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Testimony to the House Committee on Corrections and Juvenile Justice in Support of SB473 March 7, 2024

Chairman Owens, Vice Chair Smith, 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 non-person 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.** The bill had a hearing and was recommended for passage by the House Judiciary Committee. The bill was “blessed,” but then died on the calendar at the end of session. This bill allowed for issue of a “ticket” for rather than making a physical arrest.

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.

In 2016 the International Association of Chiefs of Police (IACP) issued a report outlining the benefits and concerns of citation in lieu of arrest. The benefits outweighed the concerns. Four benefits were highlighted by the study:

- Citation in Lieu of Arrest Has Been Widely Embraced as a Law Enforcement Tool (87% of agencies use the policy)
- Citation Offers Potential Time Savings and Increased Law Enforcement Efficiency
- Officers Are Given Broad Discretion to Determine Whether to Cite or Arrest in Individual Cases

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- In Exercising Their Discretion, Officers Would Benefit from Comprehensive Data Availability in the Field¹

Additionally, the Kansas Supreme Court formed an ad hoc task force in 2018 to look at the issue of pretrial detention practices. The Johnson County Sheriff's Office provided testimony to the task force.

The final report was issued on November 6, 2020. The fourth recommendation of the task force was that *"Kansas statutes should be amended to facilitate using a notice to appear rather than arrest for nonviolent misdemeanor offenses. In addition, law enforcement agencies are encouraged to adopt uniform standards for using notices to appear and citations for nonviolent crimes in lieu of arrest."*²

For all of the reasons above, we ask the committee to recommend SB473 favorably for passage.

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¹ Citation in Lieu of Arrest, International Association of Chiefs of Police, April 2016, accessed March 4, 2024. [IACP Citation Final Report 2016.pdf \(theiacp.org\)](#)

² Pretrial Justice Task Force, Executive Summary, Report to the Kansas Supreme Court, November 6, 2020, accessed, March 4, 2024. [PJTFExSumReportoKansasSupremeCourt.pdf \(kscourts.org\)](#)