

..Number

140697

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. KOVAC, HAMILTON AND BAUMAN

..Title

A substitute ordinance relating to penalties for possession of marijuana or synthetic marijuana.

..Sections

105-50-3 am

106-38-2 am

106-38-3-a ra

106-38-3-a-2 cr

..Analysis

This ordinance changes the forfeiture for possession of marijuana from \$250 - \$500 to \$1 - \$5.

The ordinance also provides penalties for a second or subsequent possession of synthetic marijuana.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-50-3 of the code is amended to read:

105-50. Synthetic Marijuana.

3. PENALTIES. Persons violating this section shall be subject to a forfeiture of not less than \$100 nor more than \$500 >>for the first or any subsequent offense,<< together with the cost of prosecution, and upon default ~~[[shall]]~~ >>may<< be imprisoned ~~[[in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture costs are paid]]~~ >as provided by law<<.

Part 2. Section 106-38-2 of the code is amended to read:

106-38. Possession of Marijuana.

2. PROHIBITED. No person may possess marijuana in amounts of 25 grams or less unless the marijuana was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice or except as authorized by ch. 961, Wis. Stats. ~~[[; except that in accordance with s. 66.0107(1)(bm), Wis. Stats., any person who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state, shall not be prosecuted under this section.]]~~ >>The subject of a complaint may not be prosecuted under this section

for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case<<.

Part 3. Section 106-38-3-a of the code is renumbered to 106-38-3-a-1 and amended to read:

3. PENALTY.

a-1. Forfeit not less than ~~[[\$250]]~~ >> \$1 << nor more than ~~[[\$500]]~~ >> \$5 << or, in default of payment, may be imprisoned ~~[[for not more than 20 days]]~~ >> as provided by law<<.

Part 4. Section 106-38-3-a-2 of the code is created to read:

a-2. Forfeit not less than \$250 nor more than \$500, or, in default of payment maybe imprisoned as provided by law if a person is convicted of smoking marijuana in a public place.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB153563-3

Teodros W. Medhin:lp

2/18/2015