



2013 SENATE BILL 150

1 **AN ACT** *to renumber and amend* 59.54 (25) and 59.54 (25g); *to amend* 66.0107
2 (1) (bm) and 66.0107 (1) (bn); and *to create* 59.54 (25) (a) 1. and 2. and 59.54
3 (25g) (a) 1. and 2. of the statutes; **relating to:** local ordinances regarding
4 possession of marijuana or a synthetic cannabinoid.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 59.54 (25) of the statutes is renumbered 59.54 (25) (a) (intro.) and
6 amended to read:
7 59.54 **(25)** (a) (intro.) The board may enact and enforce an ordinance to prohibit
8 the possession of ~~25 grams or less of~~ marijuana, as defined in s. 961.01 (14), subject
9 to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of
10 the ordinance; except that ~~any person who is charged with~~ if a complaint is issued

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1 regarding an allegation of possession of more than 25 grams of marijuana, or who is
2 charged with possession of any amount of marijuana following a conviction in this
3 state for possession of marijuana, in this state shall not the subject of the complaint
4 may not be prosecuted under this subsection. for the same action that is the subject
5 of the complaint unless all of the following occur:

6 (b) Any ordinance enacted under ~~this subsection~~ par. (a) applies in every
7 municipality within the county.

8 **SECTION 2.** 59.54 (25) (a) 1. and 2. of the statutes are created to read:

9 59.54 (25) (a) 1. The charges for violating the state statute are dismissed or the
10 district attorney declines to prosecute the case.

11 2. Either the city, village, or town with jurisdiction over the action has no
12 ordinance enacted under s. 66.0107 (1) (bm) in effect or the city, village, or town with
13 jurisdiction over the action has declined to prosecute or has dismissed the charges
14 for the violation of the ordinance enacted under s. 66.0107 (1) (bm).

15 **SECTION 3.** 59.54 (25g) of the statutes is renumbered 59.54 (25g) (a) (intro.) and
16 amended to read:

17 59.54 (25g) (a) (intro.) The board may enact and enforce an ordinance to
18 prohibit the possession of any controlled substance specified in s. 961.14 (4) (tb) to
19 (ty), and provide a forfeiture for a violation of the ordinance, except that any person
20 ~~who is charged with~~ if a complaint is issued regarding an allegation of possession of
21 a controlled substance specified in s. 961.14 (4) (tb) to (ty) following a conviction in
22 this state for possession of a controlled substance in this state shall not, the subject
23 of the complaint may not be prosecuted under this subsection. for the same action
24 that is the subject of the complaint unless all of the following occur:

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1 **(b)** Any ordinance enacted under ~~this subsection~~ par. (a) applies in every
2 municipality within the county.

3 **SECTION 4.** 59.54 (25g) (a) 1. and 2. of the statutes are created to read:

4 59.54 **(25g)** (a) 1. The charges for violating the state statute are dismissed or
5 the district attorney declines to prosecute the case.

6 2. Either the city, village, or town with jurisdiction over the action has no
7 ordinance enacted under s. 66.0107 (1) (bn) in effect or the city, village, or town with
8 jurisdiction over the action has declined to prosecute or has dismissed the charges
9 for the violation of the ordinance enacted under s. 66.0107 (1) (bn).

10 **SECTION 5.** 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~~ if a complaint is issued regarding an
15 allegation of possession of more than 25 grams of marijuana, or ~~who is charged with~~
16 possession of any amount of marijuana following a conviction in this state for
17 possession of marijuana, ~~in this state shall not~~ the subject of the complaint may not
18 be prosecuted under this paragraph for the same action that is the subject of the
19 complaint unless the charges are dismissed or the district attorney declines to
20 prosecute the case.

21 **SECTION 6.** 66.0107 (1) (bn) of the statutes is amended to read:

22 66.0107 (1) (bn) Enact and enforce an ordinance to prohibit the possession of
23 a controlled substance specified in s. 961.14 (4) (tb) to (ty) and provide a forfeiture
24 for a violation of the ordinance, ~~except that any person who is charged with~~ if a
25 complaint is issued regarding an allegation of possession of a controlled substance

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1 specified in s. 961.14 (4) (tb) to (ty) following a conviction in this state for possession
2 of a controlled substance ~~in this state shall not~~, the subject of the complaint may not
3 be prosecuted under this paragraph for the same action that is the subject of the
4 complaint unless the charges are dismissed or the district attorney declines to
5 prosecute the case.

6

(END)