

BILL HISTORY FOR ASSEMBLY BILL 318 (LRB-1894)

An Act to amend 961.41 (1) (e) (intro.), 961.41 (1m) (e) (intro.), 961.41 (3g) (b), 961.41 (3g) (d), 961.46 (3), 961.465 (2), 961.472 (2), 961.48 (2), 961.49 (1) (intro.), 961.55 (1) (d) 3., 971.365 (1) (a), 971.365 (1) (b), 971.365 (1) (c) and 971.365 (2); and to create 961.41 (1) (em), 961.41 (1m) (em) and 961.41 (3g) (dm) of the statutes; relating to: the controlled substance methamphetamine and providing penalties.

1999

05-06. A. Introduced by Representatives Kreibich, Rhoades, Brandemuehl, Urban, Suder, Klusman, Freese, Ladwig, Ainsworth, Nass, Musser, Seratti, M. Lehman, Stone, Albers, Pettis, Gunderson, Kelso, Skindrud, Kedzie, Olsen, Huebsch, Petrowski, Gronemus, Vrakas, Kestell, Montgomery and Ward; cosponsored by Senators Clausing, Moen, Zien, Panzer, Roessler, Darling, Huelsman, Schultz, Rude and Farrow.

05-06. A. Read first time and referred to committee on Criminal Justice 163

09-15. A. Public hearing held.

09-21. A. Executive action taken.

10-05. A. Report passage recommended by committee on Criminal Justice, Ayes 8, Noes 6 376

10-05. A. Referred to committee on Rules 377

10-20. A. Placed on calendar 10-26-1999 by committee on Rules.

10-26. A. LRB correction 403

10-26. A. Read a second time 400

10-26. A. Assembly amendment 1 offered by Representatives Kreibich and Krug (LRB a0785) 400

10-26. A. Assembly amendment 1 adopted 400

10-26. A. Ordered to a third reading 400

10-26. A. Rules suspended 400

10-26. A. Read a third time and passed, Ayes 86, Noes 13 400

10-26. A. Ordered immediately messaged 401

10-28. S. Received from Assembly 310

10-28. S. Read first time and referred to committee on Judiciary and Consumer Affairs 310

2000

02-22. S. Public hearing held.

03-01. S. Executive action taken.

03-03. S. Report concurrence recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 461

03-03. S. Available for scheduling.

03-07. S. Read a second time 475

03-07. S. Ordered to a third reading 475

03-07. S. Rules suspended 475

03-07. S. Read a third time and concurred in 475

03-07. S. Ordered immediately messaged 476

03-08. A. Received from Senate concurred in 717

03-16. A. Report correctly enrolled 773

04-13. A. Report approved by the Governor on 4-11-2000 924

1999 Wisconsin Act 48.

04-13. A. Published 4-25-2000 924

**1999
ENROLLED BILL**

99en AB-318

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

99-1894/1

Amendments to above (if none, write "NONE"): AA1

Corrections - show date (if none, write "NONE"): 10-26-99

Topic Controlled substance methamphetamine

3/8/00 Peter Sykes
Date Enrolling Drafter

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State of Wisconsin
1999-2000 LEGISLATURE

File

CORRECTIONS IN:

1999 ASSEMBLY BILL 318

Prepared by the Legislative Reference Bureau
(October 20, 1999)

