

RESOLUTION NO.025-17R

A RESOLUTION IN SUPPORT OF HOUSE BILL 64 (EXPUNGE IF CRIMINAL SANCTION BASED ON MISTAKEN IDENTITY); AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, House Bill 64 was introduced on February 15, 2017, and would create an automatic mechanism for the expungement of records relating to arrests resulting from mistaken identity; and

WHEREAS, such an arrest creates an official record that is not automatically expunged from the arrestee's record when the mistake is discovered; and

WHEREAS, the arrestee must currently expend considerable time, effort, and money to have the records sealed; and

WHEREAS, House Bill 64 provides a mechanism for a person arrested based upon a mistaken identity to have official records related to the arrest easily expunged by notifying the prosecutor of the mistake; and

WHEREAS, House Bill 64 requires that the court issue, upon notice from the prosecutor, an automatic order of expungement of the official records relating to the mistaken arrest; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to formally support House Bill 64 and urge the Ohio Legislature to support House Bill 64 at the earliest opportunity; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission supports and endorses House Bill 64, which would create an automatic mechanism for the expungement of records relating to arrests resulting from mistaken identify, and urges the Ohio House of Representatives, the Ohio Senate, and Governor Kasich to support House Bill 64.

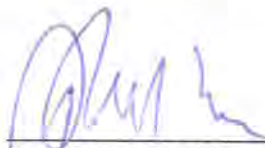
Section 2. The Clerk of this City Commission is hereby directed to provide a certified copy of this Resolution to Representative Steven Arndt, State Senator Randy Gardner, and Governor John Kasich.

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Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:



KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: May 8, 2017