

2011 DRAFTING REQUEST

Bill

Received: 07/22/2011

Received By: chanaman

Wanted: As time permits

Companion to LRB:

For: Mark Honadel (608) 266-0610

By/Representing: Jason Vick

May Contact:

Drafter: chanaman

Subject: Criminal Law - drugs

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Honadel@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Drug enforcement

Instructions:

See attached 09-1682

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 07/22/2011	wjackson 08/04/2011		_____			Local
/1			jfrantze 08/05/2011	_____	sbasford 08/05/2011	ggodwin 02/22/2012	

FE Sent For:

*at intro  
3/16*

<END>

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/?	chanaman	/1 WLY 8/4		8/5			

FE Sent For:

<END>

## Harraman, Cathlene

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**From:** Shovers, Marc  
**Sent:** Thursday, July 14, 2011 2:24 PM  
**To:** Hanaman, Cathlene  
**Subject:** FW: Draft request -- 2nd charge marijuana

**Attachments:** 09-16821.pdf

I think you drafted this, but you also put my initials on it too because it's in "my" chapters. Do you want to do this redraft?

Marc

---

**From:** Vick, Jason  
**Sent:** Thursday, July 14, 2011 2:05 PM  
**To:** Shovers, Marc  
**Subject:** Draft request -- 2nd charge marijuana

Marc,

Rep. Honadel would like to request a redraft of 2009 LRB 1682/1, second and subsequent charges of possession of marijuana under a local ordinance.

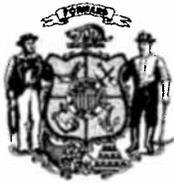


09-16821.pdf (22  
KB)

Thanks,

**Jason Vick**

Office of Rep. Mark Honadel  
21st Assembly District  
**608-266-0611**



State of Wisconsin  
2009-2010 LEGISLATURE

LRB-1682T  
CMH&MES: ~~MB~~

-2440/1  
WLJ

2009 BILL

LPS: Please  
P.W.F. OK

Regen

1 AN ACT *to amend* 59.54 (25) and 66.0107 (1) (bm) of the statutes; **relating to:**  
2 second and subsequent charges of possession of marijuana under a local  
3 ordinance.

---

***Analysis by the Legislative Reference Bureau***

Under current law, any city, village, town, or county may enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana and provide a forfeiture (a civil penalty) for a violation of the ordinance. The ordinance, however, cannot be used to prosecute a person who has previously been convicted of possessing marijuana. Under this bill, the ordinance may be used to prosecute a person who has previously been convicted of possessing marijuana if the person is not prosecuted under the state prohibition against possession.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

4 SECTION 1. 59.54 (25) of the statutes is amended to read:  
5 59.54 (25) POSSESSION OF MARIJUANA. The board may enact and enforce an  
6 ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in

**BILL****SECTION 1**

1 s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a  
2 forfeiture for a violation of the ordinance; except that any person who is charged with  
3 possession of more than 25 grams of marijuana, ~~or may not be prosecuted under an~~  
4 ordinance enacted under this subsection and a person who is charged with  
5 possession of any amount of marijuana following a conviction in this state for  
6 possession of marijuana, ~~in this state shall not~~ may be prosecuted under an  
7 ordinance enacted under this subsection only if the person is not prosecuted under  
8 s. 961.41 (3g) (e). Any ordinance enacted under this subsection applies in every  
9 municipality within the county.

10 **SECTION 2.** 66.0107 (1) (bm) of the statutes is amended to read:

11 66.0107 (1) (bm) Enact and enforce an ordinance to prohibit the possession of  
12 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions  
13 in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance;  
14 except that any person who is charged with possession of more than 25 grams of  
15 marijuana, ~~or may not be prosecuted under an ordinance enacted under this~~  
16 paragraph and a person who is charged with possession of any amount of marijuana  
17 following a conviction in this state for possession of marijuana, ~~in this state shall not~~  
18 may be prosecuted under an ordinance enacted under this paragraph only if the  
19 person is not prosecuted under s. 961.41 (3g) (e).

20 **SECTION 3. Initial applicability.**

21 (1) This act first applies to an individual who is charged with a marijuana  
22 violation on the effective date of this subsection.

23 (END)

## Godwin, Gigi

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**From:** Vick, Jason  
**Sent:** Wednesday, February 22, 2012 4:00 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2440/1 Topic: Drug enforcement

Please Jacket LRB 11-2440/1 for the ASSEMBLY.

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Friday, March 23, 2012 1:23 PM  
**To:** Hanaman, Cathlene; Shovers, Marc  
**Subject:** FE on AB 702

Got a call from Mary at DOA (FE Coordinator). She got a call from SPD ... they want to include the "State" FE impact (it was only tagged for a "Local" impact). They felt the bill would actually reduce the "State" costs.

OK with you two if DOA tweaks the assignment?

If it is OK with you we will also have to get the OK from Rep. Honadel's office before we proceed (since it did not call for it when introduced) ... do you want to contact their office to get the OK or would you like me to give them a call?

**Mike Barman** (Lead Program Assistant)  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

## Barman, Mike

---

**From:** Hanaman, Cathlene  
**Sent:** Monday, March 26, 2012 10:57 AM  
**To:** Shovers, Marc; Barman, Mike  
**Subject:** RE: FE on AB 702

I did this one? I have no recollection but that's pretty common. I can call if you would like.

---

**From:** Shovers, Marc  
**Sent:** Monday, March 26, 2012 10:54 AM  
**To:** Hanaman, Cathlene  
**Subject:** RE: FE on AB 702

I don't think I did anything on this one, but I'd be happy to call. I assume you agree as there's a state FE because of state support for DAs, the court system, etc, right?

---

**From:** Hanaman, Cathlene  
**Sent:** Monday, March 26, 2012 8:33 AM  
**To:** Shovers, Marc; Barman, Mike  
**Subject:** RE: FE on AB 702

Marc--Are you calling?

---

**From:** Shovers, Marc  
**Sent:** Friday, March 23, 2012 5:14 PM  
**To:** Barman, Mike; Hanaman, Cathlene  
**Subject:** RE: FE on AB 702

I agree with DOA and the SPD; I think it should have a "state" FE as well. Thanks.

Marc

---

**From:** Barman, Mike  
**Sent:** Friday, March 23, 2012 1:23 PM  
**To:** Hanaman, Cathlene; Shovers, Marc  
**Subject:** FE on AB 702

Got a call from Mary at DOA (FE Coordinator). She got a call from SPD ... they want to include the "State" FE impact (it was only tagged for a "Local" impact). They felt the bill would actually reduce the "State" costs.

OK with you two if DOA tweaks the assignment?

If it is OK with you we will also have to get the OK from Rep. Honadel's office before we proceed (since it did not call for it when introduced) ... do you want to contact their office to get the OK or would you like me to give them a call?

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1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

**Barman, Mike**

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**From:** Shovers, Marc  
**Sent:** Monday, March 26, 2012 11:08 AM  
**To:** Barman, Mike  
**Cc:** Hanaman, Cathlene  
**Subject:** FW: FE for AB 702

Hi Mike. Please let the SPD and DOA know that they may prepare a state FE for AB 702. Thanks.

Marc

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**From:** Rep.Honadel  
**Sent:** Monday, March 26, 2012 11:06 AM  
**To:** Shovers, Marc  
**Subject:** FE for AB 702

It was brought to my attention that a State Fiscal Estimate could be prepared for AB 702. Please feel free to add the State FE to this bill. Thank you.

Rep. Mark Honadel