



Marijuana and Drug Paraphernalia Ordinances Survey of the Largest 50 Cities in Kansas

Purpose

This position paper was created to release the results of a survey conducted by DPFKS to determine how many of the largest 50 cities by population had municipal ordinances banning the possession of marijuana and drug paraphernalia. In addition, the number persons living in the largest 50 cities in Kansas who were subject to a municipal ordinance was calculated from the population data.

Methodology of Survey

A list of cities in Kansas in order of population¹ was the basis for the survey. Using the Internet, or calls to city offices it was determined whether or not any of these cities had adopted ordinances on marijuana possession and drug paraphernalia.

Responses were divided into three categories:

- Cities without municipal ordinances
- Cities with municipal ordinances which have the same penalties² for the offenses as the state statutes
- Cities with municipal ordinances which have enhanced the penalties³ for the offenses from the state statutes

Findings

The **largest 50 cities in the state of Kansas comprise 65% of the total population of the state⁴**. There are 32 cities in the largest 50 that have enacted ordinances banning marijuana and drug paraphernalia. Only three of the 32 cities with such ordinances have enhanced penalties beyond the state statute (K.S.A. 65-4101 *et. Seq.*) and only two of the three have enhanced the fine and jail time.

¹ According to the US Census Bureau, 2000 Census.

² First-time conviction for possession of marijuana (K.S.A. 65-4101 *et. Seq.*) is a Class A misdemeanor punishable by a fine of 0 to \$2,500 or a sentence of 0 to 1 year in jail, or both.

³ Enhanced penalties are any requirements in addition to the state penalty for Class A misdemeanors.

⁴ Using the 2000 Census Bureau data, by city.

These cities are:

- Overland Park—48 hours in jail and a fine of \$200.00
- Olathe—ADSAP evaluation for persons between the ages of 18 and 21 only, and compliance fee, payable only if the person is not indigent
- Garden City—96 hours in jail and a \$500.00 fine

These three cities with enhanced penalties include 17% of the population of the largest 50 cities and only 11% of the population of the state as a whole.

By contrast, 29 cities or 63% of population of the top 50 cities in Kansas have adopted ordinances banning marijuana and drug paraphernalia without enhance penalties.

Cities with ordinances that do not enhance the penalty for possession of marijuana include 41% of the population of the state of Kansas.

The remaining towns, not included in the survey, may also have ordinances, which would boost the total number of persons in Kansas's cities living under a municipal ordinance higher than the 41% found in the largest 50 cities.

Conclusion

The data shows that the majority of the largest 50 cities by population (64%) have adopted ordinances sending persons charged with marijuana and drug paraphernalia to municipal court. These cities have determined that the cost of prosecuting these charges in District Court is greater than the cost on their municipalities to prosecute in city court.

The findings also show the number of persons in the state living in cities that have ordinances banning the possession of marijuana and drug paraphernalia included **at least 41%** of the total population of Kansas.

The cities that have enhanced the penalties beyond the state guidelines for a Class A misdemeanor are a very small percentage of the whole, and do not represent the majority of Kansas's cities surveyed.

Supporting data attached

Marijuana Possession and Drug Paraphernalia by Cities in Kansas Ranked by Population

Rank	City	Population	Ordinance	# Adult Narcotics Arrests*	# Juvenile Narcotics Arrests	Add. Penalty
1	Wichita	353,823	Y	2353	412	No
2	Overland Park	162,728	Y	181	92	Min. \$200 fine, 48 hr jail, Max. \$50 fine and 6 months in jail. Contains a second, third and fourth conviction clauses. This penalty clause would not be upheld in court due to the maximum limits. ADSAP evaluation and compliance (min.) or treatment.
3	Kansas City	145,004	Y	964	124	No
4	Topeka	121,809	Y	NA	13	No
5	Olathe	108,390	Y	332	81	ADSAP evaluation only for 18-21 year olds and fee waved for indigent.
6	Lawrence	81,873	N	123	22	
7	Shawnee	56,178	Y	173	32	No
8	Manhattan	47,916	Y	NA	NA	No
9	Salina	45,988	N	278	56	
10	Lenexa	42,615	Y	NA	NA	No
11	Hutchinson	41,047	N	184	8	
12	Leavenworth	35,290	Y	83	10	No
13	Leawood	29,504	Y	NA	NA	No
14	Garden City	27,312	Y	117	29	The person convicted must serve at least 96 consecutive hours imprisonment either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.
15	Emporia	26,639	Y	75	8	No
16	Dodge City	25,762	Y	117	22	No
17	Prairie Village	21,511	Y	85	10	No
18	Derby	20,326	Y	46	31	No
19	Liberal	20,218	N	72	27	
20	Hays	19,841	Y	79	7	No
21	Pittsburg	19,152	N	110	5	
22	Newton	18,154	N	203	20	
23	Junction City	16,806	N	167	16	
24	Great Bend	14,851	Y	NA	NA	No
25	McPherson	13,681	N	33	3	

