



WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Senator Lena Taylor
FROM: Jessie Gibbons, legislative analyst
DATE: November 16, 2022
SUBJECT: Municipal penalties for marijuana possession

Per your request, this memorandum lists the penalties for marijuana possession in the 19 Milwaukee County municipalities (see table 1). It also provides the total amount collected by each municipality in marijuana possession forfeitures over the past five years (see table 2).

Note that most municipalities in Milwaukee County have not established set forfeiture amounts for marijuana possession. Instead, municipal codes generally impose a wide forfeiture range, plus court costs, that applies to various ordinance violations, including possession of marijuana under 25 grams. For this reason, the estimates provided in table two are presented as wide ranges. More precise totals have been requested from each municipality and are also included in table 2.

Table 1, Marijuana possession penalties in Milwaukee County municipalities

Municipality	Ordinances	Penalty for marijuana possession under 25 grams
Bayside	Bayside, Wis., Code §§ 1-13 (a) and 35-145	\$25–\$5,000
Brown Deer	Brown Deer, Wis., Code §§ 1-7 (c) and 34-1 ¹	\$25–\$3,000 for first offenses; \$50–\$5,000 for subsequent offenses
Cudahy	Cudahy, Wis., Code §§ 1-15 and 28-1	\$5–\$2,000
Fox Point	Fox Point, Wis., Code §§ 1-4 and 670-32	\$25–\$1,500 for first offenses; \$50–\$2,500 for subsequent offenses
Franklin	Franklin, Wis., Code §§ 1-19 and 183-23	\$1–\$2,500 for first offenses; \$10–\$2,500 for subsequent offenses

¹ This ordinance adopts Wis. Stat. § [961.41 \(3g\) \(e\)](#), which prohibits possession of marijuana.

Glendale	Glendale, Wis., Code §§ 1.1.7 and 11.2.11	\$25–\$3,000 for first offenses; \$50–\$5,000 for subsequent offenses
Greendale	Greendale, Wis., Code §§ 25.04 (1) and 9.24	\$5–\$1,000
Greenfield	Greenfield, Wis., Code §§ 25.04 (1) and 10.29.29	\$5–\$3,000 for first offenses; \$10–\$3,000 for subsequent offenses
Hales Corners	Hales Corners, Wis., Code §§ 1-4 (A) and 320-9	\$0–\$400 for first offenses; \$10–\$400 for subsequent offenses
Milwaukee	Milwaukee, Wis., Code § 106-38	\$0–\$50
Oak Creek	Oak Creek, Wis., Code §§ 1.07 and 11.31	\$0–\$1,000
River Hills	River Hills, Wis., Code §§ 2.15 and 2.18 ²	\$10–\$2,000
Shorewood	Shorewood, Wis., Code §§ 115-1 and 409-15	\$10–\$2,000 for first offenses; \$50–\$3,000 for subsequent offenses
South Milwaukee	South Milwaukee, Wis., Code § 24.01 (D)	\$100–\$500
St. Francis	St. Francis, Wis., Code §§ 1-4 and 338-14	\$20–\$1,000 for first offenses; \$100–\$2,000 for subsequent offenses
Wauwatosa	Wauwatosa, Wis., Code §§ 1.12.010 and 6.90.010	\$1–\$5,000
West Allis	West Allis, Wis., Code § 6.02 (3) ³	\$0–\$1,000
West Milwaukee	West Milwaukee, Wis., Code §§ 1-13 and 58-2 ⁴	\$10–\$500 for first offenses; \$50–\$500 for subsequent offenses
Whitefish Bay	Whitefish Bay, Wis., Code §§ 17-18 and 8-26 ⁵	\$200–\$1,500

² This ordinance adopts statutory provisions of Wis. Stat. ch. [961](#), including Wis. Stat. § [961.41 \(3g\) \(e\)](#), which prohibits possession of marijuana.

