

**OUTAGAMIE COUNTY BOARD MEETING
JULY 11, 2017**

RESOLUTION NO. 34—2017-18

Supervisor Patience moved, seconded by Supervisor Duncan, for adoption.

RESOLUTION NO. 34—2017-18 IS ADOPTED.

Ro/Call-Pro Advanced Tuesday, July 11, 2017					
1. THOMPSON	YES	13. WEGAND	Absent	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	Absent	27. CULBERTSON	YES
4. PATIENCE	YES	16. LEMANSKI	YES	28. STURN	YES
5. GABRIELSON	YES	17. CROATT	YES	29. BUCHMAN	YES
6. FOSS	YES	18. SPEARS	YES	30. GRIESBACH	YES
7. HAMMEN	YES	19. STUECK	YES	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	Absent	21. THYSSEN	YES	O'CONNOR-SCHEVERS	YES
10. LAMERS	YES	22. HAGEN	YES	34. RETTLER	YES
11. MEYER	YES	23. KLEMP	YES	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	YES	36. SUPRISE	YES
Item 19 Passed (33 Y - 0 N - 0 A - 3 Absent) Majority Vote >					

RESOLUTION NO.: 34—2017-18

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Current law prohibits a person from possessing or attempting to possess marijuana. A
2 person who is convicted of violating the prohibition may be fined not more than \$1,000
3 or imprisoned for not more than six months, or both, for a first conviction and is guilty
4 of a Class I felony for a second or subsequent conviction. Proposed legislation reduces
5 the forfeiture to \$100 for possessing or attempting to possess not more than 10 grams of
6 marijuana and eliminates the increase in penalty if second or subsequent violations
7 involve not more than 10 grams of marijuana. This resolution supports reducing the
8 forfeiture to \$100 for possessing or attempting to possess not more than 10 grams of
9 marijuana and eliminating the increase in penalty if second or subsequent violations
10 involve not more than 10 grams of marijuana.

11
12 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
13 adoption of the following resolution.

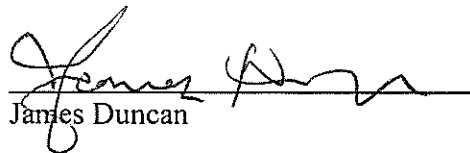
14 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support any
15 legislation reducing the forfeiture to \$100 for possessing or attempting to possess not more than 10
16 grams of marijuana and eliminating the increase in penalty if second or subsequent violations involve
17 not more than 10 grams of marijuana, and

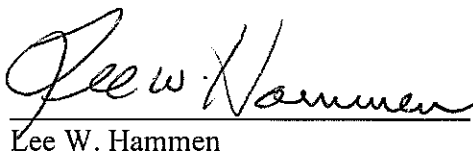
18 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
19 of this resolution to the Outagamie County Executive, all Wisconsin counties, and the Outagamie
20 County Lobbyist for distribution to the Governor and the Legislature.

21 Dated this ~~11th~~ day of July 2017

22 Respectfully Submitted,

23 PUBLIC SAFETY COMMITTEE

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James Duncan


Lee W. Hammen

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Katrin Patience
Katrin Patience

Tony Krueger
Tony Krueger

Mike Thomas
Mike Thomas

Duly and officially adopted by the County Board on: July 11, 2017

Signed: [Signature]
Board Chairperson

[Signature]
County Clerk

Approved: 7.12.17

Vetoed: _____

Signed: [Signature]
County Executive



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1507/1
CMH:kjf

2017 ASSEMBLY BILL 409

June 27, 2017 - Introduced by Representatives JARCHOW, GOYKE, BROSTOFF, BERNIER, KITCHENS, KOOYENGA, SCHRAA, TITTL, ANDERSON, BERCEAU, BOWEN, CONSIDINE, CROWLEY, HINTZ, KESSLER, KOLSTE, MASON, SARGENT, SPREITZER, SUBECK, C. TAYLOR and ZEPNICK, cosponsored by Senators RISSER, L. TAYLOR, HANSEN, JOHNSON and MILLER. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** to renumber and amend 961.41 (3g) (e); and to amend 59.54 (25) (a)
2 (intro.) and 66.0107 (1) (bm) of the statutes; relating to: possession of not more
3 than 10 grams of marijuana.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from possessing or attempting to possess marijuana. A person who is convicted of violating the prohibition may be fined not more than \$1,000 or imprisoned for not more than six months, or both, for a first conviction and is guilty of a Class I felony for a second or subsequent conviction. This bill reduces to a \$100 forfeiture the penalty for possessing or attempting to possess not more than 10 grams of marijuana and eliminates the increase in penalty if second or subsequent violations involve not more than 10 grams of marijuana.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 59.54 (25) (a) (intro.) of the statutes is amended to read:
5 59.54 (25) (a) (intro.) The board may enact and enforce an ordinance to prohibit
6 the possession of marijuana, as defined in s. 961.01 (14), subject to the exceptions in
7 s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except

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CMH:kjf

ASSEMBLY BILL 409

SECTION 1

1 that if a complaint is issued regarding an allegation of possession of more than 25
2 grams of marijuana, or possession of ~~any amount~~ more than 10 grams of marijuana
3 following a conviction in this state for possession of more than 10 grams of
4 marijuana, the subject of the complaint may not be prosecuted under this subsection
5 for the same action that is the subject of the complaint unless all of the following
6 occur:

7 **SECTION 2.** 66.0107 (1) (bm) of the statutes is amended to read:

8 66.0107 (1) (bm) Enact and enforce an ordinance to prohibit the possession of
9 marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g)
10 (intro.), and provide a forfeiture for a violation of the ordinance; except that if a
11 complaint is issued regarding an allegation of possession of more than 25 grams of
12 marijuana, or possession of ~~any amount~~ more than 10 grams of marijuana following
13 a conviction in this state for possession of more than 10 grams of marijuana, the
14 subject of the complaint may not be prosecuted under this paragraph for the same
15 action that is the subject of the complaint unless the charges are dismissed or the
16 district attorney declines to prosecute the case.

17 **SECTION 3.** 961.41 (3g) (e) of the statutes is renumbered 961.41 (3g) (e) 1. and
18 amended to read:

19 961.41 (3g) (e) 1. If a person possesses or attempts to possess not more than
20 10 grams of tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
21 substance analog of tetrahydrocannabinols, the person may be subject to a forfeiture
22 of not more than \$100.

23 2. If a person possesses or attempts to possess more than 10 grams of
24 tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled substance
25 analog of tetrahydrocannabinols, the person may be fined not more than \$1,000 or

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CMH:kjf
SECTION 3

ASSEMBLY BILL 409

1 imprisoned for not more than 6 months or both upon a first conviction and is guilty
2 of a Class I felony for a 2nd or subsequent ~~offense~~ conviction under this subdivision.
3 For purposes of this ~~paragraph, an offense subdivision, a conviction~~ is considered a
4 2nd or subsequent ~~offense~~ conviction if, prior to the offender's conviction of the
5 offense, the offender has at any time been convicted of any felony or misdemeanor
6 under this chapter or under any statute of the United States or of any state relating
7 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
8 or depressant, stimulant, or hallucinogenic drugs.

9 **SECTION 4. Initial applicability.**

10 (1) The treatment of section 961.41 (3g) (e) of the statutes first applies to
11 violations committed on the effective date of this subsection, but no prior conviction
12 under section 961.41 (3g) (e) of the statutes involving not more than 10 grams of
13 tetrahydrocannabinols may be counted for the purposes of sentencing a person.

14 (END)