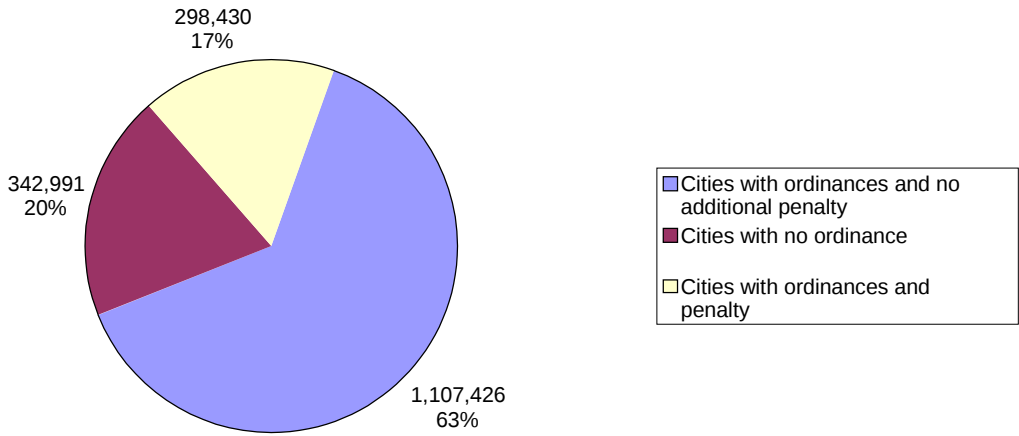
Rank	City	Population	Ordinance	# Adult Narcotics Arrests*	# Juvenile Narcotics Arrests	Add. Penalty
26	Gardner	12,937	Y	23	14	No
27	El Dorado	12,717	Y	41	13	No
28	Ottawa	12,499	Y	38	5	No
29	Winfield	12,005	Y	78	10	No
30	Arkansas City	11,753	N	116	25	
31	Parsons	11,291	Y	35	1	No
32	Merriam	10,774	Y	50	17	No
33	Coffeyville	10,504	Y	NA	7	No
34	Atchison	10,185	N	69	12	
35	Lansing	10,117	N	24	NA	
36	Mission	9,772	N	43	4	
37	Haysville	9,627	Y	NA	NA	No
38	Independence	9,407	Y	16	Y	No
39	Chanute	9,043	N	32	0	
40	Andover	8,617	Y	19	NA	No
41	Augusta	8,560	Y	34	NA	No
42	Wellington	8,277	N	14	0	
43	Fort Scott	8,048	N	102	3	
44	Park City	7,000	Y	23	3	No
45	Roeland Park	6,997	Y	NA	3	No
46	Bonner Springs	6,892	Y	29	6	No
47	Bel Aire city	6,530	Y	28	3	No
48	Pratt	6,397	N	29	5	
49	Abilene city	6,397	N	8	0	
50	Iola city	6,083	N	0	0	
	Total	1,748,847				

*Data supplied by KBI for the year 2004. All narcotics violations are listed, not just marijuana.



Cities with Marijuana and Paraphernalia
Top 50 cities in the State of Kansas by

population top 50 cities = 1,748,847 or 65% of total KS population



Cities with Marijuana and Paraphernalia Ordinances

Count and percent of 50 cities