³ This ordinance adopts Wis. Stat. § [961.41 \(3g\) \(e\)](#), which prohibits possession of marijuana.

⁴ This ordinance adopts Wis. Stat. § [961.41 \(3g\) \(e\)](#), which prohibits possession of marijuana.

⁵ This ordinance adopts Wis. Stat. § [961.41 \(3g\) \(e\)](#), which prohibits possession of marijuana.

Table 2, Annual collections from marijuana possession forfeitures in Milwaukee County municipalities

Municipality	Number of drug violation incidents involving marijuana, 2017–2021⁶	Estimated annual collections from marijuana possession forfeitures, 2017–2021⁷	Actual amount collected from marijuana possession forfeitures in recent years⁸
Bayside	2017: 7 2018: 26 2019: 23 2020: 17 2021: 14	2017: \$175–\$35,000 2018: \$650–\$130,000 2019: \$575–\$115,000 2020: \$425–\$85,000 2021: \$350–\$70,000	\$13,354.90 between 1/2017 and 11/2022 (average of approximately \$2,226 per year)
Brown Deer	2017: 44 2018: 51 2019: 62 2020: 152 2021: 160	2017: \$1,100–\$132,000 2018: \$1,275–\$153,000 2019: \$1,550–\$186,000 2020: \$3,800–\$456,000 2021: \$4,000–\$480,000	\$43,398.41 between 11/2017 and 11/2022 (average of approximately \$8,680 per year)
Cudahy	2017: N/A 2018: N/A 2019: 102 2020: 79 2021: 90	2017: N/A 2018: N/A 2019: \$510–\$204,000 2020: \$395–\$158,000 2021: \$450–\$180,000	\$51,228 between 11/2018 and 11/2022 (average of approximately \$10,246 per year)
Fox Point	2017: 14 2018: 29 2019: 12 2020: 13 2021: 12	2017: \$350–\$21,000 2018: \$725–\$43,500 2019: \$300–\$18,000 2020: \$325–\$19,500 2021: \$300–\$18,000	\$15,625.32 between 1/2017 and 11/2022 (average of approximately \$2,604 per year)
Franklin	2017: 168 2018: 191 2019: 207 2020: 172 2021: 126	2017: \$168–\$420,000 2018: \$191–\$477,500 2019: \$207–\$517,500 2020: \$172–\$430,000 2021: \$126–\$315,000	\$186,919.74 between 1/2018 and 10/2022 (average of approximately \$37,384 per year)
Glendale	2017: 72 2018: 95 2019: 118 2020: 95 2021: 179	2017: \$1,800–\$216,000 2018: \$2,375–\$285,000 2019: \$2,950–\$354,000 2020: \$2,375–\$285,000 2021: \$4,475–\$537,000	\$51,683.86 between 1/2017 and 11/2022 (average of approximately \$8,614 per year)
Greendale	2017: 40 2018: 43 2019: 64	2017: \$200–\$40,000 2018: \$215–\$43,000 2019: \$320–\$64,000	\$223,494 between 11/2017 and 11/2022 (average of

⁶ “[Wisconsin Uniform Crime Reporting Data Dashboard Center](https://www.doj.state.wi.us),” Wisconsin Department of Justice, accessed Oct. 25, 2022, <https://www.doj.state.wi.us>.

⁷ Estimates were calculated using the number of drug violation incidents involving marijuana and the municipality’s current forfeiture (or forfeiture range) for first offense marijuana possession. Totals do not include any potential court costs.

⁸ Data provided by various municipal officials. Note that as of November 16, 2022 three municipalities have not yet provided the requested data and one municipality—Shorewood—was unable to provide the requested information.

