

Fiscal Estimate Narratives

DA 6/6/2019

LRB Number	19-0154/1	Introduction Number	AB-0220	Estimate Type	Original
Description marijuana possession, regulation of marijuana distribution and cultivation, medical marijuana, operating a motor vehicle while under the influence of marijuana, requiring the exercise of rule-making authority, granting rule-making authority, making an appropriation, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill changes state law so that state law permits both recreational use of marijuana and medical use of marijuana.

With respect to recreational use of marijuana, the bill changes state law to permit a Wisconsin resident who is at least 21 years of age to possess no more than two ounces of marijuana and to permit a nonresident of Wisconsin who is at least 21 years of age to possess no more than one-quarter ounce of marijuana. Generally, under the bill, a person who possesses more than the maximum amount he or she is allowed to possess, but not more than 28 grams of marijuana, is subject to a civil forfeiture not to exceed \$1,000 or imprisonment not to exceed 90 days or both. A person who possesses more than 28 grams of marijuana is guilty of a Class B misdemeanor, except that, if the person takes action to hide the amount of marijuana he or she has and the person has in place a security system to alert him or her to the presence of law enforcement, a method of intimidation, or a trap that could injure or kill a person approaching the area containing the marijuana, the person is guilty of a Class I felony. The bill also eliminates the prohibition on possessing or using drug paraphernalia that relates to marijuana consumption.

Under the bill, a person may not operate a vehicle with a THC concentration of 5.0 ng/mL or more, instead of a detectable amount, in his or her blood. The bill does not change the penalty structure.

Responsive District Attorneys anticipated that this bill would increase contested litigation within their offices. Contested motions related to the weight of marijuana possessed and delta-9 THC concentration would require additional prosecutorial resources. This bill may further heighten delays at the State Crime Lab.

DA offices statewide remain 166 FTE prosecutors short of ideal staffing levels according to the August 2018 Workload Analysis. To the extent that any proposed legislation places additional burdens on the DA offices, this Agency requests that it be offset with additional FTE.

Long-Range Fiscal Implications

This change in law will require additional prosecutor time to resolve marijuana possession and drug impaired driving cases. Data with which to determine the scope of the resource increase is not available.