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Testimony to the House Committee on Judiciary in Support of HB2389
February 22, 2021

Chairman Patton and members of the committee:

The Johnson County Sheriff's Office supports **HB2389**. This bill addresses an issue that we have been working on for over a decade – being able to issue a Notice to Appear (NTA) – in other words, a citation, to a person for simple possession of marijuana. Current law allows the use of an NTA by city police officers for this.

District courts will take an NTA for some wildlife violations. However, simple possession of marijuana requires deputies and state troopers to make a physical arrest since we are required to file a criminal complaint for this offense – which requires a formal booking process. The NTA is not the equivalent of a criminal complaint.

It doesn't make sense that a person stopped by one agency for this offense could be released with an NTA while the same person stopped for the same offense would be taken into custody and jailed – all because of the uniform worn by the investigating officer.

This bill would provide equity in the way this offense is dealt with, regardless whether the investigating officer was employed by a municipal, county or state law enforcement agency. We feel this option allows deputies to have discretion for this type of charge. Something they do not have now.

We ask the committee to recommend the bill favorably for passage.

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