1. Page 3, line 11: delete "200,000" and substitute "\$200,000".

1999 ASSEMBLY BILL 318

May 6, 1999 – Introduced by Representatives KREIBICH, RHOADES, BRANDEMUEHL, URBAN, SUDER, KLUSMAN, FREESE, LADWIG, AINSWORTH, NASS, MUSSER, SERATTI, M. LEHMAN, STONE, ALBERS, PETTIS, GUNDERSON, KELSO, SKINDRUD, KEDZIE, OLSEN, HUEBSCH, PETROWSKI, GRONEMUS, VRAKAS, KESTELL, MONTGOMERY and WARD, cosponsored by Senators CLAUSING, MOEN, ZIEN, PANZER, ROESSLER, DARLING, HUELSMAN, SCHULTZ, RUDE and FARROW. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 961.41 (1) (e) (intro.), 961.41 (1m) (e) (intro.), 961.41 (3g) (b),
 2 961.41 (3g) (d), 961.46 (3), 961.465 (2), 961.472 (2), 961.48 (2), 961.49 (1) (intro.),
 3 961.55 (1) (d) 3., 971.365 (1) (a), 971.365 (1) (b), 971.365 (1) (c) and 971.365 (2);
 4 and **to create** 961.41 (1) (em), 961.41 (1m) (em) and 961.41 (3g) (dm) of the
 5 statutes; **relating to:** the controlled substance methamphetamine and
 6 providing penalties.

Analysis by the Legislative Reference Bureau

Current law provides penalties for the possession, manufacture, delivery and distribution of methamphetamine, a dangerous drug. This bill changes those penalties as follows:

Possession of methamphetamine

Currently, a person who is convicted of possession of methamphetamine may be fined not more than \$5,000 or imprisoned for not more than one year in a county jail or both. Under the bill, a person who is convicted of possession of methamphetamine may be fined not more than \$5,000 or imprisoned for not more than two years in state prison or both.

Manufacture, delivery or distribution of methamphetamine, and possession of methamphetamine with intent to manufacture, deliver or distribute

Under current law, the penalties for manufacture, delivery or distribution of methamphetamine and for possession of methamphetamine with intent to

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manufacture, deliver or distribute depend on the amount of the drug involved in the offense and the date of the offense. In addition to prescribing a maximum penalty for these offenses, current law provides in some cases for a minimum fine or a minimum period of imprisonment or both. These are presumptive minimum sentences. A judge may decide to impose no fine or imprisonment or a fine or period of imprisonment that is less than the specified minimum if he or she finds that the best interests of the community will be served and the public will not be harmed by doing so.

The current penalties and the changes made by the bill are as follows:

1. If the offense involves three grams or less of methamphetamine and the offense occurs before December 31, 1999, the person must currently be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than five years. If the offense occurs on or after December 31, 1999, the maximum imprisonment provided under current law is seven years and six months. The bill increases the maximum imprisonment for this offense to 22 years and six months, regardless of the date on which the offense occurs. The bill does not change the minimum and maximum fines for the offense.

2. If the offense involves more than three grams but not more than ten grams of methamphetamine and the offense occurs before December 31, 1999, the person must currently be fined not less than \$1,000 nor more than \$250,000 and must be imprisoned for not less than six months nor more than five years. If the offense occurs on or after December 31, 1999, the maximum imprisonment provided under current law is seven years and six months. The bill increases the maximum imprisonment for this offense to 22 years and six months, regardless of the date on which the offense occurs. The bill does not change the minimum period of imprisonment or the minimum and maximum fines for the offense.

3. If the offense involves more than ten grams but not more than 50 grams of methamphetamine and the offense occurs before December 31, 1999, the person must currently be fined not less than \$1,000 nor more than \$500,000 and must be imprisoned for not less than one year nor more than 15 years. If the offense occurs on or after December 31, 1999, the maximum imprisonment provided under current law is 22 years and six months. The bill provides that the maximum imprisonment for this offense is 22 years and six months, regardless of the date on which the offense occurs. The bill does not change the minimum period of imprisonment or the minimum and maximum fines for the offense.

4. If the offense involves more than 50 grams but not more than 200 grams of methamphetamine and the offense occurs before December 31, 1999, the person must currently be fined not less than \$1,000 nor more than \$500,000 and must be imprisoned for not less than three years nor more than 15 years. If the offense occurs on or after December 31, 1999, the maximum imprisonment provided under current law is 22 years and six months. The bill provides that the maximum imprisonment for this offense is 22 years and six months, regardless of the date on which the offense occurs. The bill does not change the minimum period of imprisonment or the minimum and maximum fines for the offense.

