

CALVIN H. HAYDEN
SHERIFF



DOUGLAS G. BEDFORD
UNDERSHERIFF

DUTY HONOR SERVICE

588 E. SANTA FE, SUITE 2000
OLATHE, KS 66061
www.jocosherriff.org

Testimony to the Senate Committee on Judiciary in Support of SB473
February 15, 2024

Chairman Warren, Vice Chair Wilborn, Ranking Minority Corson, and members of the committee:

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 (ticket), to a person for misdemeanor charges. Current law allows the use of an NTA by city police officers for this.

In 2021, we requested **HB2389 - Authorizing a notice to appear for unlawful possession of marijuana and defining complaint in the Kansas code of criminal procedure to include such notice to appear**. This bill expands the offenses that we could issue a “ticket” for rather than making a physical arrest.

For example, 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, or other misdemeanor offenses could be released with an NTA while the *same person stopped for the same offense at the same location* 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 these offenses are dealt with, regardless of 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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Greg Smith
Special Deputy Sheriff for Government, Veteran, and Crime Victim Affairs
Johnson County Sheriff's Office
Gregory.smith@jocogov.org
913.249.2954