

State of Wisconsin



2013 Senate Bill 150

Date of enactment: April 16, 2014
Date of publication*: April 17, 2014

2013 WISCONSIN ACT 293

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

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 renumbered 59.54 (25) (a) (intro.) and amended to read:

59.54 (25) (a) (intro.) 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 if a complaint is issued regarding an allegation of~~ possession of more than 25 grams of marijuana, or ~~who is charged with~~ possession of any amount of marijuana following a conviction in this state for possession of marijuana, ~~in this state shall not the subject of the complaint may not~~ be prosecuted under this subsection; for the same action that is the subject of the complaint unless all of the following occur:

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

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

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

2. Either the city, village, or town with jurisdiction over the action has no ordinance enacted under s. 66.0107

(1) (bm) in effect or the city, village, or town with jurisdiction over the action has declined to prosecute or has dismissed the charges for the violation of the ordinance enacted under s. 66.0107 (1) (bm).

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

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

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

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

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

2. Either the city, village, or town with jurisdiction over the action has no ordinance enacted under s. 66.0107

* Section 991.11, WISCONSIN STATUTES: 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."

(1) (bn) in effect or the city, village, or town with jurisdiction over the action has declined to prosecute or has dismissed the charges for the violation of the ordinance enacted under s. 66.0107 (1) (bn).

SECTION 5. 66.0107 (1) (bm) of the statutes is amended to read:

66.0107 (1) (bm) 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~~ if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction in this state for possession of marijuana, in this state shall not ~~the subject of the complaint may not~~ be prosecuted under this paragraph for the same action that is the subject of the complaint unless the

charges are dismissed or the district attorney declines to prosecute the case.

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

66.0107 (1) (bn) Enact and enforce an ordinance to prohibit the possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) and provide a forfeiture for a violation of the ordinance, except that ~~any person who is charged with~~ if a complaint is issued regarding an allegation of possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) following a conviction in this state for possession of a controlled substance in this state shall not, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.