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5. If the offense involves more than 200 grams but not more than 400 grams of methamphetamine and the offense occurs before December 31, 1999, the person must currently be fined not less than \$1,000 nor more than \$500,000 and must be imprisoned for not less than five years nor more than 15 years. If the offense occurs on or after December 31, 1999, the maximum imprisonment provided under current law is 22 years and six months. The bill provides that the maximum imprisonment for this offense is 22 years and six months, regardless of the date on which the offense occurs. The bill does not change the minimum period of imprisonment or the minimum and maximum fines for the offense.

6. If the offense involves more than 400 grams of methamphetamine and the offense occurs before December 31, 1999, the person must currently be fined not less than \$1,000 nor more than \$1,000,000 and must be imprisoned for not less than ten years nor more than 30 years. If the offense occurs on or after December 31, 1999, the maximum imprisonment provided under current law is 45 years. The bill provides that the maximum imprisonment for this offense is 45 years, regardless of the date on which the offense occurs. The bill does not change the minimum period of imprisonment or the minimum and maximum fines for the offense.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

2 961.41 (1) (e) (intro.) Phencyclidine, amphetamine, ~~methamphetamine~~ or
3 methcathinone, or a controlled substance analog of phencyclidine, amphetamine,
4 ~~methamphetamine~~ or methcathinone, is subject to the following penalties if the
5 amount manufactured, distributed or delivered is:

AA
3-5

6 **SECTION 2.** 961.41 (1) (em) of the statutes is created to read:

7 961.41 (1) (em) Methamphetamine or a controlled substance analog of
8 methamphetamine is subject to the following penalties if the amount manufactured,
9 distributed or delivered is:

10 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
11 than ~~200,000~~ and may be imprisoned for not more than 22 years and 6 months.

\$200,000^v CCC

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SECTION 2

1 2. More than 3 grams but not more than 10 grams, the person shall be fined
2 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
3 6 months nor more than 22 years and 6 months.

4 3. More than 10 grams but not more than 50 grams, the person shall be fined
5 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
6 one year nor more than 22 years and 6 months.

7 4. More than 50 grams but not more than 200 grams, the person shall be fined
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
9 3 years nor more than 22 years and 6 months.

10 5. More than 200 grams but not more than 400 grams, the person shall be fined
11 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
12 5 years nor more than 22 years and 6 months.

AAI
4-15

13 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
14 than \$1,000,000 and shall be imprisoned for not less than 10 years nor more than 45
15 years.

16 SECTION 3. 961.41 (1m) (e) (intro.) of the statutes is amended to read:

17 961.41 (1m) (e) (intro.) Phencyclidine, amphetamine, ~~methamphetamine~~ or
18 methcathinone, or a controlled substance analog of phencyclidine, amphetamine,
19 ~~methamphetamine~~ or methcathinone, is subject to the following penalties if the
20 amount possessed, with intent to manufacture, distribute or deliver, is:

21 SECTION 4. 961.41 (1m) (em) of the statutes is created to read:

22 961.41 (1m) (em) Methamphetamine or a controlled substance analog of
23 methamphetamine is subject to the following penalties if the amount possessed, with
24 intent to manufacture, distribute or deliver, is:

4-20 (AAI)

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1 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
2 than \$200,000 and may be imprisoned for not more than 22 years and 6 months.

3 2. More than 3 grams but not more than 10 grams, the person shall be fined
4 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
5 6 months nor more than 22 years and 6 months.

6 3. More than 10 grams but not more than 50 grams, the person shall be fined
7 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
8 one year nor more than 22 years and 6 months.

9 4. More than 50 grams but not more than 200 grams, the person shall be fined
10 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
11 3 years nor more than 22 years and 6 months.

12 5. More than 200 grams but not more than 400 grams, the person shall be fined
13 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
14 5 years nor more than 22 years and 6 months.

15 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
16 than \$1,000,000 and shall be imprisoned for not less than 10 years nor more than 45
17 years.

AAI

S-177

18 **SECTION 5.** 961.41 (3g) (b) of the statutes is amended to read:

19 961.41 (3g) (b) Except as provided in pars. (c), (d), (dm), (e) and (f), if the person
20 possesses or attempts to possess a controlled substance or controlled substance
21 analog, other than a controlled substance included in schedule I or II that is a
22 narcotic drug or a controlled substance analog of a controlled substance included in
23 schedule I or II that is a narcotic drug, the person is guilty of a misdemeanor,
24 punishable under s. 939.61.

25 **SECTION 6.** 961.41 (3g) (d) of the statutes is amended to read:

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SECTION 6

1 961.41 (3g) (d) If a person possesses or attempts to possess lysergic acid
 2 diethylamide, phencyclidine, amphetamine, ~~methamphetamine~~, methcathinone,
 3 psilocin or psilocybin, or a controlled substance analog of lysergic acid diethylamide,
 4 phencyclidine, amphetamine, ~~methamphetamine~~, methcathinone, psilocin or
 5 psilocybin, the person may be fined not more than \$5,000 or imprisoned for not more
 6 than one year in the county jail or both.

7 SECTION 7. 961.41 (3g) (dm) of the statutes is created to read:

8 961.41 (3g) (dm) If a person possesses or attempts to possess
 9 methamphetamine or a controlled substance analog of methamphetamine, the
 10 person may be fined not more than \$5,000 or imprisoned for not more than 2 years
 11 or both.

12 SECTION 8. 961.46 (3) of the statutes is amended to read:

13 961.46 (3) If any person 17 years of age or over violates s. 961.41 (1) (cm), (d),
 14 (e), (em), (f), (g) or (h) by distributing or delivering cocaine, cocaine base, heroin,
 15 phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine,
 16 methamphetamine, methcathinone or any form of tetrahydrocannabinols or a
 17 controlled substance analog of any of these substances to a person 17 years of age or
 18 under who is at least 3 years his or her junior, any applicable minimum and
 19 maximum fines and minimum and maximum periods of imprisonment under s.
 20 961.41 (1) (cm), (d), (e), (em), (f), (g) or (h) are doubled.

21 SECTION 9. 961.465 (2) of the statutes is amended to read:

22 961.465 (2) If a person violates s. 961.41 (1) (cm), (d), (e), (em), (f), (g) or (h) or
 23 (1m) (cm), (d), (e), (em), (f), (g) or (h) by delivering, distributing or possessing with
 24 intent to deliver or distribute cocaine, cocaine base, heroin, phencyclidine, lysergic
 25 acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,

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1 methcathinone or any form of tetrahydrocannabinols, or a controlled substance
2 analog of any of these substances, to a prisoner within the precincts of any prison,
3 jail or house of correction, any applicable minimum and maximum fines and
4 minimum and maximum periods of imprisonment under s. 961.41 (1) (cm), (d), (e),
5 (em), (f), (g) or (h) or (1m) (cm), (d), (e), (em), (f), (g) or (h) are doubled.

6 **SECTION 10.** 961.472 (2) of the statutes is amended to read:

7 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
8 guilty of possession or attempted possession of a controlled substance or controlled
9 substance analog under s. 961.41 (3g) (a) 2., (c) ~~or~~, (d) or (dm), the court shall order
10 the person to comply with an assessment of the person's use of controlled substances.
11 The court's order shall designate a facility that is operated by or pursuant to a
12 contract with the county department established under s. 51.42 and that is certified
13 by the department of health and family services to provide assessment services to
14 perform the assessment and, if appropriate, to develop a proposed treatment plan.
15 The court shall notify the person that noncompliance with the order limits the court's
16 ability to determine whether the treatment option under s. 961.475 is appropriate.
17 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

18 **SECTION 11.** 961.48 (2) of the statutes is amended to read:

