

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2389**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2389 would amend the definition of “complaint” in the Kansas Code of Criminal Procedure to include a notice to appear issued by a law enforcement officer for a violation of unlawful possession of a controlled substance when the substance involved is marijuana. Continuing portions of the definition would be reorganized to reflect this addition, and the bill would make other technical amendments to ensure consistency in statutory phrasing.

**Background**

The bill was introduced by the House Committee on Judiciary at the request of Representative Croft on behalf of the Johnson County Sheriff.

***House Committee on Judiciary***

In the House Committee hearing on February 23, 2021, Representative Croft and a representative of the Johnson County Sheriff’s Office testified as **proponents** of the bill, stating it would provide consistency between local and county or state law enforcement officers in issuing notices to appear for marijuana possession offenses. A private citizen and a representative of the Kansas Peace Officers Association and Kansas Sheriffs Association provided written-only proponent testimony. A representative of the American Civil Liberties Union of Kansas provided written-only neutral testimony. No other testimony was provided.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration states enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. The Kansas Sentencing Commission states enactment of the bill would have no effect on prison admissions or beds. The League of Kansas Municipalities and the Kansas Association of Counties state enactment of the bill would have a negligible fiscal effect on local governments.

Criminal procedure; complaint; notice to appear; marijuana