

**Fiscal Estimate - 2021 Session**

Original       Updated       Corrected       Supplemental

LRB Number **21-5281/1**      Introduction Number **SB-790**

**Description**  
 penalties for possession of marijuana, employer liability for not drug testing employees and prospective employees, and providing a penalty

**Fiscal Effect**

**State:**  
 No State Fiscal Effect  
 Indeterminate  
 Increase Existing Appropriations       Increase Existing Revenues       Increase Costs - May be possible to absorb within agency's budget  
 Decrease Existing Appropriations       Decrease Existing Revenues       Yes       No  
 Create New Appropriations       Decrease Costs

**Local:**  
 No Local Government Costs  
 Indeterminate  
 1.  Increase Costs      3.  Increase Revenue  
 Permissive  Mandatory       Permissive  Mandatory  
 2.  Decrease Costs      4.  Decrease Revenue  
 Permissive  Mandatory       Permissive  Mandatory  
 5. Types of Local Government Units Affected  
 Towns       Village       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**  
 GPR     FED     PRO     PRS     SEG     SEGS

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## Fiscal Estimate Narratives

DOC 2/7/2022

LRB Number	21-5281/1	Introduction Number	SB-790	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 6 months. Lastly, a person who possesses more than 28 grams of marijuana may be fined up to \$1,000 and imprisoned up to 6 months 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