Faegre

Chuck Overstreet

Shannon Snodgrass

1. Approval of Previous Minutes –

Councilmember Annie motioned to approve the previous minutes from 7-15-2024. Councilmember Ceperley seconded the motion. With those being present having voted unanimously in the affirmative, the Chair declared the minutes as approved as amended.

2. Bill No. 8039 Committee Substitute - A BILL to amend the Municipal Code relating to updating, clarifying, and reforming the controlled substances offenses in the Municipal Code, incorporating the state code definitions and schedules of controlled substances, reducing the penalties for simple possession of certain controlled substances; making simple possession of marijuana a non-jailable offense; clarifying the conditional discharge statutes for simple possession charges; and expanding the possibilities for discharge of controlled substance possession charges.

City Attorney Kevin Baker explained that after the bill was sent back to Committee from Council floor, the Administration met with a group that were supporters of the recently submitted petition. The revised Committee Substitute is a result of that discussion. The current version:

- Incorporates the State's schedules and definitions.
- Removed duplicate and confusing language
- Makes simple possession of less than 15 grams of marijuana a misdemeanor, and lowers the punishment of first offense to no fine, up to \$250 for second offense and up to \$500 for third and subsequent offenses.
- Requires that a person charged with less than 15 grams of marijuana be given the conditional discharge program in State Law, providing they do not have any drug related charges within the last year.
- For synthetic cannabinoids, first offense is punishable by up to \$100 fine, up to \$500 and up to 30 days in jail for second and subsequent charges.

Councilmember Minardi asked how substantial 15 grams of marijuana was.

Councilmember Robinson replied the amount was in the original ordinance. Baker added that the number also comes from State Law, and is generally considered to be a small amount.

Councilmember Ceperley asked why "simple" replaced "illegal" in Section 78-373. Baker replied that it was changed to be consistent with State Law.

Councilmember Ceperley asked if synthetic cannabis was found to be more dangerous. Baker replied that they were, which is why the penalty for second and subsequent offenses was not reduced.

Councilmember Ceperley asked why there was a need to alter the Code with these changes. Councilmember Robinson replied that it was to mirror State Code as City Code had not been changed since approximately 2011. He added that the proposed bill does not legalize marijuana. Baker added that the penalties in State Code are slightly more than what is in the proposed bill as the City is limited to a max of 30 day jail sentence. Baker added that the bill more accurately reflects the current practice of the Municipal Court. Attorney Davis Potters added that the current City Code contains bad language and formatting.

Councilmember Robinson added that the penalties were changed because the Court

was not jailing anyone for simple possession. Councilmember Jenkins added that the policies could change when there is a new judge, so putting them into Code means that they cannot be changed by the Judge. Councilmember Jenkins added that he thought it was ridiculous to spend money to jail people for simple possession. Councilmember Ceperley added that destigmatizing marijuana possession encourages people to go to a drug dealer where the product is not regulated. Councilmember Robinson added that he was uncomfortable with unlimited forgiveness of simple possession. Councilmember Annie added that the changes are meant to help people keep their first offense off the record via discharge as one charge of simple possession could keep someone from being admitted to a graduate program, for example.

From the audience, Councilmember Faegre confirmed with Councilmember Robinson that a State Trooper would not be required to follow the City Code. Councilmember Faegre added that she thought the fines were too low, especially for second and third offenses.

From the audience, Councilmember Solomon asked about the court fees associated with the bill. Baker replied that State Code required that the City collect a court fee of \$72 per criminal matter and \$62 per traffic matter. Those fees will not currently be waived.

Councilmembers Jenkins and Cook requested to be added as a sponsor.

Councilmember Faegre asked the Committee to consider raising the fines for second and third offenses.

Councilmember Solomon added that, in his opinion, the fines seemed substantial and would be a financial impact for a lot of people.

From the audience, Councilmember Pharr added she would support changing the fines to be higher. Councilmember Ceperley agreed.

Councilmember Pepper thanked the sponsors of the bill for the hard work put into the bill.

Councilmember Robinson requested that in support of higher fines for simple possession take into consideration the fines of other substance possession in City Code. He would want all fines to be considered in a comprehensive review.

Councilmember Minardi confirmed that the fine for first offense of a DUI is likely up to \$500, and would be issued through the Magistrate Court. Councilmember Minardi added that he did not think the objective of a fine was to be affordable. He agreed with taking a holistic approach to possession fines.

Councilmember Solomon asked the Committee to consider the racial disparity around cannabis possession.

Councilmember Jenkins motioned to approve Bill No. 8039 Committee Substitute. Councilmember Annie seconded. With those being present having voted in the majority in the affirmative, with one recognized Nay from Ceperley, the Chair declared Bill No. 8039 Committee Substitute as approved.

Councilmember Annie motioned to adjourn the meeting. Meeting adjourned.