

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-27-00

BILL NO. AB 185
OR

SUBJECT _____

Sunshine Hedlund
(NAME)

122 State Street Suite 500
(Street Address or Route Number)

Madison 53703
(City and Zip Code)

United Council of WU Students
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/27/00

BILL NO. AB 185
OR

SUBJECT _____

Walt Luft
(NAME)

122 State St # 500
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

United Council of UW Students
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-27-00

BILL NO. AB 185
OR

SUBJECT _____

Cheri Dubiel
(NAME)

100 Williamson St.
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

WI Coalition Against Sexual Assault
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/27/00
BILL NO. AB 185, As Amended
OR
SUBJECT Unitary repair

MARK. A. MYNAREZyk
(NAME)
1658 N. Milwaukee #293
(Street Address or Route Number)
Chicago, IL 60647
(City and Zip Code)
HLR Service Corp.
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor: (Substitute Amendment)
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-27-00
BILL NO. AB-185
OR
SUBJECT _____

Rep Mike Huebsch
(NAME)
20 N
(Street Address or Route Number)
Madison, WI 53708
(City and Zip Code)
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: March 27, 2000
BILL NO. AB 185
OR
SUBJECT _____

Secretary Marlene Cummings
(NAME)
1400 E. Washington Ave
(Street Address or Route Number)
Madison 53703
(City and Zip Code)
Dept. of Regulation & Licensing
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Senate Committee on Judiciary and Consumer Affairs

Request for Paper Ballot Executive Action on 1999 Assembly Bill 185

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 185 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by 3:00 p.m. today Tuesday March 28, 2000.**

Introduction and Adoption of Substitute Amendment (LRB s0497/1):

- _____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- _____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- _____ **Aye** (In Favor of Adoption of the Substitute Amendment)
- _____ **No** (Oppose Adoption of the Substitute Amendment)

Concurrence in Assembly Bill 185 as amended:

- _____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)
- _____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)
- _____ **Aye** (In Favor of Concurrence in the Bill as amended)
- _____ **No** (Oppose Concurrence in the Bill as amended)

Signed: _____

Alice Clausung

March 28, 2000

Please return to Sen. George's Office by 3:00 p.m. Tuesday, March 28, 2000.

Senate Committee on Judiciary and Consumer Affairs

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_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
 Aye (In Favor of Adoption of the Substitute Amendment)
_____ **No** (Oppose Adoption of the Substitute Amendment)

Concurrence in Assembly Bill 185 as amended:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)
_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)
 Aye (In Favor of Concurrence in the Bill as amended)
_____ **No** (Oppose Concurrence in the Bill as amended)

Signed: *Amy F. D'Amico*

March 28, 2000

Please return to Sen. George's Office by 3:00 p.m. Tuesday, March 28, 2000.

Senate Committee on Judiciary and Consumer Affairs

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_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
~~_____~~ **Aye** (In Favor of Adoption of the Substitute Amendment)
_____ **No** (Oppose Adoption of the Substitute Amendment)

Concurrence in Assembly Bill 185 as amended:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)
_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)
~~_____~~ **Aye** (In Favor of Concurrence in the Bill as amended)
_____ **No** (Oppose Concurrence in the Bill as amended)

Signed: _____

Jane B. Huber

March 28, 2000

Please return to Sen. George's Office by 3:00 p.m. Tuesday, March 28, 2000.

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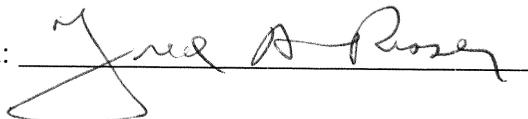
Introduction and Adoption of Substitute Amendment (LRB s0497/1):

_____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
_____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
_____ **Aye** (In Favor of Adoption of the Substitute Amendment)
_____ **No** (Oppose Adoption of the Substitute Amendment)

Concurrence in Assembly Bill 185 as amended:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)
_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)
_____ **Aye** (In Favor of Concurrence in the Bill as amended)
_____ **No** (Oppose Concurrence in the Bill as amended)

Signed: _____



March 28, 2000

Please return to Sen. George's Office by 3:00 p.m. Tuesday, March 28, 2000.

History of Assembly Bill 185

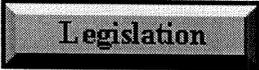
ASSEMBLY BILL 185

An Act to renumber 961.20 (2) (ej); and to amend 961.492 (1) of the statutes; relating to: the controlled substance flunitrazepam.
1999

03-08.	A.	Introduced by Representatives Huebsch, Kestell, Hasenohrl, Plale, Suder, Freese, Rhoades, Albers, Spillner, Ladwig, Brandemuehl, Seratti, F. Lasee, Sykora, Goetsch, M. Lehman, Vrakas, Montgomery, Lassa, Gunderson, Petrowski, Owens, Pettis and Townsend; cosponsored by Senators Moen, Fitzgerald, Huelsman, Lazich, Roessler and Darling.	
03-08.	A.	Read first time and referred to committee on Judiciary and Personal Privacy	102
03-16.	A.	Public hearing held.	
03-30.	A.	Public hearing held.	
05-11.	A.	Executive action taken.	
05-11.	A.	Assembly substitute amendment 1 offered by committee on Judiciary and Personal Privacy	178
05-17.	A.	Report Assembly substitute amendment 1 adoption recommended by committee on Judiciary and Personal Privacy, Ayes 9, Noes 0	191
05-17.	A.	Report passage as amended recommended by committee on Judiciary and Personal Privacy, Ayes 9, Noes 0	191
05-17.	A.	Referred to committee on Rules	191
09-23.	A.	Placed on calendar 9-29-1999 by committee on Rules.	
09-29.	A.	Read a second time	355
09-29.	A.	Assembly substitute amendment 1 adopted	355
09-29.	A.	Ordered to a third reading	355
09-29.	A.	Rules suspended	355
09-29.	A.	Read a third time and passed	355
09-29.	A.	Ordered immediately messaged	355
09-30.	S.	Received from Assembly	277
09-30.	S.	Read first time and referred to committee on Judiciary and Consumer Affairs	277
2000			
03-27.	S.	Public hearing held.	

Text of Assembly Bill 185

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Vote Record

Senate - Committee on Judiciary and Consumer Affairs

Date: 3/27/2000

Moved by: _____

Seconded by: _____

Clearinghouse Rule: _____

AB: 185 SB: _____

Appointment: _____

AJR: _____ SJR: _____

Other: _____

AR: _____ SR: _____

A/S Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Sen. Gary George, Chair
Sen. Fred Risser
Sen. Alice Clausing
Sen. Joanne Huelsman
Sen. Gary Drzewiecki

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: May 6, 1999

TO: REPRESENTATIVE MICHAEL HUEBSCH, CHAIRPERSON, ASSEMBLY COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY

FROM: Don Dyke, Senior Staff Attorney

SUBJECT: Assembly Substitute Amendment ____ (LRBs0061/1) to 1999 Assembly Bill 185, Relating to the Controlled Substance Flunitrazepam and Providing Penalties

This memorandum, prepared at your request, summarizes the provisions of the above-captioned substitute amendment.

1999 Assembly Bill 185 places flunitrazepam into schedule I for purposes of ch. 961, Stats., the Uniform Controlled Substances Act. Currently, flunitrazepam is a schedule IV substance. [s. 961.20 (2) (ej), Stats.] Changing the status of flunitrazepam from schedule IV to schedule I has several consequences, such as:

1. Increasing maximum penalties under ch. 961 for the unlawful manufacture, distribution or delivery of flunitrazepam and for the unlawful possession of flunitrazepam with intent to manufacture, distribute or deliver.
2. Increasing certain minimum and enhanced penalties that apply to violations involving flunitrazepam under ch. 961, Stats.
3. Subjecting a person to prosecution for first-degree reckless homicide if he or she causes the death of another by the unlawful manufacture, distribution or delivery of flunitrazepam or by administering flunitrazepam. [s. 940.02 (2), Stats.]
4. Including flunitrazepam within the coverage of the tax on controlled substances ("drug tax stamp law"), subch. IV, ch. 139, Stats.

A. ASSEMBLY SUBSTITUTE AMENDMENT — (LRBs0061/1)

The substitute amendment does not revise the status of flunitrazepam from a schedule IV to a schedule I controlled substance; under the substitute amendment, flunitrazepam remains a schedule IV controlled substance. The substitute amendment does, however, generally treat flunitrazepam as a schedule I controlled substance, in the following ways:

1. Includes flunitrazepam within the coverage of the drug tax stamp law. [subch. IV, ch. 139, Stats.] See SECS. 1 through 8 of the substitute amendment. Note that the drug tax stamp law was held unconstitutional in *State v. Hall*, 207 Wis. 2d 54, 557 N.W.2d 778 (1997); however, the law remains in the statutes.

