

2005 Senate Bill 21

Date of enactment: **January 4, 2006**
Date of publication*: **January 19, 2006**

2005 WISCONSIN ACT 90

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

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

SECTION 1. 59.54 (25) of the statutes is amended to read:

59.54 (25) POSSESSION OF MARIJUANA. The board may enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this subsection. ~~Any ordinance enacted under this subsection by a county with a population of less than 500,000 does not apply in any municipality that has enacted an ordinance prohibiting the possession of marijuana.~~ Any ordinance enacted under this subsection ~~by a county with a population of 500,000 or more~~ applies in every municipality within the county.

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

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

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

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

SECTION 4. Initial applicability.

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

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].