

**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4 Acts (Assembly Bill 465) and (this act), is repealed and recreated to read: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11 (this act), is repealed and recreated to read:

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12 Wisconsin Acts (Assembly Bill 465) and (this act), is repealed and recreated to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:

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21 (this act), is repealed and recreated to read: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

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:

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.”.

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.”.

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

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,

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)