



Legislation Details (With Text)

**File #:** 140697      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 9/3/2014      **In control:** PUBLIC SAFETY COMMITTEE

**On agenda:**      **Final action:** 6/2/2015

**Effective date:**

**Title:** A substitute ordinance relating to penalties for possession of marijuana.

**Sponsors:** THE CHAIR

**Indexes:** DRUGS - REGULATION AND LICENSING

**Attachments:** 1. Communication from ACLU, 2. Hearing Notice List, 3. Proposed Sub A, 4. Proposed Sub B, 5. Proposed Sub C, 6. Proposed Sub D, 7. Communication from Municipal Court, 8. Notice Published on 6-18-15

Date	Ver.	Action By	Action	Result	Tally
9/3/2014	0	COMMON COUNCIL	ASSIGNED TO		
9/8/2014	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
9/8/2014	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
9/11/2014	0	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
9/26/2014	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
9/26/2014	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
10/2/2014	0	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
2/18/2015	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/19/2015	1	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:1
2/19/2015	0	PUBLIC SAFETY COMMITTEE	SUBSTITUTED	Pass	5:0
5/12/2015	1	COMMON COUNCIL	TAKEN FROM COMMITTEE	Pass	14:0
5/12/2015	1	COMMON COUNCIL	SUBSTITUTED	Pass	10:4
5/12/2015	1	COMMON COUNCIL	ASSIGNED TO	Fail	6:8
5/12/2015	1	COMMON COUNCIL	HELD IN COUNCIL	Pass	5:9
6/2/2015	1	COMMON COUNCIL	ASSIGNED TO	Fail	4:9
6/2/2015	1	COMMON COUNCIL	SUBSTITUTED	Pass	10:3
6/2/2015	1	COMMON COUNCIL	PASSED	Pass	10:3
6/11/2015	1	MAYOR	SIGNED		
6/18/2015	1	CITY CLERK	PUBLISHED		

140697  
SUBSTITUTE 2

ALD. KOVAC, HAMILTON, BAUMAN, STAMPER AND WADE  
A substitute ordinance relating to penalties for possession of marijuana.

106-38-2 am  
106-38-3-a ra  
106-38-3-a-2 cr

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.

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.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

LRB153563-7  
Teodros W. Medhin:lp

4/20/2015