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

Proposition A: Shall an initiative ordinance be approved to (1) eliminate enforcement of low-level marijuana offenses and (2) ban the use of "no knock" warrants by Austin police?

An ordinance creating the “Austin Freedom Act of 2021” including measures to eliminate low-level marijuana enforcement and ban no- knock warrants.

Part 1. Title 16 of the City Code is hereby created, to be titled “Austin Freedom Act of 2021.”

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

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).

- (A) 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.
- (B) 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.
- (C) 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.

§ 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.

PART 4. A direct electronic recording voting system, as the term is defined in Title 8 of the Texas Election Code, shall be used for early voting and for voting conducted on election day. The central counting station is established at the Travis County Elections Division, 5501 Airport Boulevard, Austin, Texas.

PART 5. Notice of this election shall be posted and published in accordance with state law. The notice shall be posted, in both English and Spanish, in the office of the City Clerk and at the City Hall notice kiosk not later than the 21st day before election day. Notice of this election shall be published one time, in English and Spanish, not earlier than the 30th day before the date of the election or later than the 10th day before the date of the election, in a newspaper of general circulation in the City of Austin.

PART 6. In accordance with Chapter 271 of the Texas Election Code, the May 7, 2022 special municipal election may be held jointly with the various political subdivisions that share territory with the City of Austin and that are holding elections on that day. The City Clerk may enter and sign joint election agreements with other political subdivisions for this purpose, and their terms as stated in the agreements are hereby adopted.

PART 7. The Council finds that the need to immediately begin required preparations for this election constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

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_____, 2022

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk