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**JEFFERSON COUNTY ATTORNEY**  
**INTEROFFICE MEMORANDUM**

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**TO:** ASSISTANT COUNTY ATTORNEYS  
**FROM:** MIKE O'CONNELL *MOC*  
**SUBJECT:** MARIJUANA PROSECUTION  
**DATE:** 8/28/2019

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In recognition of our goal of keeping Jefferson County safe, our mandate to prosecute cases in a fair and equitable manner, and our limited prosecutorial resources, effective immediately, the Jefferson County Attorney's Office **will no longer prosecute** cases pursuant to KRS 218A.1422, Possession of Marijuana, (hereinafter, "pom") in the following circumstances:

1. Where an adult, 21 years of age or older, who is not in possession of a firearm at the time of the offense, is brought to court on a solo charge of possession of marijuana of one ounce or less; **or**
2. Where an adult, 21 years of age or older, who is not in possession of a firearm at the time of the offense, is brought to court on multiple charges, wherein the pom of one ounce or less is the highest class offense with which the defendant

is charged; however, the remaining counts may be prosecuted if supported by the evidence.

Additionally, our office will **no longer prosecute** cases pursuant to KRS 218A.500, Illegal Possession of Drug Paraphernalia, in the following limited circumstance:

3. Where an adult, 21 years of age or older, is brought to court on a solo charge of Illegal Possession of Drug Paraphernalia and the item which the adult possessed is clearly only used for the inhalation/ingestion of marijuana.

This declination to prosecute pom cases **does not include:**

- Trafficking in Marijuana
- Cultivating Marijuana
- Driving while Under the Influence of Marijuana
- Public Display, use, or consumption of Marijuana
- Public intoxication as a result of Marijuana

These cases will be prosecuted in recognition of the risk to public safety.

As always, prosecutors may discuss any deviation from these guidelines with their Division Chief, who will then present the case to the Criminal Division Director.