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4
5 **AN AMENDED RESOLUTION/ORDINANCE**
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7 Amending Chapter 24.02 of the Milwaukee County Code of General Ordinances to
8 reduce the fine for marijuana possession and possession and delivery of drug
9 paraphernalia to no more than one dollar
10

11
12 WHEREAS, Chapter 24, "Possession and Use of Marijuana," of the Milwaukee
13 County Code of General Ordinances (MCGO) prohibits the possession and use of
14 marijuana and the possession, use, and distribution of drug paraphernalia; and
15

16 WHEREAS, Chapter 24.02 outlines that any violation of this ordinance may result
17 in a fine of "...not less than two hundred fifty dollars (\$250.00) nor more than five
18 hundred dollars (\$500.00)"; and
19

20 WHEREAS, the total forfeiture amount that Milwaukee County assesses for
21 violations of Chapter 24 is \$275; and
22

23 WHEREAS, the fine outlined in Chapter 24 is also subject to additional state-
24 imposed fees, such as a Clerk Fee, Jail Surcharge Fee, Penalty Surcharge, Court
25 Support, and more, resulting in total fines and fees of approximately \$484; and
26

27 WHEREAS, in April 2020, the American Civil Liberties Union (ACLU) released a
28 report, "A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana
29 Reform," found that Black people are 3.64 times more likely than white people to be
30 arrested for marijuana possession, despite similar usage rates; and
31

32 WHEREAS, the report also found that Black people were still more likely to be
33 arrested for possession than white people in states that had legalized or decriminalized
34 marijuana possession; and
35

36 WHEREAS, the Wisconsin chapter of the ACLU found that Black Wisconsinites
37 were 4.2 times more likely to be arrested for marijuana possession than white
38 Wisconsinites and that Wisconsin ranks 14th in the country for largest racial disparities
39 in marijuana possession arrests; and
40

41 WHEREAS, Wisconsin was one of 17 states that saw an increase in marijuana
42 possession arrests from 2010 to 2018 despite an increasing shift in attitudes towards
43 decriminalization and legalization of marijuana; and

44 WHEREAS, Wisconsin's marijuana laws are less progressive than its
45 neighboring states, including Michigan and Illinois which have both legalized marijuana
46 use for adults and Minnesota which has a medical marijuana program; and
47

48 WHEREAS, the Marijuana Policy Project reported that Wisconsin is only one of
49 19 states that imposes jail time on simple marijuana possession (Wis. Stat. §§
50 961.41(3g) and 961.495) and only one of 14 states that do not have compassionate
51 medical cannabis laws; and
52

53 WHEREAS, Section 24.01 of the MCGO is reserved for violations of twenty-five
54 (25) grams or less of marijuana; law enforcement is still able to issue State citations, if
55 needed, for possession of larger amounts of marijuana; and
56

57 WHEREAS, in 2019, ~~187~~ **257** citations were issued for marijuana possession in
58 Milwaukee County, some of which were dismissed or changed to a lesser citation, such
59 as littering; and
60

61 WHEREAS, some individuals may not be able to afford the fine and fees
62 associated with a marijuana possession citation, which may result in their case being
63 sent to collections or an increased charge, which is less likely to be collected by
64 Milwaukee County and can affect an individual's financial situation, including their credit
65 score; and
66

67 WHEREAS, the mission of Milwaukee County is to become the healthiest county
68 in Wisconsin through the achievement of racial equity; and
69

70 WHEREAS, in achieving racial equity, disparities in the criminal justice system,
71 including marijuana and paraphernalia possession laws must be eradicated; and
72

73 WHEREAS, the Milwaukee County Board of Supervisors encourages revision of
74 rules and ordinances that place unfair harm on Milwaukee County's people of color; and
75

76 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
77 meeting of March 11, 2021, recommended adoption of File No. 21-208 as amended
78 (vote 4-1); now, therefore,
79

80 BE IT RESOLVED, that Milwaukee County supports the achievement of racial
81 equity through the reduction of marijuana possession and possession and delivery of
82 drug paraphernalia fines to no more than one dollar; and
83

84 BE IT FUTHER RESOLVED, that the Milwaukee County Board of Supervisors
85 hereby amends Chapter 24.02 of the Milwaukee County Code of General Ordinances
86 by adoption of the following:
87

88 **AN ORDINANCE**

89
90 **Section 1.** Section 24.02 of the Milwaukee County Code of General Ordinances is
91 amended as follows:

92
93 **24.02. – Penalty.**

94
95 Any person violating the provisions of this chapter may be fined ~~not less than two~~
96 ~~hundred fifty dollars (\$250.00) nor no~~ more than one dollar (\$1.00) ~~five hundred~~
97 ~~dollars (\$500.00).~~

98
99 **Section 2.** The provisions of this ordinance shall become effective on [Clerk Insert
100 Date] which shall be the first day of the month no less than 21 days after passage and
101 publication.

102
103
104 03/11/21
105 S:\Committees\2021\Mar\JSGS\Resolutions\21-208 resolution ordinance to reduce marijuan fines no edits.docx