

Marijuana Sentencing Reform Petition to the Governing Body of the City of Wichita, Kansas

I, the undersigned, a qualified elector of the city of Wichita, Kansas, request that the following proposed ordinance, without alteration, be passed or referred to a vote of the electors pursuant to the provisions of chapter 25-3601 of the Kansas statutes:

Shall the following be adopted?

BE IT ORDAINED in the city of Wichita that all individual persons twenty-one (21) years of age or older shall be issued a notice to appear in municipal court instead of arrest for possession of thirty-two (32) grams or less of marijuana and/or drug paraphernalia related thereto. The municipal court penalty for the aforementioned individuals and conditions shall not exceed a fine of fifty dollars (\$50.00) with no jail time. Should the State of Kansas enact a lesser penalty than the aforementioned, this ordinance shall automatically default to the lesser penalty enacted by any new state law for the remaining period of time of the ten (10) year enactment period. A third offense for the aforementioned individuals and conditions may allow the case to be presented to the District Attorney for determination of further action.

(See full ordinance text on back)

I have personally signed this petition. I am a registered elector of the State of Kansas and of the City of Wichita and my residence address is correctly written after my name.

	DATE	SIGNATURE	PRINTED NAME	PRINTED ADDRESS	CITY
0	01/01/17	<i>Jane B. Doe</i>	Jane B. Doe	123 S Main, Apt 007	Wichita
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State of Kansas }
 County of Sedgwick } ss:

I am the circulator of this petition and I am qualified to circulate this petition and I personally witnessed the signing of the petition by each person whose name appears thereon. I believe the statements made herein and that each signature appended to the paper is the genuine signature of the person whose name it purports to be.

 Signature of Circulator

 Circulator's Residence address

Signed and sworn to before me this _____ day of _____, 2017, by _____
Circulator Printed Name Notary Public

My appointment expires:
 Seal

MARIJUANA SENTENCING REFORM INITIATIVE – ICT

SECTION 5.26.040 OF THE MUNICIPAL CODE OF THE CITY OF WICHITA, KANSAS, SHALL BE REPEALED IN ITS ENTIRETY AND THE SUBSTITUTE PROVISIONS SET FORTH BELOW SHALL BE ADOPTED.

(a) Except as provided at Subsections (b) and (c) herein, a violation of the provisions of this Chapter is a misdemeanor and, upon conviction, the sentence shall be a fine not to exceed two thousand five hundred dollars (\$2,500.00), and/or imprisonment of up to twelve (12) months in the Sedgwick County Jail.

(b) A conviction of any person twenty-one (21) years of age or older of Section 5.26.010 for possession of thirty-two (32) grams or less of cannabis sativa L., or otherwise known as marijuana, as defined by Section 5.25.005 (i), the sentence shall be a fine not to exceed fifty dollars (\$50.00) and no incarceration, probation, nor any other punitive or rehabilitative measure shall be imposed.

For convictions under this Subsection for offenses in the Old Town Entertainment District, as defined by Section 5.05.020, the sentence shall be the mandatory minimum fine set forth at Section 5.05.030 and no incarceration, probation, nor any other punitive or rehabilitative measure, shall be imposed; however, pursuant Section 5.05.030(b), the Court may order community service in lieu of mandatory minimum fine in accordance with the provisions thereof. Nothing in this Subsection shall be construed to restrict eligibility for diversion in lieu of further proceeding or deferred judgment pursuant Section 1.06.010 et seq.

(c) A conviction of any person twenty-one (21) years of age or older of Section 5.26.030 for possession of drug paraphernalia, as defined by Section 5.25.005 (f), involving cannabis sativa L., or otherwise known as marijuana, as defined by Section 5.25.005 (i), the sentence shall be a fine not to exceed fifty dollars (\$50.00) and no incarceration, probation, nor any other punitive or rehabilitative measure.

For convictions under this Subsection for offenses in the Old Town Entertainment District, as defined by Section 5.05.020, the sentence shall be the mandatory minimum fine set forth at Section 5.05.030 and no incarceration, probation, nor any other punitive or rehabilitative measure shall be imposed; however, pursuant Section 5.05.030(b), the Court may order community service in lieu of mandatory minimum fine in accordance with the provisions thereof. Nothing in this Subsection shall be construed to restrict eligibility for diversion in lieu of further proceeding or deferred judgment pursuant Section 1.06.010 et seq.

(d) Should the State of Kansas enact lesser penalties than that set forth in Subsections (b) and (c) of this Chapter for possession of cannabis sativa L., or otherwise known as marijuana, as described therein, or possession of drug paraphernalia, as further described therein, then these Subsections, or relevant portions thereof, shall automatically default to the lesser penalties enacted by any such new state law for the remaining period of time of the ten (10) year enactment period established in K.S.A. 12-3013 (c).

(e) In addition to any other sentence authorized by this Chapter, any person convicted of having violated the terms of this Chapter, while under twenty-one (21) years of age, shall be ordered to submit to and complete a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

FOR MORE INFORMATION, CONTACT THE MARIJUANA REFORM INITIATIVE – ICT COMMITTEE AT (316) 737-5911.