



Legislation Details (With Text)

**File #:** 76490      **Version:** 1      **Name:** Supporting the Reopening and Dismissal of Certain Municipal Court Cannabis Convictions

**Type:** Resolution      **Status:** Passed

**File created:** 3/1/2023      **In control:** Council Office

**On agenda:** 3/21/2023      **Final action:** 3/21/2023

**Enactment date:** 3/24/2023      **Enactment #:** RES-23-00273

**Title:** Supporting the Reopening and Dismissal of Certain Municipal Court Cannabis Convictions

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**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/21/2023	1	COMMON COUNCIL	Adopt Unanimously	Pass
3/7/2023	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
3/1/2023	1	Council Office	Referred for Introduction	

**Fiscal Note**

The proposed resolution supports the reopening and dismissal of certain Municipal Court cannabis convictions. No appropriation is required with this resolution.

City officials and staff plan to remove casual cannabis possession convictions from individuals' records between February 2019 and December 2020, and issue refunds where appropriate under the authority of ordinance changes adopted in 2020. Adoption of this resolution will not impact that process.

Municipal Court staff estimate it will take about 40 hours to process the cases and that the City will refund approximately \$11,000. In addition, about 150 cases will be dismissed where no payment was received so the City will be forgiving about \$18,000 in judgments. It is anticipated that the work will be completed with existing resources.

**Title**

Supporting the Reopening and Dismissal of Certain Municipal Court Cannabis Convictions

**Body**

WHEREAS, the City of Madison's mission is to be a community that is inclusive, innovative, and thriving; and,

WHEREAS, on November 17, 2020, the Madison Common Council passed an ordinance to repeal and recreate Section 23.20 and amending Section 1.08(3)(a) of the Madison General Ordinances to update regulations concerning cannabis and revise bail deposits for violations thereof; and,

WHEREAS, MGO 23.20(4) was enacted on December 4, 2020, and terminates Municipal Court prosecution of individuals who are 18 years or age or older and who possess 28 grams (slightly less than an ounce) or less of cannabis and cannabis derivatives on private or public property with the permission of the owner, landlord or tenant; and,

WHEREAS, City officials and staff plan to remove casual cannabis possession convictions from individuals' records by reopening and dismissing all casual possession of cannabis cases between February 2019 (the current record retention period) and December 2020; and,

WHEREAS, the City Attorney's office plans to file a motion requesting to reopen these cases and the Municipal Judge plans to approve the motion, reopen cases *en masse*, and dismiss casual possession of cannabis convictions arising during this time period; and,

WHEREAS, the Municipal Court staff and Finance Department staff plan to provide refunds to individuals who had paid forfeitures for casual possession of cannabis convictions during this period; and,

NOW, THEREFORE, BE IT RESOLVED that the Common Council supports and appreciates the collaborative work of City officials and staff to reopen, dismiss, and issue refunds for casual possession of cannabis convictions to promote equity and justice consistent with the spirit of the 2020 ordinance change.