

..Number

140697

..Version

PROPOSED SUBSTITUTE D

..Reference

..Sponsor

ALD. KOVAC, HAMILTON, BAUMAN, STAMPER AND WADE

..Title

A substitute ordinance relating to penalties for possession of marijuana.

..Sections

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 \$0 - \$50. The ordinance also establishes a forfeiture of \$250 - \$500 for a person convicted of smoking marijuana in a public place.

..Body

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

Part 1. 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]]~~ >>if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or<< possession of any amount of marijuana following a conviction >>in this state<< for possession of marijuana ~~[[, in this state]]~~, >>the subject of the complaint<< [[shall]] >>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 2. 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]]~~ >>\$0<< nor more than ~~[[\$500]]~~ >>\$50<< or, in default of payment, may be imprisoned ~~[[for not more than 20 days]]~~ >>as provided by law<<.

Part 3. 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

LRB153563-7

Teodros W. Medhin:lp

4/20/2015