

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

**MEMORANDUM**

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 23, 2021

Subject: Bill Brief on HB 2389

HB 2389 authorizes a notice to appear for unlawful possession of marijuana and defines complaint in the Kansas code of criminal procedure to include such notice to appear.

The bill amends K.S.A. 22-2202, the definition section in the code of criminal procedure. It amends the definition of “complaint” to provide that a notice to appear issued by a law enforcement officer pursuant to K.S.A. 22-2408 for a violation of possession of a controlled substance when the substance is marijuana meets the definition of a complaint. Under current law in KSA 22-2408, a law enforcement officer may issue a written notice to appear for any act punishable as a misdemeanor and release the person detained for such act. By amending the definition of “complaint”, the notice to appear will satisfy the law enforcement officer’s obligation under K.S.A. 22-2408(5) to file a complaint in the court in which a person released is given notice to appear charging the crime stated in the notice.