

TESTIMONY OF SENATOR DELORES G. KELLEY

**REGARDING SENATE BILL 333 - CRIMINAL PROCEDURE - CHARGING
PROCEDURES AND DOCUMENTS - CITATION**

BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

ON FEBRUARY 11, 2020

Mr. Chairman and Members:

Senate Bill 333 increases the number and types of offenses for which a police officer would be permitted to charge by citation, instead of by arrest. The point is to preserve the economic stability of low level offenders whose misdemeanor offenses involve no serious injury or immediate health risk, and where the maximum penalty of imprisonment is 90 days or less, with certain exceptions, enumerated on page 2 of the Bill, including failure to comply with a peace order, a protective order, with a condition of pre-trial or post-trial release.

The Bill's passage would save scarce tax dollars now spent on the incarceration of low-level offenders who pose little or no public safety risk, while also protecting the economic stability of family members, as well as the offender's employment. Senate Bill 333 buttresses the work already accomplished through the Justice Reinvestment Act.

The use of citations in lieu of arrest has been studied by the International Chiefs of Police, which reports that law enforcement agencies are using citations for nearly a third of all incidents, most often for disorderly conduct, trespassing, driving under suspension, and possession of marijuana. Two thirds of these agencies have a positive view of citations (others) are neutral. Officers usually have broad discretion to determine whether to cite or arrest in individual cases.

The International Chiefs of Police point out the following benefits of citations:

- 1. Potential time savings and increased efficiency**
- 2. Enhanced community/police relations**
- 3. Fewer tax dollars for jail costs**
- 4. Fewer job losses and future offenses**

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Passage of SB 333 would mean that minor offenses, which doesn't affect public health or public safety, would not cause offenders to lose employment, to disrupt family life, or to stop paying taxes like the rest of us.

If you believe that such results are a public benefit, then help send Senate Bill 333 to the Senate floor.