

**Ordinance amending the Code of Ordinances, Chapter 43, Police, by adding Section 43-12 authorizing guidelines regarding issuance of citations for certain Class A and Class B misdemeanor offenses as allowed under Texas Code of Criminal Procedure Article 14.06 (c) and (d)**

**Whereas**, Article I Section 4 of the City Charter provides that any fifty registered voters may commence initiative proceedings to propose ordinances to City Council;

**Whereas**, on October 2, 2015, the City Secretary was presented with a petition signed by at least 50 registered voters entitled "Statement of Intent to Distribution Petition for Initiative" ("the Statement");

**Whereas**, the Statement contains the following text:

*"Pursuant to Article I Section 4, of Corpus Christi's Municipal Code – Whereas Corpus Christi values police officers' time, whereas police budgets are limited, whereas violent crimes should be a priority, whereas Texas law allows for cite and release;*

*"The National Organization for the Reform of Marijuana Laws – Corpus Christi Chapter (NORMML-CC) and all registered voters who have given their names and addresses below intend to circulate petitions calling for the following ordinance to be enacted: The City of Corpus Christi shall add into its Code of Ordinances, Part III, Chapter 43, Article I, Sec 43-31, which shall read: 'The Chief of Police shall enact guidelines for officers under his command which will take into consideration Texas Code of Criminal Procedure Article 14.06 (c) and (d). He shall establish these guidelines to enable officers under his command to use their discretion in application of Texas Code of Criminal Procedure Article 14.06 (c) and (d). The Chief of Police must liberally establish guidelines with regard to Texas Code of Criminal Procedure Article 14.06 (d) (1), which pertains to arrest for violations of Section 481.121, Health and Safety Code, subsections (b)(1) and (2), otherwise referred to as misdemeanor possession of marihuana."*

**Whereas**, Article I Section 1 of the City Charter provides that in the case of an initiative, the City Attorney shall draft an ordinance in legal form, consistent with the laws of the State and the United States, incorporating in substance the text submitted;

**Whereas**, Texas Code of Criminal Procedure Article 14.06 (c) currently provides that if a person resides in the county where the offense occurred, a peace officer who is charging a person with committing an offense that is a Class A or B misdemeanor may, instead of taking the person before a magistrate, issue a citation to the person that contains written notice of the time and place the person must appear before a magistrate of this state, the name of the person charged, and the offense charge;

**Whereas**, Texas Code of Criminal Procedure Article 14.06 (d) provides that subarticle (c) currently only applies to a person charged with committing an offense under any of the following offenses:

- Texas Health and Safety Code Section 481.121 regarding possession of marihuana of 4 ounces or less;
- Texas Health and Safety Code Section 481.1161 regarding possession of synthetic marihuana of 4 ounces or less;
- Texas Penal Code Section 28.03 regarding pecuniary loss less than \$750 due to criminal mischief;
- Texas Penal Code Section 28.08 regarding pecuniary loss less than \$2,500 due to graffiti;
- Texas Penal Code Section 31.03 regarding theft of property less than \$750;
- Texas Penal Code Section 31.04 regarding theft of service less than \$750;
- Texas Penal Code Section 38.114 regarding contraband in a correctional facility; or
- Texas Transportation Code Section 521.457 regarding driving while license invalid;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

**SECTION 1.** The City of Corpus Christi Code of Ordinances, Chapter 43, Police, Article I, In General, is amended by the addition of the new Section 43-12, as shown in the following underlined text:

**“Sec. 43-12. Establishment of guidelines regarding issuance of citations for certain Class A and Class B misdemeanor offenses as allowed under Texas Code of Criminal Procedure Article 14.06.**

**The Chief of Police shall enact guidelines for officers under his command which will take into consideration Texas Code of Criminal Procedure Article 14.06 (c ) and (d). He shall establish these guidelines to enable officers under his command to use their discretion in application of Texas Code of Criminal Procedure Article 14.06 (c ) and (d). The Chief of Police must liberally establish guidelines with regard to Texas Code of Criminal Procedure Article 14.06 (d) (1), which pertains to arrest for violations of Section 481.121, Health and Safety Code, subsections (b)(1) and (2), otherwise referred to as misdemeanor possession of marihuana.”**

**SECTION 2.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor