

JACKSONVILLE POLICE DEPARTMENT

Policy: 10-26
Effective: 07-01-18
Revised: 05-02-19

ISSUING CRIMINAL CITATIONS FOR MISDEMEANOR MARIJUANA/PARAPHERNALIA POSSESSION

PURPOSE: To speed up the process and keep more officers on the street when dealing with low level offenders.

POLICY: It is the policy of this department to issue a criminal citation for the offense of misdemeanor possession of marijuana and/or misdemeanor possession of drug paraphernalia in certain situations. This policy is to provide guidelines for the issuance of a criminal citation in lieu of a custodial arrest.

REFERENCE STATUTES:

- I. **A.C.A § 5-64-215 SUBSTANCES IN SCHEDULE VI** (in part): (a) In addition to any substance placed in Schedule VI by the Director of the Department of Health under § 5-64-214, any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation, is included in Schedule VI:
- (1) Marijuana;
 - (2) Tetrahydrocannabinols;
 - (3) A synthetic equivalent of:
 - (A) The substance contained in the Cannabis plant; or
 - (B) The substance contained in the resinous extractives of the genus Cannabis;
 - (4) Salvia divinorum or Salvinorin A, which includes all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds of the plant, any extract from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its extracts, including salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation;
 - (5) Synthetic substances, derivatives, or their isomers in the chemical structural classes described below in subdivisions (a)(5)(A)-(J) of this section and also specific unclassified substances in subdivision (a)(5)(K) of this section. Compounds of the structures described in this subdivision (a)(5), regardless of numerical designation of atomic positions, are included in this subdivision (a)(5).
 - (6) A synthetic substance, derivative, or its isomers with:
 - (A) Similar chemical structure to any substance described in subdivisions (a)(1)-(5) of this section; or
 - (B) Similar pharmacological effects to any substance described in subdivisions (a)(1)-(5) of this section.
- II. **A.C.A § 5-64-411 PROXIMITY TO CERTAIN FACILITIES - ENHANCED PENALTIES:**
- (a) A person is subject to an enhanced sentence of an additional term of imprisonment of ten (10) years if: