

**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB185)**

Received: **04/30/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **Bob**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Flunitrazepam

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 05/3/99	chanaman 05/3/99	martykr 05/4/99	_____	lrb_docadmin 05/4/99	lrb_docadmin 05/4/99	

FE Sent For:

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1?	olsenje	cmh 5/13 11	km 4	DK 5/4 Am 4			

FE Sent For:

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58061

AB 185

Huebsch by Bob

Leave in schedule **IV**

but make penalties for fluorazepam  
same as for sched I, if higher than  
current Rohypnol penalties

Search: " sched. I "

ch. 139 - include

938.34(14t)

*include*

**(14t) Possession of a controlled substance or controlled substance analog on or near certain premises.** If the juvenile is adjudicated delinquent under a violation of s. 961.41 (3g) by possessing or attempting to possess a controlled substance included in **schedule I** or II under ch. 961 or a controlled substance analog of a controlled substance included in **schedule I** or II under ch. 961 while in or on the premises of a scattered-site public housing project, as defined in s. 961.01 (20i), while in or on or otherwise within 1,000 feet of a state, county, city, village or town park, a jail or correctional facility, as defined in s. 961.01 (12m), a multiunit public housing project, as defined in s. 961.01 (14m), a swimming pool open to members of the public, a youth center, as defined in s. 961.01 (22), or a community center, while in or on or otherwise within 1,000 feet of any private or public school premises or while in or on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court shall require that the juvenile participate for 100 hours in a supervised work program or other community service work under sub. (5g).

940.02(2)(a)

*include*

(a) (intro.) By manufacture, distribution or delivery, in violation of s. 961.41, of a controlled substance included in **schedule I** or II under ch. 961 or of a controlled substance analog of a controlled substance included in **schedule I** or II under ch. 961, if another human being uses the controlled substance or controlled substance analog and dies as a result of that use. This paragraph applies:

940.02(2)(a)3.

3. To any distribution or delivery described in this paragraph, regardless of whether the distribution or delivery is made directly to the human being who dies. If possession of the controlled substance included in **schedule I** or II under ch. 961 or of the controlled substance analog of the controlled substance included in **schedule I** or II under ch. 961 is transferred more than once prior to the death as described in this paragraph, each person who distributes or delivers the controlled substance or controlled substance analog in violation of s. 961.41 is guilty under this paragraph.

940.02(2)(b)

(b) By administering or assisting in administering a controlled substance included in **schedule I** or II under ch. 961 or a controlled substance analog of a controlled substance included in **schedule I** or II of ch. 961, without lawful authority to do so, to another human being and that human being dies as a result of the use of the substance. This paragraph applies whether the human being dies as a result of using the controlled substance or controlled substance analog by itself or with any compound, mixture, diluent or other substance mixed or combined with the controlled substance or controlled substance analog.

961.41(1)(b)

(b) Except as provided in pars. (cm) and (e) to (h), any other controlled substance included in **schedule I**, II or III, or a controlled substance analog of any other controlled substance included in **schedule I** or II, may be fined not more than \$15,000 or imprisoned for not more than 5 years

or both.

961.41 - ANNOT.

(b) Except as provided in pars. (cm) and (e) to (h), any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II, may be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

961.41(1m)(b)

(b) Except as provided in pars. (cm) and (e) to (h), any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II, may be fined not more than \$15,000 or imprisoned for not more than 5 years or both.

961.41 - ANNOT.

(b) Except as provided in pars. (cm) and (e) to (h), any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II, may be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

961.41(2)(b)

*del* (b) Any other counterfeit substance included in schedule I, II or III, may be fined not more than \$15,000 or imprisoned for not more than 5 years or both.

961.41 - ANNOT.

(b) Any other counterfeit substance included in schedule I, II or III, may be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

961.46(2)

(2) Except as provided in sub. (3), any person 17 years of age or over who violates s. 961.41 (1) by distributing or delivering any other controlled substance included in schedule I, II, III, IV or V or a controlled substance analog of any other controlled substance included in schedule I or II to a person 17 years of age or under who is at least 3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (b), (i) or (j) or a term of imprisonment of up to twice that authorized by s. 961.41 (1) (b), (i) or (j) or both.

