

Petition for a City of Austin Initiative Election

A petition to initiate a new City of Austin ordinance to (1) eliminate enforcement of low-level marijuana offenses and (2) ban the use of "no knock" warrants by Austin police. The entire text of the proposed ordinance is attached.

- Registered Austin voters only! -

Date Signed	Print name: _____ Sign: _____	Where you're registered to vote	County (check one)	Birthdate or Voter Reg #	E-mail (optional) _____ Phone Number (optional) _____
/ / 2021	Print name: _____ Sign: _____	Street: _____ Austin, TX Zip: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	___ / ___ / ___ OR No. _____	
/ / 2021	Print name: _____ Sign: _____	Street: _____ Austin, TX Zip: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	___ / ___ / ___ OR No. _____	
/ / 2021	Print name: _____ Sign: _____	Street: _____ Austin, TX Zip: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	___ / ___ / ___ OR No. _____	
/ / 2021	Print name: _____ Sign: _____	Street: _____ Austin, TX Zip: _____	<input type="checkbox"/> Travis <input type="checkbox"/> Williamson <input type="checkbox"/> Hays	___ / ___ / ___ OR No. _____	

Caption: "An initiative ordinance to (1) eliminate enforcement of low-level marijuana offenses and (2) ban the use of "no knock" warrants by Austin police"

Full Text of the Proposed Ordinance

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 VOTERS 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.

§ 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.

§ 16-2-2 OFFICER DISCIPLINE.

Any violation of this chapter may subject an Austin police officer to discipline as provided by the Texas Local Government Code, Chapter 143, or as provided in City policy.