ORDINANCE NO.

AN ORDINANCE CREATING THE "AUSTIN FREEDOM ACT OF 2021" INCLUDING MEASURES TO ELIMINATE LOW-LEVEL MARIJUANA ENFORCEMENT AND BAN NO- KNOCK WARRANTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Title 16 of the City Code is hereby created, to be titled "Austin Freedom Act of 2021."

PART 2. Title 16, Chapter 16-1 is hereby created to read: CHAPTER 16-1. ELIMINATION OF MARIJUANA ENFORCEMENT.

§ 16-1-1 ENDING CITATIONS AND ARRESTS FOR MISDEMEANOR POSSESSION OF MARIJUANA.

- (A) Austin police officers shall not issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana offenses, except in the limited circumstances described in § 16-1-1(B).
- (B) The only circumstances in which Austin police officers are permitted to issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana are when such citations or arrests are part of:
 - (1) the investigation of a felony level narcotics case that has been designated as a high priority investigation by an Austin police commander, assistant chief of police, or chief of police; and/or
 - (2) the investigation of a violent felony.
- (C) In every instance other than those described in § 16-1-1(B), if an Austin police officer has probable cause to believe that a substance is marijuana, an officer may seize the marijuana. If the officer seizes the marijuana, they must write a detailed report and release the individual if possession of marijuana is the sole charge.
- (D) Austin police officers shall not issue any charge for possession of marijuana unless it meets one or both of the factors described in § 16-1-1(B).
- § 16-1-2 CITATIONS FOR POSSESSION OF DRUG RESIDUE OR DRUG PARAPHERNALIA SHALL NOT BE ISSUED IN LIEU OF A POSSESSION OF MARIJUANA CHARGE.

(A) A class C misdemeanor citation for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

§ 16-1-3 PROHIBITION AGAINST USING CITY FUNDS OR PERSONNEL TO CONDUCT THC CONCENTRATION TESTING.

- (A) No City funds or personnel shall be used to request, conduct, or obtain tetrahydrocannabinol (THC) testing of any cannabis-related substance to determine whether the substance meets the legal definition of marijuana under state law, except in the limited circumstances of a police investigation pursuant to § 16-1-1(B).
- (B) This prohibition shall not limit the ability of Austin police to conduct toxicology testing to ensure public safety, nor shall it limit THC testing for the purpose of any violent felony charge.

PART 3. Title 16, Chapter 16-2 is hereby created to read: CHAPTER 16-2. BAN ON NO-KNOCK WARRANTS.

§ 16-2-1 "NO KNOCK" SEARCH WARRANTS SHALL NOT BE USED. No Austin police officer may request, execute, or participate in the execution of any search warrant that does not require the officer to knock and announce their presence and wait at least 15 seconds prior to execution.

FASSED AND A	APPROVED		
	, 2022	§ § §	Steve Adler
			Mayor
APPROVED:		ATTEST:	
	nne L. Morgan City Attorney		Myrna Rios City Clerk