961.49(2)(a)

(a) (intro.) Except as provided in par. (b), the court shall sentence a person as provided in par. (am) if the person violates s. 961.41 (1) by delivering or distributing, or violates s. 961.41 (1m) by possessing with intent to deliver or distribute, a controlled substance included in schedule I or II or a controlled substance analog of a controlled substance included in schedule I or II under any of the following circumstances:

961.492(1)

(1) The violation of s. 961.41 (1) or (1m) involves the distribution or delivery or the possession, with intent to distribute or deliver, of any controlled substance included in schedule I or II or a controlled substance analog of any controlled substance included in schedule I or II.

961.495

**961.495 Possession or attempted possession of a controlled substance on or near certain places.** If any person violates s. 961.41 (3g) by possessing or attempting to possess a controlled substance included in **schedule I** or II or a controlled substance analog of a controlled substance included in **schedule I** or II while in or on the premises of a scattered-site public housing project, while in or on or otherwise within 1,000 feet of a state, county, city, village or town park, a jail or correctional facility, a multiunit public housing project, a swimming pool open to members of the public, a youth center or a community center, while in or on or otherwise within 1,000 feet of any private or public school premises or while in or on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court shall, in addition to any other penalties that may apply to the crime, impose 100 hours of community service work for a public agency or a nonprofit charitable organization. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this section has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant.

961.55(6)

(6) Controlled substances included in **schedule I** and controlled substance analogs of controlled substances included in **schedule I** that are possessed, transferred, sold, offered for sale or attempted to be possessed in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances included in **schedule I** and controlled substance analogs of controlled substances included in **schedule I** that are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0061/1  
JEO:.....  
kmrj

by Tues 5/4

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 185

1 **AN ACT** <sup>enact</sup>; **relating to:** the controlled substance flunitrazepam and providing  
2 penalties.

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

3 SECTION 1. 139.87 (2) of the statutes is amended to read:

4 139.87 (2) "Dealer" means a person who in violation of ch. 961 possesses,  
5 manufactures, produces, ships, transports, delivers, distributes, imports, sells or  
6 transfers to another person more than 42.5 grams of material containing  
7 tetrahydrocannabinols, more than 5 plants containing tetrahydrocannabinols, more  
8 than 14 grams of mushrooms containing psilocin or psilocybin, more than 100  
9 milligrams of any material containing lysergic acid diethylamide ~~or~~, more than 7  
10 grams of any other schedule I or schedule II controlled substance or of a controlled  
11 substance analog of a schedule I or schedule II controlled substance or more than 7

1 grams of flunitrazepam. "Dealer" does not include a person who lawfully possesses  
2 a controlled substance or controlled substance analog.

3 History: 1989 a. 122; 1991 a. 39, 208; 1995 a. 448.

3 **SECTION 2.** 139.88 (3) of the statutes is created to read:

4 139.88 (3) Per gram or part of a gram of flunitrazepam, whether pure or  
5 impure, measured when in the dealer's possession, \$200.

6 **SECTION 3.** 139.89 of the statutes is amended to read:

7 **139.89 Proof of payment.** The department shall create a uniform system of  
8 providing, affixing and displaying stamps, labels or other evidence that the tax under  
9 s. 139.88 has been paid. Stamps or other evidence of payment shall be sold at face  
10 value. No dealer may possess any schedule I controlled substance or, schedule II  
11 controlled substance or flunitrazepam unless the tax under s. 139.88 has been paid  
12 on it, as evidenced by a stamp or other official evidence issued by the department.  
13 The tax under this subchapter is due and payable immediately upon acquisition or  
14 possessing of the schedule I controlled substance or, schedule II controlled substance  
15 or flunitrazepam in this state, and the department at that time has a lien on all of  
16 the taxpayer's property. Late payments are subject to interest at the rate of 1% per  
17 month or part of a month. No person may transfer to another person a stamp or other  
18 evidence of payment.

19 History: 1989 a. 122; 1991 a. 39.

19 **SECTION 4.** 139.95 (1) of the statutes is amended to read:

20 139.95 (1) Any dealer who possesses a schedule I controlled substance or, a  
21 schedule II controlled substance or flunitrazepam that does not bear evidence that  
22 the tax under s. 139.88 has been paid shall pay, in addition to the tax under s. 139.88,



1 a penalty equal to the tax due. The department shall collect penalties under this  
2 subchapter in the same manner as it collects the tax under this subchapter.

3 History: 1989 a. 122; 1991 a. 39; 1997 a. 27, 283. ✓

3 SECTION 5. 139.95 (2) of the statutes is amended to read:

4 139.95 (2) A dealer who possesses a schedule I controlled substance ~~or~~, a ✓  
5 schedule II controlled substance or flunitrazepam that does not bear evidence that  
6 the tax under s. 139.88 has been paid may be fined not more than \$10,000 or  
7 imprisoned for not more than 5 years or both.

8 NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE: ✓

8 SECTION 6. 139.95 (2) of the statutes, as affected by 1997 Wisconsin Act 283 and ✓  
9 1999 Wisconsin Act .... (this act), is repealed and recreated to read:

10 139.95 (2) A dealer who possesses a schedule I controlled substance, a schedule ✓  
11 II controlled substance or flunitrazepam that does not bear evidence that the tax  
12 under s. 139.88 has been paid may be fined not more than \$10,000 or imprisoned for  
13 not more than 7 years and 6 months or both.

14 History: 1989 a. 122; 1991 a. 39; 1997 a. 27, 283. ✓

14 SECTION 7. 139.95 (3) of the statutes is amended to read:

15 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits  
16 any stamp or procures or causes the same to be done or who knowingly utters,  
17 publishes, passes or tenders as true any false, altered or counterfeit stamp or who  
18 affixes a counterfeit stamp to a schedule I controlled substance ~~or~~, a ✓  
19 controlled substance or flunitrazepam or who possesses a schedule I controlled  
20 substance ~~or~~, a schedule II controlled substance or flunitrazepam to which a false,  
21 altered or counterfeit stamp is affixed may be fined not more than \$10,000 or  
22 imprisoned for not less than one year nor more than 10 years or both.

NOTE: NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE: ✓

1           **SECTION 8.** 139.95 (3) of the statutes, as affected by 1997 Wisconsin Act 283 and  
2 1999 Wisconsin Act .... (this act), is repealed and recreated to read:

3           **139.95 (3)** Any person who falsely or fraudulently makes, alters or counterfeits  
4 any stamp or procures or causes the same to be done or who knowingly utters,  
5 publishes, passes or tenders as true any false, altered or counterfeit stamp or who  
6 affixes a counterfeit stamp to a schedule I controlled substance, a schedule II  
7 controlled substance or flunitrazepam or who possesses a schedule I controlled  
8 substance, a schedule II controlled substance or flunitrazepam to which a false,  
9 altered or counterfeit stamp is affixed may be fined not more than \$10,000 or  
10 imprisoned for not less than one year nor more than 15 years or both.

History: 1989 a. 122; 1991 a. 39; 1997 a. 27, 283.

11           **SECTION 9.** 938.34 (14t) of the statutes is amended to read:

12           **938.34 (14t) POSSESSION OF A CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE**  
13 **ANALOG ON OR NEAR CERTAIN PREMISES.** If the juvenile is adjudicated delinquent under  
14 a violation of s. 961.41 (3g) by possessing or attempting to possess a controlled  
15 substance included in schedule I or II under ch. 961 or, a controlled substance analog  
16 of a controlled substance included in schedule I or II under ch. 961 or flunitrazepam  
17 while in or on the premises of a scattered-site public housing project, as defined in  
18 s. 961.01 (20i), while in or on or otherwise within 1,000 feet of a state, county, city,  
19 village or town park, a jail or correctional facility, as defined in s. 961.01 (12m), a  
20 multiunit public housing project, as defined in s. 961.01 (14m), a swimming pool open  
21 to members of the public, a youth center, as defined in s. 961.01 (22), or a community  
22 center, while in or on or otherwise within 1,000 feet of any private or public school  
23 premises or while in or on or otherwise within 1,000 feet of a school bus, as defined

1 in s. 340.01 (56), the court shall require that the juvenile participate for 100 hours  
2 in a supervised work program or other community service work under sub. (5g).

3 History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 90, 164, 183, 205; s. 13.93 (2) (c).

3 SECTION 10. 940.02 (2) (a) (intro.) of the statutes is amended to read:

4 940.02 (2) (a) (intro.) By manufacture, distribution or delivery, in violation of  
5 s. 961.41, of a controlled substance included in schedule I or II under ch. 961 ~~or~~, of  
6 a controlled substance analog of a controlled substance included in schedule I or II  
7 under ch. 961 or of flunitrazepam, if another human being uses the controlled  
8 substance or controlled substance analog and dies as a result of that use. This  
9 paragraph applies:

10 History: 1987 a. 339, 399; 1995 a. 448; 1997 a. 295.

10 SECTION 11. 940.02 (2) (a) 3. of the statutes is amended to read:

11 940.02 (2) (a) 3. To any distribution or delivery described in this paragraph,  
12 regardless of whether the distribution or delivery is made directly to the human  
13 being who dies. If possession of the controlled substance included in schedule I or  
14 II under ch. 961 ~~or~~, of the controlled substance analog of the controlled substance  
15 included in schedule I or II under ch. 961 or of the flunitrazepam is transferred more  
16 than once prior to the death as described in this paragraph, each person who  
17 distributes or delivers the controlled substance or controlled substance analog in  
18 violation of s. 961.41 is guilty under this paragraph.

19 History: 1987 a. 339, 399; 1995 a. 448; 1997 a. 295.

19 SECTION 12. 940.02 (2) (b) of the statutes is amended to read:

20 940.02 (2) (b) By administering or assisting in administering a controlled  
21 substance included in schedule I or II under ch. 961 ~~or~~, a controlled substance analog  
22 of a controlled substance included in schedule I or II of ch. 961 or flunitrazepam,  
23 without lawful authority to do so, to another human being and that human being dies  
24 as a result of the use of the substance. This paragraph applies whether the human

1 being dies as a result of using the controlled substance or controlled substance analog  
2 by itself or with any compound, mixture, diluent or other substance mixed or  
3 combined with the controlled substance or controlled substance analog.

History: 1987 a. 339, 399; 1995 a. 448; 1997 a. 295.

4 **SECTION 13.** 961.41 (1) (i) of the statutes is amended to read:

5 961.41 (1) (i) ~~A~~ Except as provided in par. (im), a substance included in  
6 schedule IV, may be fined not more than \$10,000 or imprisoned for not more than 3  
7 years or both.

NOTE: NOTE: Par. (i) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

8 **SECTION 14.** 961.41 (1) (i) of the statutes, as affected by 1997 Wisconsin Act 283  
9 and 1999 Wisconsin Act .... (this act), is repealed and recreated to read:

10 961.41 (1) (i) Except as provided in par. (im), a substance included in schedule  
11 IV, may be fined not more than \$10,000 or imprisoned for not more than 4 years and  
12 6 months or both.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283.

13 **SECTION 15.** 961.41 (1) (im) of the statutes is created to read:

14 961.41 (1) (im) Flunitrazepam, may be fined not more than \$15,000 or  
15 imprisoned for not more than 5 years or both.

16 **SECTION 16.** 961.41 (1) (im) of the statutes, as created by 1999 Wisconsin Act  
17 .... (this act), is amended to read:

18 961.41 (1) (im) Flunitrazepam, may be fined not more than \$15,000 or  
19 imprisoned for not more than 5 7 years and 6 months or both.