19 961.48 (2) If any person is charged under sub. (2m) with a 2nd or subsequent
20 offense under this chapter that is specified in s. 961.41 (1) (cm), (d), (e), (em), (f), (g)
21 or (h), (1m) (cm), (d), (e), (em), (f), (g) or (h) or (3g) (a) 2., (c), (d), (dm) or (e), and he
22 or she is convicted of that 2nd or subsequent offense, any applicable minimum and
23 maximum fines and minimum and maximum periods of imprisonment under s.
24 961.41 (1) (cm), (d), (e), (em), (f), (g) or (h), (1m) (cm), (d), (e), (em), (f), (g) or (h) or (3g)
25 (a) 2., (c), (d), (dm) or (e) are doubled. A person convicted of a 2nd or subsequent

ASSEMBLY BILL 318**SECTION 11**

1 offense under s. 961.41 (3g) (c), (d) or (e) is guilty of a felony and the person may be
2 imprisoned in state prison.

3 **SECTION 12.** 961.49 (1) (intro.) of the statutes is amended to read:

4 961.49 (1) (intro.) If any person violates s. 961.41 (1) (cm), (d), (e), (em), (f), (g)
5 or (h) by delivering or distributing, or violates s. 961.41 (1m) (cm), (d), (e), (em), (f),
6 (g) or (h) by possessing with intent to deliver or distribute, cocaine, cocaine base,
7 heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin,
8 amphetamine, methamphetamine, methcathinone or any form of
9 tetrahydrocannabinols or a controlled substance analog of any of these substances
10 and the delivery, distribution or possession takes place under any of the following
11 circumstances, the maximum term of imprisonment prescribed by law for that crime
12 may be increased by 5 years:

13 **SECTION 13.** 961.55 (1) (d) 3. of the statutes is amended to read:

14 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41
15 (3g) (b), (c), (d), (dm), (e) or (f); and

16 **SECTION 14.** 971.365 (1) (a) of the statutes is amended to read:

17 971.365 (1) (a) In any case under s. 961.41 (1) (cm), (d), (e), (em), (f), (g) or (h)
18 involving more than one violation, all violations may be prosecuted as a single crime
19 if the violations were pursuant to a single intent and design.

20 **SECTION 15.** 971.365 (1) (b) of the statutes is amended to read:

21 971.365 (1) (b) In any case under s. 961.41 (1m) (cm), (d), (e), (em), (f), (g) or (h)
22 involving more than one violation, all violations may be prosecuted as a single crime
23 if the violations were pursuant to a single intent and design.

24 **SECTION 16.** 971.365 (1) (c) of the statutes is amended to read:

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1 971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., (c), (d), (dm) or (e)
2 involving more than one violation, all violations may be prosecuted as a single crime
3 if the violations were pursuant to a single intent and design.

4 **SECTION 17.** 971.365 (2) of the statutes is amended to read:

5 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
6 prosecution for any acts in violation of s. 961.41 (1) (cm), (d), (e), (em), (f), (g) or (h),
7 (1m) (cm), (d), (e), (em), (f), (g) or (h) or (3g) (a) 2., (c), (d), (dm) or (e) on which no
8 evidence was received at the trial on the original charge.

9 **SECTION 18. Initial applicability.**

10 (1) ~~This act first applies~~ to offenses committed on the effective date of this
11 subsection.

(END)

12 9-71
AAI

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9-10 AAI

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 318**

October 26, 1999 - Offered by Representatives KREIBICH and KRUG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: after that line insert:

3 ~~SECTION 1r. 961.41 (1)(e) (intro.) of the statutes, as affected by 1999 Wisconsin~~

4 Acts (Assembly Bill 465) and (this act), is repealed and recreated to read:

5 961.41 (1) (e) *Phencyclidine, amphetamine and methcathinone.* (intro.) If the

6 person violates this subsection with respect to phencyclidine, amphetamine or

7 methcathinone, or a controlled substance analog of phencyclidine, amphetamine or

