

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: November 12, 2019

CONTACT PERSON NAME AND PHONE NUMBER: REP ALEXSANDRA ANNELLO, 212-0002
REP SAM MORGAN, 212-0004

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: (6) Set the Standard for Sound Governance and Fiscal Management

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable. Approve a Resolution implementing Cite and Release program for Class A and B possession of marijuana.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns? N/A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer? N/A

*****REQUIRED AUTHORIZATION*****

RESOLUTION

WHEREAS, in 2007, the 80th Texas Legislature passed House Bill 2391, which amended the Texas Code of Criminal Procedure Section 14.06 relating to the appearance of certain misdemeanor offenders before a magistrate; and

WHEREAS, House Bill 2391 authorizes a peace officer charging a person with certain Class A or B misdemeanors to issue a citation with written notice of a later time and place to appear before the magistrate instead of taking the person immediately before the magistrate if that person resides in the county where the offense occurred (“cite and release”); and

WHEREAS, House Bill 2391 enumerated these certain misdemeanors to include Class A and B possession of marijuana; and

WHEREAS, on August 6, 2019, the El Paso City Council was briefed on the history of House Bill 2391; history on cite and release implementation in other Texas municipalities; options and the process for implementing a cite and release program for Class A and B possession of marijuana; and the goals of a cite and release program;

WHEREAS, even short periods of incarceration are strongly correlated with higher rates of new criminal activity; when held as few as 2 or 3 days, low-risk defendants are almost 40 percent more likely to commit new crimes before trial than defendants held for fewer than 24 hours; and

WHEREAS, arrests for misdemeanor possession of marijuana result in a significant drain on our police department, pre-trial services and court resources, requiring countless man hours and tax dollars to arrest, transport, book, supervise, coordinate, and process paperwork for each alleged offender; and

WHEREAS, because the City Council still seeks to further the goals of reducing jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service quicker, a cite and release program for Class A and B misdemeanor possession of marijuana is in the best interest of the City of El Paso and its citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That the City Manager is directed to implement a cite and release program under Texas Code of Criminal Procedure Section 14.06(c) for Class A and B misdemeanor violations relating to the possession of marijuana.

SECTION 2. That the City Manager provide quarterly reports to City Council regarding the cite and release program for the purposes of transparency, to provide data concerning the use of discretionary arrest in lieu of citation for nonviolent misdemeanor offenses when a ticket or citation would be allowed by state law.

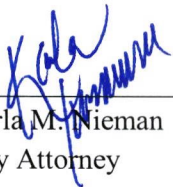
APPROVED this _____ day of _____, 2019.

ATTEST:

Dee Margo
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney