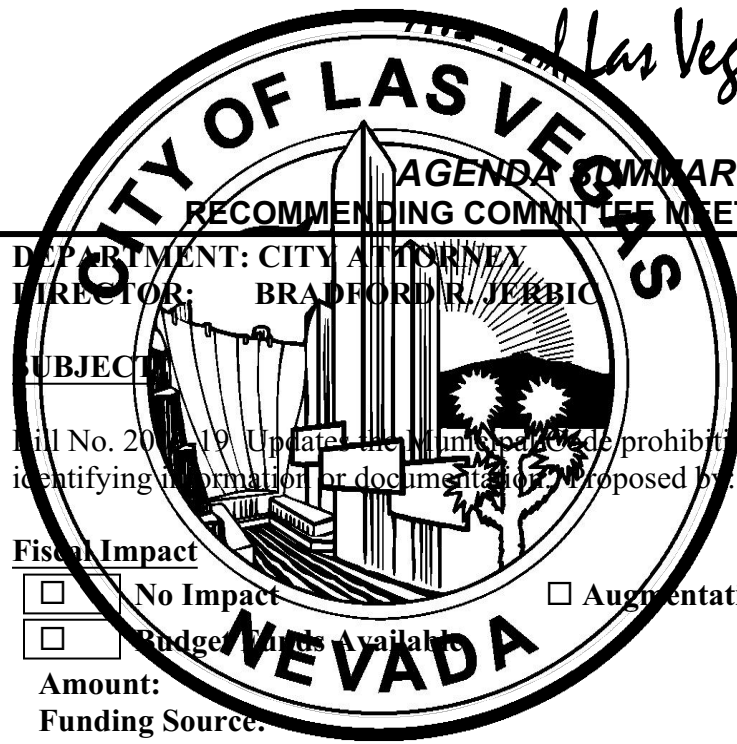




DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-19 Update the Municipal Code prohibition regarding the possession of false identifying information or documentation. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the Municipal Code prohibition regarding the possession of false identifying information or documentation. The bill will change the current focus from "use" to "possession," be more consistent with State law on the subject, and facilitate prosecution of these offenses.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-19
2. Business Impact Statement

Motion made by OSCAR B. GOODMAN to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, OSCAR B. GOODMAN; (Against-None); (Abstain-None); (Did Not Vote -None); (Excused-None)

Minutes:

DEPUTY CITY ATTORNEY ED POLESKI, Criminal Division, gave a brief history of this bill. The State Legislature had increased the penalties for general possession of false identification to a felony. As a result, the City Attorneys Office had not been able to prosecute over 120 cases over the last year and the District Attorneys (DA) Office did not prosecute these cases as more serious cases took precedence. He recommended approval as this kind of crime would be vigorously prosecuted by the City Attorneys Office and would be a benefit to the City.

RECOMMENDING COMMITTEE MEETING OF: MAY 19, 2009

DEPUTY CITY ATTORNEY POLESKI explained that the State Legislature had included a provision to allow municipalities to prosecute for crimes relating to false identification as misdemeanors because they recognized that the DAS Office was busy with other cases. He noted that persons arrested for this type of crime are not being prosecuted because the City does not currently have the jurisdiction over them.