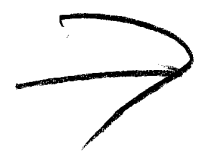
8 methcathinone, and the amount manufactured, distributed or delivered is:

9 **2.** Page 4, line 15: after that line insert:

10 ~~SECTION 2r. 961.41 (1) (em) of the statutes, as created by 1999 Wisconsin Act~~

11 (this act), is repealed and recreated to read:

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4-15

1 961.41 (1) (em) *Methamphetamine*. If the person violates this subsection with
2 respect to methamphetamine or a controlled substance analog of methamphetamine
3 and the amount manufactured, distributed or delivered is:

- 4 1. Three grams or less, the person is guilty of a Class F felony.
- 5 2. More than 3 grams but not more than 10 grams, the person is guilty of a Class
- 6 E felony.
- 7 3. More than 10 grams but not more than 50 grams, the person is guilty of a
- 8 Class D felony.

9 4. More than 50 grams, the person is guilty of a Class C felony.”

10 **3.** Page 4, line 20: after that line insert:

11 “SECTION 3r. 961.41 (1m) (e) (intro.) of the statutes, as affected by 1999
12 Wisconsin Acts (Assembly Bill 465) and (this act), is repealed and recreated to
13 read:

4-20

14 961.41 (1m) (e) *Phencyclidine, amphetamine and methcathinone*. (intro.) If
15 a person violates this subsection with respect to phencyclidine, amphetamine or
16 methcathinone, or a controlled substance analog of phencyclidine, amphetamine or
17 methcathinone, and the amount possessed, with intent to manufacture, distribute
18 or deliver, is:”

19 **4.** Page 5, line 17: after that line insert:

20 “SECTION 4r. 961.41 (1m) (em) of the statutes, as created by 1999 Wisconsin Act
21 (this act), is repealed and recreated to read:

22 961.41 (1m) (em) *Methamphetamine*. If the person violates this subsection
23 with respect to methamphetamine or a controlled substance analog of

5-17

- 3 -
S-17

1 methamphetamine and the amount possessed, with intent to manufacture,
2 distribute or deliver, is:

- 3 1. Three grams or less, the person is guilty of a Class F felony.
- 4 2. More than 3 grams but not more than 10 grams, the person is guilty of a Class
- 5 E felony.
- 6 3. More than 10 grams but not more than 50 grams, the person is guilty of a
- 7 Class D felony.
- 8 4. More than 50 grams, the person is guilty of a Class C felony."

9 **5.** Page 6, line 6: after that line insert:

10 ~~SECTION 6r. 961.41 (3g) (d) of the statutes, as affected by 1999 Wisconsin Acts~~
11 (Assembly Bill 465) and (this act), is repealed and recreated to read:

12 961.41 (3g) (d) *Certain hallucinogenic and stimulant drugs.* If a person
13 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
14 amphetamine, methcathinone, psilocin or psilocybin, or a controlled substance
15 analog of lysergic acid diethylamide, phencyclidine, amphetamine, methcathinone,
16 psilocin or psilocybin, the person may be fined not more than \$5,000 or imprisoned
17 for not more than one year in the county jail or both upon a first conviction and is
18 guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
19 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
20 offender's conviction of the offense, the offender has at any time been convicted of any
21 felony or misdemeanor under this chapter or under any statute of the United States
22 or of any state relating to controlled substances, controlled substance analogs,
23 narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs."

24 **6.** Page 6, line 11: after that line insert:

6-6

1 "SECTION 7r. 961.41 (3g) (dm) of the statutes, as created by 1999 Wisconsin Act

2 (this act), is amended to read:

3 961.41 (3g) (dm) Methamphetamine. If a person possesses or attempts to
4 possess methamphetamine or a controlled substance analog of methamphetamine,
5 the person may be fined not more than \$5,000 or imprisoned for not more than 2 years
6 one year in the county jail or both upon a first conviction and is guilty of a Class I
7 felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
8 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
9 offense, the offender has at any time been convicted of any felony or misdemeanor
10 under this chapter or under any statute of the United States or of any state relating
11 to controlled substances, controlled substance analogs, narcotic drugs, marijuana or
12 depressant, stimulant or hallucinogenic drugs."

