

## 2005 SENATE BILL 21

1     **AN ACT** *to amend* 59.54 (25), 59.54 (25m) and 961.577 of the statutes; **relating**  
2           **to:** county ordinances regarding drug paraphernalia or the possession of  
3           marijuana.

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*Analysis by the Legislative Reference Bureau*

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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  
7           s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a  
8           forfeiture for a violation of the ordinance; except that any person who is charged with  
9           possession of more than 25 grams of marijuana, or who is charged with possession  
10          of any amount of marijuana following a conviction for possession of marijuana, in this

**SENATE BILL 21****SECTION 1**

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

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

7 **59.54 (25m) DRUG PARAPHERNALIA.** ~~The board of a county with a population of~~  
8 ~~500,000 or more~~ may enact an ordinance to prohibit conduct that is the same as that  
9 prohibited by s. 961.573 (1) or (2), 961.574 (1) or (2), or 961.575 (1) or (2) and provide  
10 a forfeiture for violation of the ordinance. The board may enforce an ordinance  
11 enacted under this subsection in any municipality within the county.

12 **SECTION 3.** 961.577 of the statutes is amended to read:

13 **961.577 Municipal ordinances.** Nothing in this subchapter precludes a city,  
14 village, or town from prohibiting conduct that is the same as that prohibited by s.  
15 961.573 (2), 961.574 (2), or 961.575 (2) or a county with a population of 500,000 or  
16 more from prohibiting conduct that is the same as that prohibited by s. 961.573 (1)  
17 or (2), 961.574 (1) or (2), or 961.575 (1) or (2).

18 **SECTION 4. Initial applicability.**

19 (1) The treatment of section 59.54 (25) of the statutes first applies to a violation  
20 of a county ordinance enacted under that subsection occurring on the effective date  
21 of this subsection.

22 (END)