

ORDINANCE AMENDING CHAPTER 86 ARTICLE III OF THE CITY OF JACKSON CODE OF ORDINANCES TO: (1) MAKE IT ILLEGAL TO POSSESS THIRTY (30) GRAMS OR LESS OF MARIJUANA WITHIN THE CITY LIMITS; (2) PRESCRIBE THE MAXIMUM PENALTY TO BE IMPOSED BY THE MUNICIPAL COURT OF JACKSON FOR SUCH POSSESSION; AND (3) DECLARE THAT THE PENALTY IMPOSED SHALL NOT INCLUDE ANY TERM OF IMPRISONMENT.

WHEREAS, the City of Jackson, Mississippi (“City”) has an interest in maintaining the public safety and general welfare of citizens of the City of Jackson and its visitors; and

WHEREAS, Chapter 86 Article III of the City of Jackson Code of Ordinances contains offenses adopted by the City regarding drug paraphernalia, but is presently silent as to the simple possession of marijuana (i.e., possession of thirty (30) grams or less of marijuana); and

WHEREAS, the Municipal Court of the City of Jackson is granted jurisdiction to try and dispose of cases where a person is in violation of City ordinances and/or state law, including but not limited to possession of drug paraphernalia and misdemeanor possession of illicit drugs, including marijuana, under state law; and

WHEREAS, simple possession of marijuana is presently illegal under Section 41-29-139(C)(2)(A)1. of the Miss. Code Ann., as amended; however, there currently is no specific prohibition in the *City’s ordinances* concerning simple possession of marijuana, nor is there an *ordinance* prescribing punishment for possession of thirty (30) grams or less of marijuana within the City limits; and

WHEREAS, the City Council finds that it is in the City’s best interest to provide local law enforcement with the ability to charge individuals in simple possession of marijuana with an offense that neither unfairly stigmatizes the offender(s), nor creates an undue burden on the City in regards to jail costs; and

WHEREAS, it is the desire of the City to, by ordinance, specifically prohibit within the city limits the possession of thirty (30) grams or less of marijuana, and to prescribe the punishment thereof to be a fine not to exceed One Hundred Dollars (\$100.00), but to not be punishable by any term of imprisonment.

THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI HEREBY ORDAINS the following:

SECTION 1: Chapter 86, Article III of the City of Jackson’s Code of Ordinances shall be amended to include the following new section:

Sec. 86-91 Simple Marijuana Possession.

(a) It is unlawful for any person knowingly or intentionally to possess thirty (30) grams or less marijuana in the City of Jackson, Mississippi, unless the marijuana was obtained directly from, or pursuant to, a valid prescription or order of a practitioner

while acting in the course of his professional practice or otherwise obtained in accordance with State or Federal law. The penalties for any violation of this ordinance shall be a fine of no more than One Hundred Dollars (\$100.00) and shall not be punishable by imprisonment for any term.

(b) The Jackson Police Department may implement a mandatory training curriculum that will address the differences between the City of Jackson ordinance and State law with respect to marijuana possession, arrest, detention and prosecution.

(c) If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 2: All predating provisions of the Code of Ordinance of the City of Jackson, Mississippi, in conflict with the provisions of this amendment shall be, and the same are hereby, repealed; and, all other provisions of the Code of Ordinances of the City of Jackson, not in conflict with the provisions of this amendment shall remain in full force and effect.

SECTION 3: This Ordinance shall be effective thirty (30) days after passage and publication.