

2003 ASSEMBLY BILL 715

AN ACT *to amend* 59.54 (25), 349.02 (2) (b) 4. and 961.577; and *to create* 59.54 (25m), 778.25 (1) (a) 1m. and 818.02 (8) of the statutes; **relating to:** ordinances in certain counties regarding drug paraphernalia and the possession of marijuana.

Analysis by the Legislative Reference Bureau

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

1 **SECTION 1.** 59.54 (25) of the statutes is amended to read:
2 59.54 **(25)** POSSESSION OF MARIJUANA. The board may enact and enforce an
3 ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in
4 s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a
5 forfeiture for a violation of the ordinance; except that any person who is charged with
6 possession of more than 25 grams of marijuana, or who is charged with possession

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1 of any amount of marijuana following a conviction for possession of marijuana, in this
2 state shall not be prosecuted under this subsection. Any ordinance enacted under
3 this subsection by a county with a population of less than 500,000 does not apply in
4 any municipality that has enacted an ordinance prohibiting the possession of
5 marijuana. Any ordinance enacted under this subsection by a county with a
6 population of 500,000 or more applies in every municipality within the county.

7 **SECTION 2.** 59.54 (25m) of the statutes is created to read:

8 59.54 **(25m)** DRUG PARAPHERNALIA. The board of a county with a population of
9 500,000 or more may enact an ordinance to prohibit conduct that is the same as that
10 prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) and provide
11 a forfeiture for violation of the ordinance. The board may enforce an ordinance
12 enacted under this subsection in any municipality within the county.

13 **SECTION 3.** 349.02 (2) (b) 4. of the statutes is amended to read:

14 349.02 **(2)** (b) 4. Local ordinances enacted under s. 59.54 (25) or (25m), 60.23
15 (21), or 66.0107 (1) (bm).

16 **SECTION 4.** 778.25 (1) (a) 1m. of the statutes is created to read:

17 778.25 **(1)** (a) 1m. Under a local ordinance enacted under s. 59.54 (25m) brought
18 against an adult in circuit court or against a minor in the court assigned to exercise
19 jurisdiction under chs. 48 and 938.

20 **SECTION 5.** 818.02 (8) of the statutes is created to read:

21 818.02 **(8)** In an action for a forfeiture under a local ordinance enacted under
22 s. 59.54 (25m).

23 **SECTION 6.** 961.577 of the statutes is amended to read:

24 **961.577 Municipal ordinances.** Nothing in this subchapter precludes a city,
25 village, or town from prohibiting conduct that is the same as that prohibited by s.

