

## CHAPTER 32 STATUTORY OFFENSES

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**32.01 PURPOSE.** This chapter is intended to provide a prosecutorial alternative to law enforcement officials of the sheriff's office and the district attorney for certain acts which may otherwise be violations of the state criminal code.

**32.02 DEFINITIONS.** As used in this chapter,

(1) *Adopted statute* means any provision of the state criminal code that is adopted as a part of this chapter.

(2) *State criminal code* refers to all of the following:

(a) the entirety of chapters 941 to 948 and chapter 951, Wis. Stats.;

(b) s. 961.41(3g)(e), Wis. Stats., if the amount of tetrahydrocannabinols included under s. 961.14(4)(t), Wis. Stats., or a controlled substance analog of tetrahydrocannabinols, involved is less than 25 grams; and

(c) s. 961.573, Wis. Stats.

(3) Unless otherwise expressly modified in this chapter, the various provisions and definitions in an adopted statute are likewise incorporated into this chapter and in the application of this chapter, are to be construed in the same manner as in the application of the adopted statute.

(4) Any reference to the terms "crime", "misdemeanor", or "felony" in an adopted statute is replaced with the term "offense" as the statute is incorporated into this chapter.

(5) References to the terms "criminal intent", "criminal recklessness", or "criminal negligence" in an adopted statute are replaced, respectively, with the terms "intent", "recklessness", or "negligence" as the statute is incorporated into this chapter.

[History: (2) am., Sub. 1 to OA 38, 2002-03, pub. 06/20/03; (2) am., OA 35, 2006-07, pub. 03/16/07.]

### 32.03 STATUTORY OFFENSES ADOPTED.

The various forfeiture and misdemeanor offenses set forth in the state criminal code as defined by section 32.02(2), and acts amendatory thereto, are hereby adopted by reference and made a part of this chapter.

[History: am., Sub. 1 to OA 38, 2002-03, pub. 06/20/03; am., OA 35, 2006-07, pub. 03/16/07.]

### 32.04 STRICT CONFORMITY TO STATE STATUTES.

(1) Any act required to be performed by an adopted statute is required by this chapter, and any act prohibited by any such statute is prohibited by this ordinance.

(2) Any defense provided by an adopted statute is a defense provided by this ordinance.

(3) The various provisions of adopted statutes are to be construed in the same manner as they are in the state criminal code.

[32.05 – 32.08 reserved.]

### 32.09 PENALTIES.

(1) Any person who violates any provision of this ordinance, with the exception of a violation based on section 32.02(2)(b), shall be subject to a forfeiture of not more than the maximum forfeiture or fine provided by the adopted state law, and shall in addition be subject to a forfeiture for court costs and the costs of prosecution, and in default of either of these, such person shall be confined in the Dane County Jail for not more than six (6) months.

(2) Any person who violates Wis. Stat. § 961.41(3g)(e), as adopted by section 32.03 of this ordinance shall be subject to a forfeiture of not more than \$1.00.

[History: am., Sub. 1 to OA 38, 2002-03, pub. 06/20/03; (1) am. and (2) cr., 2014 OA-065, pub. 04/28/15; (2) am., 2015 OA-09, pub. 06/23/15.]

[32.10 – 32.99 reserved.]

[History: Ch. 32 cr., OA 40, 2000-01, pub. 05/15/01.]

## END OF CHAPTER