

1 **Sub No. ____ to 2014 OA-065 (PROPOSED – HENDRICK)**

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3 **AMENDING CHAPTERS 2, 32, and 34 OF THE DANE COUNTY CODE OF**
4 **ORDINANCES, REGARDING STATUTORY OFFENSES**

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6 The County Board of Supervisors of the County of Dane does ordain as follows:

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8 **ARTICLE 1.** Unless otherwise expressly stated herein, all references to section and
9 chapter numbers are to those of the Dane County Code of Ordinances.

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11 **ARTICLE 2.** Section 2.06(71) is created to read as follows:

12 (71) 34.10 Possession of Marijuana 1.00

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14 **ARTICLE 3.** Section 32.02(2)(b) is rescinded and (c) is renumbered as follows:

15 (2) *State criminal code* refers to all of the following:

16 (a) the entirety of chapters 941 to 948 and chapter 951, Wis. Stats.; and

17 ~~(b) s. 961.41(3g)(e), Wis. Stats., if the amount of tetrahydrocannabinols included under~~
18 ~~s. 961.14(4)(t), Wis. Stats., or a controlled substance analog of tetrahydrocannabinols,~~
19 ~~involved is less than 25 grams; and~~

20 (e b) s. 961.573, Wis. Stats.

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22 **ARTICLE 4.** Section 34.10 is created to read as follows:

23 **34.10 POSSESSION OF MARIJUANA (1)** This ordinance is enacted pursuant to
24 the authority of s. 59.54(25), Wis. Stats., and is intended to provide a
25 prosecutorial alternative for acts which may otherwise be violations of state law.

26 (2) No person shall possess marijuana as defined in s. 961.01(14), Wis. Stats., subject
27 to the exceptions in s. 961.41(3g), Wis. Stats.

28 (3) A person may not be prosecuted under this section if they are alleged to have been
29 in possession of more than 25 grams of marijuana, or possession of any amount of
30 marijuana following a conviction in this state for possession of marijuana, unless all of
31 the following occur:

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

34 (b) Either the city, village, or town with jurisdiction over the action has no ordinance
35 enacted under s. 66.0107(1)(bm), Wis. Stats., in effect; or the city, village, or town with
36 jurisdiction over the action has declined to prosecute or has dismissed the charges for
37 the violation of the ordinance enacted under s. 66.0107(1)(bm).

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39 **ARTICLE 5.** Section 34.992 is created to read as follows:

40 **34.992 PENALTY FOR VIOLATION OF SECTION 34.10.** Any person who violates s.
41 34.10 shall forfeit not more than \$1.00.

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43 *[EXPLANATION: This amendment creates, as a prosecutorial alternative, a \$1*
44 *dollar ticket for marijuana in any amount, even after a previous conviction, subject to*
45 *exceptions listed in state statute.]*
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