



# MARIJUANA ENFORCEMENT ORDINANCE

OR-22-022

December 6, 2022

# Background

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- On November 22, 2022, City Council canvassed the November 8 Special Election where the voters approved the initiative ordinance to eliminate low-level marijuana enforcement.
- Also on November 22, 2022, City Council placed a moratorium on the ordinance until December 6, 2022 when Council would further consider options related to the ordinance.

# Sec. 22-83

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- City Council discussed the option of amending or removing Sec. 22-83 which prohibits KPD from considering the odor of marijuana as probable cause for any search or seizure, except in limited circumstances.

# Ordinance Provisions

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- ❑ Killeen police officers shall not issue citations or make arrests for Class A or B misdemeanor possession of marijuana (POM) with certain exceptions.
- ❑ Class C citations for drug paraphernalia shall not be issued in lieu of POM charge.
- ❑ No city funds or personnel shall be used to perform testing to confirm whether a substance meets the legal definition of marijuana.

# Ordinance Provisions

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- ❑ Odor of marijuana shall not constitute probable cause for any search or seizure, except in limited circumstances.
- ❑ Officers shall be trained on the ordinance, policies and procedures shall be updated in accordance with the ordinance, and regular open meetings with stakeholders shall be arranged to discuss practices related to the ordinance.

# Ordinance Provisions

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- ❑ Violation of the ordinance may subject a police officer to discipline.
- ❑ Within 3 months of adoption of the ordinance, and annually thereafter, a report shall be submitted to the City Council concerning implementation of the ordinance.

# Alternatives

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- Amend the ordinance as presented;
- Approve additional or different amendments; or
- Do not amend the ordinance at this time.