



**CITY OF MILWAUKEE
MUNICIPAL COURT**

Phillip M. Chavez, Presiding Judge
Branch 3

Valarie A. Hill, Judge
Branch 1

Derek C. Mosley, Judge
Branch 2

Sheldyn M. Himle
Chief Court Administrator

Jane E.T. Islo
Assistant Court Administrator

May 26, 2015

To: Milwaukee Common Council

RE: Common Council File #140697
Substitute ordinance relating to penalties for possession of marijuana

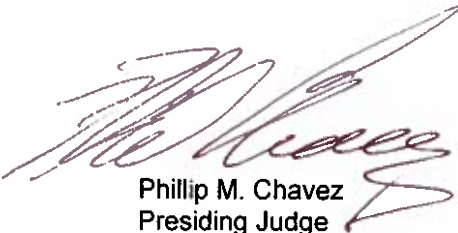
The Milwaukee Municipal Court supports two changes to the possession of marijuana ordinance. First, the Court believes a wider penalty range, not a narrowed one, would provide greater latitude for Milwaukee Municipal Court judges to set a forfeiture amount that is commensurate with the facts and circumstances of each violation. Because the current ordinance imposes a minimum fine, it restricts our ability to impose fines below \$250 when a defendant appears in court. **We recommend eliminating the minimum forfeiture which would create a new penalty range of \$0-\$500.** In addition, removing the minimum from the existing penalty range will result in a lower total deposit amount. A lower deposit amount will benefit individuals who do not appear for their scheduled hearing and are found guilty by default judgment as this will result in a lower imposed fine.

The Court does not support lowering the maximum. Marijuana remains an illegal substance. By setting a maximum that is lower than the range for underage possession of alcohol (a legal substance) as well as many other ordinances that are arguably less serious than possession of an illegal substance would send the wrong message to our community. Because marijuana is not a legal substance, we believe it vital that its possession result in a meaningful consequence and that the consequence may serve to deter individuals from continuing to violate the law.

While there has been concern that possession of marijuana is contributing to the incarceration rate within the community, the Court's data indicates this is not true for the cases it handles. Since January 1, 2012, the Court has issued just 12 commitment (incarceration) orders for these violations and 8 individuals have actually served time on those commitments.

Second, the Court supports a change for all second and subsequent violations of possession of marijuana (<25 grams) to be written directly to Municipal Court, rather than Circuit Court.

In summary, the Milwaukee Municipal Court supports a change to the possession of marijuana ordinance, with a penalty range of \$0-500. Additionally, the Court supports a change for all second and subsequent violations of possession of marijuana (<25 grams) to be written directly to Municipal Court, rather than Circuit Court.


Phillip M. Chavez
Presiding Judge


Valarie A. Hill
Judge


Derek C. Mosley
Judge