

### Fiscal Estimate - 2023 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>23-0510/1</b>	<b>Introduction Number</b> <b>AB-0861</b>
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**Description**  
 penalties for possession of marijuana, employer liability for not drug testing employees and prospective employees, and providing a penalty

**Fiscal Effect**

**State:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> No State Fiscal Effect<br><input checked="" type="checkbox"/> Indeterminate<br><input type="checkbox"/> Increase Existing Appropriations<br><input type="checkbox"/> Decrease Existing Appropriations<br><input type="checkbox"/> Create New Appropriations | <input type="checkbox"/> Increase Existing Revenues<br><input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Decrease Costs |
|--|--|---|

**Local:**

- |   |   |
|---|---|
| <input type="checkbox"/> No Local Government Costs<br><input checked="" type="checkbox"/> Indeterminate<br>1. <input type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br>2. <input type="checkbox"/> Decrease Costs                      4. <input type="checkbox"/> Decrease Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <b>5. Types of Local Government Units Affected</b><br><input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities<br><input type="checkbox"/> Counties <input type="checkbox"/> Others<br><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|---|---|

**Fund Sources Affected** **Affected Ch. 20 Appropriations**

GPR     FED     PRO     PRS     SEG     SEGS

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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Fiscal Estimate Narratives

DOC 1/5/2024

LRB Number	23-0510/1	Introduction Number	AB-0861	Estimate Type	Original
<b>Description</b> penalties for possession of marijuana, employer liability for not drug testing employees and prospective employees, and providing a penalty					

**Assumptions Used in Arriving at Fiscal Estimate**

Current law prohibits a person from possessing or attempting to possess marijuana. A person who violates the prohibition is guilty of a misdemeanor and may be fined up to \$1,000 or imprisoned for no more than six months, or both, for a first conviction. For a repeat conviction, a person is guilty of a Class I felony and may be fined up to \$10,000 or imprisoned for not more than three years and six months, or both.

This bill standardizes the state penalty for possession or attempting to possess up to 14 grams of marijuana to a \$100 civil forfeiture and eliminates the counting of a conviction involving not more than 28 grams of marijuana when determining if a violation is a repeat conviction. Possession of more than 14 grams but less than 28 grams of marijuana may be fined up to \$1,000 or imprisoned up to 90 days. Lastly, a person who possesses more than 28 grams of marijuana may be fined up to \$1,000 and imprisoned up to 90 days for a first offense, and is guilty of a Class I felony for a second or subsequent offense.

Under current law, local ordinances are permitted to impose a forfeiture for the possession of marijuana. For example, the City of Milwaukee's penalty is \$1 for small amounts of marijuana and the City of Madison has no penalty for up to 28 grams of marijuana. However, while this bill allows local ordinances to impose a forfeiture for possession, the amount cannot be less than \$100 or more than \$250 and the possession amount cannot exceed the forfeiture amount set in state statute of not more than 14 grams of marijuana.

Current statutes do not use 14 or 28 grams of weight as a criterion for a possession conviction so data is not available to determine how many fewer individuals would be incarcerated or on community supervision if the bill were to become law. As such, the fiscal impact of the bill is indeterminate.

**Long-Range Fiscal Implications**