


Changes to the UPOC

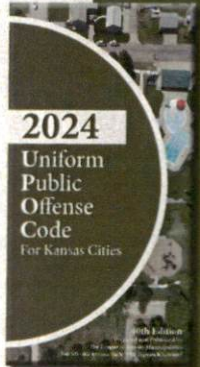
Section 9.1. Disorderly Conduct.

In March, the Kansas Supreme Court determined that “. . . Wichita’s Municipal Code of Ordinances (W.M.O.) §5.24.010(c) criminalizing ‘noisy conduct tending to reasonably arouse alarm, anger or resentment in others’ [was] unconstitutionally overbroad under the First Amendment.” *City of Wichita v. Griffie*, 318 Kan. 510, 511 (2024) The same language found unconstitutional in the W.M.O. was present in this section. Consequently, the League removed that language from this section.

Section 9.9.1. Unlawful Possession of Marijuana and Tetrahydrocannabinols, Section 9.9.2 Possession of Drug Paraphernalia and Certain Drug Precursors, and Section 9.9.4 Unlawful Possession of Controlled Substances.

The League amended these sections to add provisions from Sub for SB 41. This bill provides that a law enforcement officer shall not take an individual into custody for violations of section 9.9.1, 9.9.2(a), and 9.9.4 when the individual seeks medical assistance for themselves or others because of the use of a controlled substance. Individuals are also immune from prosecution unless the quantity of controlled substances found is sufficient to create a rebuttable presumption that there is an intent to distribute. Immunity does not apply if medical assistance is sought during the execution of an arrest or search warrant, or if prosecution is based on evidence from an independent source. The bill also provides that a person cannot initiate or maintain legal action against a law enforcement officer or their employee because of the officer’s compliance or failure to comply with this section. The bill also protects officers from liability for arresting individuals who are later found to be immune from prosecution, unless the officer’s actions involved reckless or intentional misconduct.

 **Nicole Proulx Aiken** is the Communications & Education Counsel for the League of Kansas Municipalities. She can be reached at nproulxaiken@lkm.org.

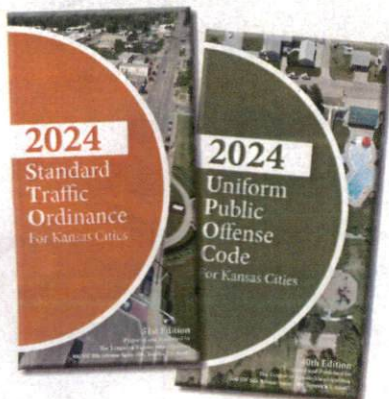


STO / UPOC

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