6-11

13 7. Page 9, line 8: after that line insert:

14 SECTION 17m. Nonstatutory provisions.

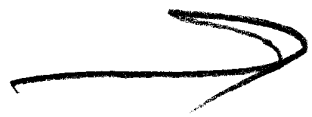
15 (1q) RECONCILIATION PROVISION. The amendment of section 961.41 (3g) (dm) of
16 the statutes, as created by this act, the repeal and recreation of section 961.41 (1) (e)
17 (intro.) and (em), (1m) (e) (intro.) and (em) and (3g) (d) of the statutes and SECTION
18 19s (1g), (2h) and (3i) of this act are void unless 1999 Assembly Bill 465 is enacted
19 into law before July 1, 2000, and unless 1999 Assembly Bill 465 affects section 961.41
20 (1) (e) (intro.), (1m) (e) (intro.) and (3g) (d) of the statutes in exactly the same form
21 as shown in 1999 Assembly Bill 465, as passed by the assembly."

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22 8. Page 9, line 10: delete "This act first applies" and substitute "The treatment

23 of sections 961.41 (3g) (b), 961.46 (3), 961.465 (2), 961.472 (2), 961.48 (2), 961.49 (1)
24 (intro.), 961.55 (1) (d) 3. and 971.365 (1) (a), (b) and (c) and (2) of the statutes, the

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1 amendment of section 961.41 (1) (e) (intro.), (1m) (e) (intro.) and (3g) (d) of the
2 statutes and the creation of section 961.41 (1) (em), (1m) (em) and (3g) (dm) of the
3 statutes first apply".

4 **9.** Page 9, line 11: after that line insert:

5 "(2r) The amendment of section 961.41 (3g) (dm) of the statutes, as created by
6 this act, and the repeal and recreation of section 961.41 (1) (e) (intro.) and (em), (1m)
7 (e) (intro.) and (em) and (3g) (d) of the statutes first apply to offenses committed on
8 the effective date of this subsection.

9 **SECTION 19s. Effective dates.** This act takes effect on the day after
10 publication, except as follows:

11 (1g) If 1999 Assembly Bill 465 has been enacted on or before the day after
12 publication of this act and the day after publication of this act is on or before
13 December 31, 1999, the amendment of section 961.41 (3g) (dm) of the statutes, as
14 created by this act, the repeal and recreation of section 961.41 (1) (e) (intro.) and (em),
15 (1m) (e) (intro.) and (em) and (3g) (d) of the statutes and SECTION 18 (2r) of this act
16 take effect on December 31, 1999.

17 (2h) If 1999 Assembly Bill 465 has been enacted on or before the day after
18 publication of this act and the day after publication of this act is after December 31,
19 1999, the amendment of section 961.41 (3g) (dm) of the statutes, as created by this
20 act, the repeal and recreation of section 961.41 (1) (e) (intro.) and (em), (1m) (e)
21 (intro.) and (em) and (3g) (d) of the statutes and SECTION 18 (2r) of this act take effect
22 on the day after publication of this act.

23 (3i) If 1999 Assembly Bill 465 is enacted after the day after publication of this
24 act but before July 1, 2000, the amendment of section 961.41 (3g) (dm) of the statutes,

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1 as created by this act, the repeal and recreation of section 961.41 (1) (e) (intro.) and
2 (em), (1m) (e) (intro.) and (em) and (3g) (d) of the statutes and SECTION 18 (2r) of this
3 act take effect on December 31, 1999, or on the date that the treatment of section
4 961.41 (1) (e) (intro.), (1m) (e) (intro.) and (3g) (d) of the statutes by 1999 Assembly
5 Bill 465 takes effect, whichever is later.

6

(END)