

1 **XX-032023**

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3 **ORDINANCE: Amend Winnebago County General Code Sections 9.17(4) and 9.18(4) relating to the**  
4 **Possession of Marijuana and/or Cannabis and THC Paraphernalia**

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6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, criminalizing cannabis use has failed to curb its use, and more than 100 million Americans say  
8 they have used cannabis; and

9 **WHEREAS**, marijuana and paraphernalia are subject to penalties per state statutes found in sections 9.17,  
10 9.18, 9.33 and 25.04(5) of the Winnebago County Code; and

11 **WHEREAS**, the Winnebago County Code already includes an exception of penalty for medical and dental  
12 use of synthetic cannabinoids under section 9.33, subsection (3); and

13 **WHEREAS**, in a 2016 poll, 59 percent of Wisconsinites said that marijuana should be "fully legalized and  
14 regulated like alcohol," and recent polls show a majority of Americans favor legalization of adult recreational use of  
15 marijuana; and

16 **WHEREAS**, a Pew Research Study conducted in 2021 found that 91 percent of U.S. adults believe that  
17 marijuana should be legal for medical and recreational use; and

18 **WHEREAS**, according to the Non-partisan organization the Prison Policy Institute in a report in 2019, "Drug  
19 offenses still account for the incarceration of almost half a million people, and nonviolent drug convictions remain a  
20 defining feature of the federal prison system"; and

21 **WHEREAS**, FBI data states in 2016, 15,000 people were arrested in Wisconsin annually for marijuana  
22 offenses; and

23 **WHEREAS**, the cost of incarceration is \$60 a day to most counties in 2018 including probation revocations,  
24 and have increased since then; and

25 **WHEREAS**, University of Wisconsin-Madison concludes in a 2016 study that it costs taxpayers  
26 \$439 per marijuana arrest, meaning that the annual cost to arrest for marijuana offenses is \$6.5 million per year; and

27 **WHEREAS**, according to the Vera Institute of Justice in 2015, the average cost per incarcerated persons in  
28 Wisconsin annually is \$38,644 in state prisons, with marijuana compounding to other sentences; and

29 **WHEREAS**, marijuana offenses are still considered subject to felony conviction in the state of Wisconsin;  
30 and

31 **WHEREAS**, according to Vera Institute of Justice using data from the Wisconsin Department of Corrections, the  
32 average cost of incarcerating first-time marijuana offenses is \$19,000 for a six month sentence; and

33 **WHEREAS**, according the economic analytics company New Frontier in 2019, "the impact of federally legal  
34 marijuana suggests that nationwide legalization could generate 1.1 million jobs by 2025," and additional labor income will  
35 further economic growth almost immediately; and

36 **WHEREAS**, the Wisconsin State Legislature will be taking up cannabis legalization legislation in this  
37 forthcoming term; and

38 **WHEREAS**, Connecticut, Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, New York,  
39 Illinois, and Washington have legalized adult personal use of marijuana, and regulate the production, distribution, and  
40 sale of cannabis, while Vermont and the District of Columbia have legalized limited personal possession and cultivation  
41 of cannabis by adults; and

42           **WHEREAS**, the states of Minnesota, Arizona, Pennsylvania, Louisiana, Missouri, Utah, Montana, North  
43 Dakota, Oklahoma, Arkansas, West Virginia, Rhode Island, Delaware, New Jersey, and Florida have all legalized  
44 medical cannabis; and

45           **WHEREAS**, the time law enforcement spends enforcing existing cannabis laws and ordinances negatively  
46 impacts the time available to solve more serious crimes and apprehend more dangerous criminals; and

47           **WHEREAS**, cannabis prohibition makes product quality control and sales regulation impossible, leaving  
48 cannabis sellers free to target children as potential customers and to peddle potentially adulterated products; and

49           **WHEREAS**, according to the National Center for Biotechnology Information, THC from cannabis has shown in  
50 studies to alleviate from heroin and opioid addiction, thereby assisting in ending the opioid crisis; and

51           **WHEREAS**, our current elected Governor recognizes the medical benefits of legal marijuana; and

52           **WHEREAS**, a 2018 study by the National Center of Biotechnology Information focused on youth in Washington  
53 State found, “no evidence that policy change influenced heavy-using adolescents’ rates of use nor the proposed risk  
54 factors associated with problematic use patterns”; and

55           **WHEREAS**, an April 2020 poll found 71% of Coloradans and 65% of Washington state residents viewed  
56 legalization as a success or more of a success than a failure; and

57           **WHEREAS**, a survey in Washington state, that spanned from 2012 to 2016, by the Washington State Healthy  
58 Youth Survey, suggests either no change or modest decreases in current marijuana use for every grade surveyed — 6th,  
59 8th, 10th, and 12th graders; and

60           **WHEREAS**, states such as Washington have shown cannabis legalization has had no effect on student  
61 graduation rates, per the Office of Superintendent of Public Instruction - and for the fifth year in a row, the 4-year  
62 statewide graduation rate has grown, breaking another record; and

63           **WHEREAS**, in 2019, investigative reporting from KREM news in Washington state took a look at marijuana use  
64 in the school, and despite one Sheriff making claims that students now have been bringing in more cannabis into the  
65 schools - they found through their research, across all grade levels, marijuana usage rates have stayed almost exactly  
66 the same in Washington, and there was no significant hard data jump at all to support such claim; and

67           **WHEREAS**, Washington state, just like Colorado, saw a significant drop in their incarceration rates, and the  
68 Prison Policy Initiative also shows their historic trend of incarceration has been the lowest it has been since before  
69 the turn of the century, with their current incarcerated rate is around 30% less than the national average; and

70           **WHEREAS**, according to the Highway Loss Data Institute’s study in 2017, there was no conclusive evidence  
71 stating a direct link to higher automotive collision rates and drivers who were noticeably high on cannabis in states where  
72 cannabis was legalized.

73  
74           **NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS**  
75 **FOLLOWS:**

76           That Sections 9.17(4) and 9.18(4) of the Winnebago County General Code be amended to reduce the  
77 penalties for possession of marijuana and/or cannabis and to provide that cannabis, marijuana, and THC  
78 paraphernalia not be subject to penalties set forth by this section. (see attached Exhibit A- amendments in bold type)

79           **BE IT FURTHER ORDAINED**, by the County Board of Supervisors of the County of Winnebago that said  
80 amendments to the General Code of Winnebago County shall become effective on the date following the date of  
81 publication.

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*Fiscal Note: No fiscal impact.*

Respectfully submitted by:  
**BRIAN DEFFERDING, District 6**

Committee Vote: \_\_\_\_\_

Vote Required for Passage: **Majority of Members Present**

Approved by the Winnebago County Executive this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jonathan D. Doemel  
Winnebago County Executive

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