	2020: 65 2021: 81	2020: \$325–\$65,000 2021: \$405–\$81,000	approximately \$44,699 per year)
Greenfield	2017: 96 2018: 128 2019: 150 2020: 189 2021: 198	2017: \$480–\$288,000 2018: \$640–\$384,000 2019: \$750–\$450,000 2020: \$945–\$567,000 2021: \$990–\$594,000	\$78,180.84 between 1/2017 and 10/2022 (average of approximately \$13,030 per year)
Hales Corners	2017: N/A 2018: N/A 2019: N/A 2020: N/A 2021: N/A	2017: N/A 2018: N/A 2019: N/A 2020: N/A 2021: N/A	\$34,291.15 between 1/2018 and 11/2022 (average of approximately \$6,858 per year)
Milwaukee	2017: 1,877 2018: 1,402 2019: 840 2020: 706 2021: 700	2017: \$0–\$93,850 2018: \$0–\$70,100 2019: \$0–\$42,000 2020: \$0–\$35,300 2021: \$0–\$35,000	2017: \$31,930.89 2018: \$18,452.00 2019: \$18,696.61 2020: \$14,492.31 2021: \$9,957.80
Oak Creek	2017: 246 2018: 248 2019: 243 2020: 241 2021: 269	2017: \$0–\$246,000 2018: \$0–\$248,000 2019: \$0–\$243,000 2020: \$0–\$241,000 2021: \$0–\$269,000	\$125,657.90 between 4/2017 and 11/2022 (average of approximately \$20,943 per year)
River Hills	2017: 6 2018: 15 2019: 18 2020: 5 2021: 7	2017: \$60–\$12,000 2018: \$150–\$30,000 2019: \$180–\$36,000 2020: \$50–\$10,000 2021: \$70–\$14,000	\$8,295.62 between 1/2017 and 11/2022 (average of approximately \$1,383 per year)
Shorewood	2017: N/A 2018: N/A 2019: N/A 2020: 23 2021: 22	2017: N/A 2018: N/A 2019: N/A 2020: \$230–\$46,000 2021: \$220–\$44,000	Unable to provide the requested data
South Milwaukee	2017: 57 2018: 58 2019: 56 2020: 53 2021: 64	2017: \$5,700–\$28,500 2018: \$5,800–\$29,000 2019: \$5,600–\$28,000 2020: \$5,300–\$26,500 2021: \$6,400–\$32,000	\$61,899 between 1/2017 and 10/2022 (average of approximately \$10,317 per year)
St. Francis	2017: N/A 2018: N/A 2019: N/A 2020: 26 2021: 39	2017: N/A 2018: N/A 2019: N/A 2020: \$520–\$26,000 2021: \$780–\$39,000	N/A
Wauwatosa	2017: N/A 2018: 83 2019: 89 2020: 61	2017: N/A 2018: \$83–\$415,000 2019: \$89–\$445,000 2020: \$61–\$305,000	\$34,164 between 11/2017 and 11/2022 (average of approximately \$6,833 per year)

	2021: 74	2021: \$74-\$370,000	
West Allis	2017: 382 2018: 387 2019: 438 2020: 382 2021: 345	2017: \$0-\$382,000 2018: \$0-\$387,000 2019: \$0-\$438,000 2020: \$0-\$382,000 2021: \$0-\$345,000	N/A
West Milwaukee	2017: N/A 2018: N/A 2019: 44 2020: 29 2021: 40	2017: N/A 2018: N/A 2019: \$440-\$22,000 2020: \$290-\$14,500 2021: \$400-\$20,000	N/A
Whitefish Bay	2017: 36 2018: 25 2019: 46 2020: 37 2021: 30	2017: \$7,200-\$54,000 2018: \$5,000-\$37,500 2019: \$9,200-\$69,000 2020: \$7,400-\$55,500 2021: \$6,000-\$45,000	\$39,391.04 between 11/2017 and 11/2022 (average of approximately \$7,878 per year)

I hope this information is helpful. If you have any questions or would like additional information, I can be reached at Jessie.Gibbons@legis.wisconsin.gov or at 608-504-5871.