20 **SECTION 17.** 961.41 (1m) (i) of the statutes is amended to read:

21 961.41 (1m) (i) ~~A~~ Except as provided in par. (im), a substance included in  
22 schedule IV, may be fined not more than \$10,000 or imprisoned for not more than 3  
23 years or both.

NOTE: NOTE: NOTE: Par. (i) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

2 SECTION 18. 961.41 (1m) (i) of the statutes, as affected by 1997 Wisconsin Act  
3 283 and 1999 Wisconsin Act .... (this act), is repealed and recreated to read:

4 961.41 (1m) (i) Except as provided in par. (im), a substance included in  
5 schedule IV, may be fined not more than \$10,000 or imprisoned for not more than 4  
6 years and 6 months or both.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283.

7 SECTION 19. 961.41 (1m) (im) of the statutes is created to read:

8 961.41 (1m) (im) Flunitrazepam, may be fined not more than \$15,000 or  
9 imprisoned for not more than 5 years or both.

10 SECTION 20. 961.41 (1m) (im) of the statutes, as created by 1999 Wisconsin Act  
11 .... (this act), is amended to read:

12 961.41 (1m) (im) Flunitrazepam, may be fined not more than \$15,000 or  
13 imprisoned for not more than 5 7 years and 6 months or both.

14 SECTION 21. 961.41 (2) (c) of the statutes is amended to read:

15 961.41 (2) (c) ~~A~~ Except as provided in par. (cm), a counterfeit substance  
16 included in schedule IV, may be fined not more than \$10,000 or imprisoned for not  
17 more than 3 years or both.

NOTE: NOTE: Par. (c) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:NOTE:

18 SECTION 22. 961.41 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 283  
19 and 1999 Wisconsin Act .... (this act), is repealed and recreated to read:

20 961.41 (2) (c) Except as provided in par. (cm), a counterfeit substance included  
21 in schedule IV, may be fined not more than \$10,000 or imprisoned for not more than  
22 4 years and 6 months or both.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283.

23 SECTION 23. 961.41 (2) (cm) of the statutes is created to read:

1           961.41 (2) (cm) A counterfeit substance which is flunitrazepam, may be fined  
2 not more than \$15,000 or imprisoned for not more than 5 years or both.

3           SECTION 24. 961.41 (2) (cm) of the statutes, as created by 1999 Wisconsin Act  
4 .... (this act), is amended to read:

5           961.41 (2) (cm) A counterfeit substance which is flunitrazepam, may be fined  
6 not more than \$15,000 or imprisoned for not more than 5 7 years and 6 months or  
7 both.

8           SECTION 25. 961.46 (3) of the statutes is amended to read:

9           961.46 (3) If any person 17 years of age or over violates s. 961.41 (1) (cm), (d),  
10 (e), (f), (g) ~~or~~, (h) or (im) by distributing or delivering cocaine, cocaine base, heroin,  
11 phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine,  
12 methamphetamine, methcathinone, flunitrazepam or any form of  
13 tetrahydrocannabinols or a controlled substance analog of any of these substances  
14 to a person 17 years of age or under who is at least 3 years his or her junior, any  
15 applicable minimum and maximum fines and minimum and maximum periods of  
16 imprisonment under s. 961.41 (1) (cm), (d), (e), (f), (g) ~~or~~, (h) or (im) are doubled.

History: 1971 c. 219; 1985 a. 328; 1987 a. 339; 1989 a. 121; 1993 a. 98, 118, 450; 1995 a. 27; 1995 a. 448 ss. 276 to 279; Stats. 1995 s. 961.46.

17           SECTION 26. 961.49 (2) (a) (intro.) of the statutes is amended to read:

18           961.49 (2) (a) (intro.) Except as provided in par. (b), the court shall sentence a  
19 person as provided in par. (am) if the person violates s. 961.41 (1) by delivering or  
20 distributing, or violates s. 961.41 (1m) by possessing with intent to deliver or  
21 distribute, a controlled substance included in schedule I or II ~~or~~, a controlled  
22 substance analog of a controlled substance included in schedule I or II or  
23 flunitrazepam under any of the following circumstances:

History: 1985 a. 328; 1987 a. 332, 339, 403; 1989 a. 31, 107, 121; 1991 a. 39; 1993 a. 87, 98, 118, 281, 490, 491; 1995 a. 448 s. 289, 491; Stats. 1995 s. 961.49; 1997 a. 283, 327; s. 13.93 (2) (c).

24           SECTION 27. 961.492 (1) of the statutes is amended to read:

1           961.492 (1) The violation of s. 961.41 (1) or (1m) involves the distribution or  
2 delivery or the possession, with intent to distribute or deliver, of any controlled  
3 substance included in schedule I or II ~~or~~ of a controlled substance analog of any  
4 controlled substance included in schedule I or II or of flunitrazepam.

History: 1995 a. 448 s. 249.

5           **SECTION 28.** 961.495 of the statutes is amended to read:

6           **961.495 Possession or attempted possession of a controlled substance**  
7 **on or near certain places.** If any person violates s. 961.41 (3g) by possessing or  
8 attempting to possess a controlled substance included in schedule I or II ~~or~~ a  
9 controlled substance analog of a controlled substance included in schedule I or II or  
10 flunitrazepam while in or on the premises of a scattered-site public housing project,  
11 while in or on or otherwise within 1,000 feet of a state, county, city, village or town  
12 park, a jail or correctional facility, a multiunit public housing project, a swimming  
13 pool open to members of the public, a youth center or a community center, while in  
14 or on or otherwise within 1,000 feet of any private or public school premises or while  
15 in or on or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56),  
16 the court shall, in addition to any other penalties that may apply to the crime, impose  
17 100 hours of community service work for a public agency or a nonprofit charitable  
18 organization. The court shall ensure that the defendant is provided a written  
19 statement of the terms of the community service order and that the community  
20 service order is monitored. Any organization or agency acting in good faith to which  
21 a defendant is assigned pursuant to an order under this section has immunity from  
22 any civil liability in excess of \$25,000 for acts or omissions by or impacting on the  
23 defendant.

History: 1989 a. 31, 121; 1991 a. 39; 1993 a. 87, 118, 181, 490; 1995 a. 448 s. 290; Stats. 1995 s. 961.495.

24           **SECTION 29.** 961.55 (6m) of the statutes is created to read:

1           961.55 (6m) Flunitrazepam that is possessed, transferred, sold, offered for sale  
2 or attempted to be possessed in violation of this chapter is contraband and shall be  
3 seized and summarily forfeited to the state. Flunitrazepam that is seized or comes  
4 into the possession of the state, the owner of which is unknown, is contraband and  
5 shall be summarily forfeited to the state.

6  
Autoref  
7 a

**SECTION 30. Initial applicability.**

(1) The treatment of sections 139.87 (2), 139.88 (3), 938.34 (14t) and 961.55  
(6m) of the statutes first applies to acts in violation of chapter 961 of the statutes that  
occur on the effective date of this subsection.

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ref  
b

(2) The amendment of section 961.41 (1) (im), (1m) (im) and (2) (cm) of the  
statutes and the repeal and recreation of sections 139.95 (2) and (3) and 961.41 (1)  
(i), (1m) (i) and (2) (c) of the statutes first apply to offenses committed on the effective  
date of this subsection.

**SECTION 31. Effective dates.** This act takes effect on the day after publication,  
except as follows:

(1) The amendment of section 961.41 (1) (im), (1m) (im) and (2) (cm) of the  
statutes, the repeal and recreation of sections 139.95 (2) and (3) and 961.41 (1) (i),  
(1m) (i) and (2) (c) of the statutes and SECTION 30 (2) of this act take effect on  
December 31, 1999, or on the day after publication, whichever is later.

(END)

Autoref a           Autoref b