The people of Santa Barbara ordain as follows:

Title 9 of the Santa Barbara Municipal Code is amended to add a new chapter, 9.145, entitled "Lowest Law Enforcement Priority Policy Ordinance," to read as follows:

Chapter 9.145

Sections

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9.145.010 Title

This chapter shall be known as the Lowest Law Enforcement Priority Policy Ordinance.

9.145.020 Purpose

The purpose of this chapter is:

(1) to make investigations, citations, arrests, property seizures, and prosecutions for adult marijuana offenses, where the marijuana was intended for adult personal use, the city of Santa Barbara's lowest law enforcement priority; and

(2) to transmit notification of the enactment of this initiative to state and federal elected officials who represent the city of Santa Barbara.

9.145.030 Findings

(1) The federal government's war on drugs has failed.

(2) Santa Barbara should determine its marijuana policies locally, not hand them over to the federal Drug Enforcement Administration.

(3) Otherwise law-abiding adults are being arrested and imprisoned for nonviolent marijuana offenses, which is clogging courts and jails in California.

(4) Each year, California spends more than $150 million of taxpayer money enforcing marijuana laws.

(5) Law enforcement resources would be better-spent fighting serious and violent crimes.

(6) Making adult marijuana offenses Santa Barbara's lowest law enforcement priority will reduce the city's spending on law enforcement and punishment.

(7) Decades of arresting millions of marijuana users have failed to control marijuana use or reduce its availability.

(8) Current marijuana policies continue to needlessly harm medical marijuana patients, despite the passage of Proposition 215, which affirmed California voters' support for medical marijuana.

9.145.040 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Adult" means an individual who is 21 years of age or older.

(2) "Santa Barbara law enforcement officer" means a member of the Santa Barbara Police Department or any other city agency or department that engages in law enforcement activity.

(3) "Lowest law enforcement priority" means a priority such that all law enforcement activities related to all offenses other than adult, personal-use marijuana offenses shall be a higher priority than all law enforcement activities related to marijuana offenses, where the marijuana was intended for adult personal use, other than the exceptions designated in this chapter.

(4) "Marijuana" means all parts of the cannabis plant, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

9.145.050 Lowest Law Enforcement Priority Policy

(1) Santa Barbara law enforcement officers shall make law enforcement activity relating to marijuana offenses, where the marijuana was intended for adult personal use, their lowest law enforcement priority. Law enforcement activities relating to marijuana offenses include, but are not limited to, investigation, citation, arrest, seizure of property, or providing assistance to the prosecution of adult marijuana offenses.

(2) This lowest law enforcement priority policy shall not apply to use of marijuana on public property or driving under the influence.

(3) The lowest law enforcement priority policy shall apply to cooperating with state or federal agents to arrest, cite, investigate, prosecute, or seize property from adults for marijuana offenses included in the lowest law enforcement priority policy.

(4) Santa Barbara law enforcement officers shall not accept or renew formal deputization or commissioning by a federal law enforcement agency if such deputization or commissioning will include investigating, citing, arresting, or seizing property from adults for marijuana offenses included in the lowest law enforcement priority policy.

(5) Santa Barbara shall not accept any federal funding that would be used to investigate, cite, arrest, prosecute, or seize property from adults for marijuana offenses included in the lowest law enforcement priority policy.

9.145.060 Community Oversight

(1) The committee will be composed of two city residents; one criminal defense attorney; one civil liberties advocate; one medical marijuana patient; one medical professional; and one drug abuse, treatment, and prevention counselor, each of whom shall be appointed by the Santa

Barbara mayor. The committee members shall serve at the pleasure of the Santa Barbara mayor, who shall appoint replacement committee members on an as-needed basis. The Santa Barbara Police Department, the Santa Barbara County Public Health Department, and the Santa Barbara County District Attorney's Office shall each send one representative as a nonvoting liaison to each of the committee's meetings.

(2) Responsibilities of the committee shall include:

(a) ensuring timely implementation of this chapter, with the cooperation of the Santa Barbara County District Attorney's Office, the Santa Barbara Police Department, and any other Santa Barbara law enforcement agencies in providing needed data;

(b) receiving any grievances from individuals who believe they were subjected to law enforcement activity contrary to the lowest law enforcement priority policy;

(c) designing a supplemental report form for Santa Barbara law enforcement officers to use to report all adult marijuana arrests, citations, and property seizures and all instances of officers assisting in state or federal arrests, citations, and property seizures for any adult marijuana offenses. The supplemental report form shall be designed with the goal of allowing the committee to ascertain whether the lowest law enforcement priority policy was followed;

(d) requesting additional information from any Santa Barbara law enforcement officer who engaged in law enforcement activity relating to one or more marijuana offenses under circumstances which appear to violate the lowest law enforcement priority policy. An officer's decision not to provide additional information shall not be grounds for discipline; and

(e) submitting written reports semiannually to the Santa Barbara City Council on the implementation of this ordinance, with the first report being issued nine months after the enactment of this chapter. These reports shall include, but not necessarily be limited to: the number of all arrests, citations, property seizures, and prosecutions for marijuana offenses in Santa Barbara; the breakdown of arrests and citations by race, age, specific charge, and classification as infraction, misdemeanor, or felony; any

instances of law enforcement activity that the committee believes violated the lowest law enforcement priority policy; and the estimated time and money spent by the city on law enforcement and punishment for adult marijuana offenses.

(3) Santa Barbara law enforcement officers shall submit to the committee a supplemental report within two weeks after each adult marijuana arrest, citation, or property seizure or instance of assisting in a state or federal arrest, citation, or property seizure for any adult marijuana offense in Santa Barbara.

9.145.070 Notification of Federal and State Officials

(1) Beginning three months after the enactment of this chapter, the city clerk shall execute a mandatory and ministerial duty of sending letters on an annual basis to Santa Barbara voters' U.S. representative or representatives, both of California's U.S. senators, Santa Barbara voters' senators and Assembly members in the California State Legislature, the governor of California, and the president of the United States. This letter shall state, "The citizens of Santa Barbara have passed an initiative to de-prioritize adult marijuana offenses, where the marijuana is intended for personal use, and request that the federal and California state governments take immediate steps to enact similar laws." This duty shall be carried out until state and federal laws are changed accordingly.

9.145.080 Enforceability

All sections of this chapter are mandatory. If any provision of this chapter is not carried out properly, any person who is registered to vote in Santa Barbara may seek a writ of mandate to ensure the law is fully implemented.

9.145.090 Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.