



**WHAT IS
CITE AND RELEASE?**

HOW DOES IT WORK?

**WHAT DOES IT MEAN
FOR YOU?**

WHAT IS CITE AND RELEASE?

- Cite and Release is an option under Texas law that allows peace officers to "cite and release" people accused of misdemeanor marijuana possession (4 ounces or less) without taking them to jail immediately.*
 - Cite and Release is not a ticket. It does not make misdemeanor marijuana possession an offense punishable by a fine. It merely delays when an accused person must first be taken before a judge and read their rights.
 - Cite and Release is a summons to appear in court at a later date.
 - Cite and Release applies only to adults, 17 years of age and older. All the options for specialty programs, rehabilitation, and penalties remain the same.
 - Cite and Release is not a required process. The authority to issue the "citation" rests with the peace officer, if the accused person resides in the county where the offense occurred.
 - The City of Dallas initiated Cite and Release in Dallas County. Many county and city partners have worked together to implement the process. It involves the work and coordination of local municipal law enforcement, the County Sheriff's Department, the County Court Judiciary, the County Clerk's Office, the County Commissioners, the County Budget Office, and the Dallas County District Attorney's Office.
 - Cite and Release will benefit people accused of misdemeanor marijuana possession by allowing them to not be arrested at the offense scene. Also, they may be able to avoid common consequences, such as potentially having their car towed, having to post a bond, missing the next day of work if they cannot post bond, etc.
 - Cite and Release will benefit people in the community by allowing peace officers more time to respond to other potentially more serious crimes, as opposed to spending time taking people to jail for misdemeanor marijuana possession.
- * Cite and Release does not apply when the possession of marijuana occurs in a drug free zone.

HOW DOES IT WORK?

- Possession of any amount of marijuana remains a criminal offense under Texas law.
- A peace officer who apprehends a person in possession of a misdemeanor amount of marijuana will still detain that person at the offense scene and conduct a thorough investigation.
- Upon completion of the investigation, the officer will get information from the person, such as their identity, address, etc. All this information will be written on the citation/summons. The accused person will also be fingerprinted at the offense scene.
- After all the information is obtained, the officer will give the person a copy of the citation containing all instructions about where and when to appear in court. When the person appears at their court hearing, they will be read their rights and given an opportunity to request an attorney, if they cannot afford one. They will also have their photo and fingerprints taken at the county jail.
- After photos and fingerprinting, those accused will walk back to the court where they initially appeared and will be given a personal recognizance bond, which means payment for release is not required. These cases will be filed in a county court, and the accused persons will be given instructions as to when and where to appear to handle their individual cases.
- A variety of options exist on how a case is handled after it is filed in the court. One choice is that a person may go through the DA Memo Agreement Program, whereby the case is dismissed and eligible for expunction after successful completion of the special conditions of the program. The other side of this pamphlet contains more details on the DA Memo Agreement Program.
- A person accused of misdemeanor marijuana possession still maintains all the rights that they have always enjoyed, even if they do not agree to complete the DA Memo Agreement Program, such as entering a plea of guilty or not guilty, getting a trial either before a judge or a jury, or entering into a plea bargain. These same options are available to each accused person, regardless of their city's adoption of Cite and Release.

FREQUENTLY ASKED QUESTIONS

Why can't the District Attorney legalize marijuana?

The role of the Criminal District Attorney is to uphold and enforce the law. The Senators and Representatives who are elected by the citizens of Texas have the sole authority to create and change the laws of the State.

Why isn't it just a ticket?

The reason that misdemeanor possession of marijuana is not a ticket, merely punishable by a fine, is that Texas law still categorizes it as a Class A or B Misdemeanor offense, Section 481.121 of the Texas Controlled Substances Act.

What if I have a warrant out for my arrest on another case?

You need to take care of your warrant as soon as you know that you have one, regardless of Cite and Release. Otherwise, you will not be eligible for Cite and Release.

What happens if I don't show up to my citation court date?

A warrant for your arrest may be issued. If that happens, although originally cited, you may now be arrested.

Does Cite and Release apply to juveniles?

No, Cite and Release applies only to adults.

Why can't DA Faith Johnson implement Cite and Release throughout the entire county?

The District Attorney cannot impose Cite and Release across the County because it is the peace officer who has the authority to issue a citation (to appear at a later date) OR to arrest a person (at the offense scene).

DA Johnson does not have the power to control the operations of any peace officer who works for independent law enforcement agencies. However, just as her office helped the City of Dallas and the Dallas Police Department implement Cite and Release, she will work with any other city and their law enforcement agency, should they also wish to implement Cite and Release.

MEMO AGREEMENT

Misdemeanor Possession of Marijuana cases are eligible for the DA Memo Agreement Program.*

The requirements of the program include:

- a 2-month supervision period;
- community service;
- a drug-offender education class;
- drug testing; and
- a fee, which is waived if the person's income falls under the national federal poverty level.

For national poverty level guidelines, please visit:

www.aspe.hhs.gov/poverty-guidelines.

If a person is able to successfully meet the above requirements, after entering into and participating in this program with the DA's Office, their case will be dismissed.

After their case is dismissed, that person may then file to have their case expunged, which means their governmental criminal arrest record would be erased.

Currently, only defendants who have never been arrested, charged, or convicted of a Class B misdemeanor offense or higher have been eligible for this particular program.

*In 2018, the DA Memo Agreement program will be expanded to include eligibility for ALL misdemeanor marijuana possession cases, regardless of a person's prior criminal history, with an extended drug treatment program for any second-time offenders.