2. Subjects a person to conviction for first-degree reckless homicide if he or she causes the death of another by the unlawful manufacture, distribution or delivery of flunitrazepam or by administering flunitrazepam. [s. 940.02 (2), Stats.] See SECS. 10 through 12 of the substitute amendment. A person convicted of first-degree reckless homicide, a Class B felony, may be imprisoned for not more than 40 years; if the offense occurs on or after December 1, 1999, the maximum imprisonment period is 60 years.

3. Increases the maximum penalty for the unlawful manufacture, distribution or delivery of flunitrazepam. Currently, the maximum penalty is a fine of not more than \$10,000, imprisonment for not more than three years, or both; for offenses occurring on or after December 1, 1999, the maximum imprisonment period is four years and six months. [s. 961.41 (1) (i), Stats.] Under the substitute amendment, the maximum penalty for the unlawful manufacture, distribution or delivery of flunitrazepam is a fine of not more than \$15,000, imprisonment for not more than five years, or both; for offenses occurring on or after December 1, 1999, the maximum imprisonment period is seven years and six months. See SECS. 13 through 16 of the substitute amendment.

4. Increases the maximum penalty for possession with the intent to manufacture, distribute or deliver flunitrazepam. Currently, the maximum penalty is a fine of not more than \$10,000, imprisonment for not more than three years, or both; for offenses occurring on or after December 1, 1999, the maximum imprisonment period is four years and six months. [s. 961.41 (1m) (i), Stats.] Under the substitute amendment, the maximum penalty is a fine of not more than \$15,000, imprisonment for not more than five years, or both; for offenses occurring on or after December 1, 1999, the maximum imprisonment under the substitute amendment is seven years and six months. See SECS. 17 through 20 of the substitute amendment.

5. Increases the maximum penalty for the creation, manufacture, distribution, delivery or the possession with intent to distribute or deliver a counterfeit substance which is flunitrazepam. Currently, the maximum penalty is a fine of not more than \$10,000, imprisonment for not more than three years, or both; for offenses occurring on or after December 31, 1999, the maximum imprisonment period is four years and six months. [s. 961.41 (2) (c), Stats.] Under the substitute amendment, the maximum penalty is a fine of not more than \$15,000, imprisonment for not more than five years, or both; for offenses occurring on or after December 31, 1999, the maximum imprisonment period is seven years and six months. See SECS. 21 through 24 of the substitute amendment.

6. Includes flunitrazepam in the statutory provision that doubles any applicable minimum and maximum fines and minimum and maximum periods of imprisonment if a person 17 years of age or older distributes or delivers specified controlled substances (including, under the substitute amendment, flunitrazepam) to a person 17 years of age or younger who is at least three years younger than the person distributing or delivering the substance. [s. 961.46 (3), Stats.] See SEC. 25 of the substitute amendment. (Under the original bill, flunitrazepam, as a schedule I controlled substance, would be covered not by s. 961.46 (3), Stats., but by s. 961.46 (2), Stats., which doubles the maximum imprisonment term for delivering or distributing certain controlled substances by persons 17 or older to persons 17 or younger when there is at least a three-year age difference.)

7. Includes flunitrazepam within the coverage of s. 961.49 (2), Stats., which provides a minimum imprisonment period of three years for the unlawful delivery or distribution or the unlawful possession with intent to deliver or distribute schedule I or schedule II controlled substances while in specified proximity to specified places, such as housing projects, parks and schools. See SEC. 26 of the substitute amendment.

8. Includes flunitrazepam within the coverage of s. 961.492, Stats., which allows the maximum period of imprisonment to be increased by not more than five years for knowingly using a public transit vehicle while distributing or delivering or while possessing with intent to distribute or deliver schedule I or schedule II controlled substances. See SEC. 27 of the substitute amendment. (Under the original bill, flunitrazepam was excluded from the coverage of this provision.)

9. Includes flunitrazepam within the coverage of ss. 938.34 (14t) and 961.495, Stats., which require a court to impose 100 hours of community service work for a public agency or nonprofit charitable organization in the case of an adult, and 100 hours in a supervised work program or other community service work in the case of a juvenile, for possessing or attempting to possess a schedule I or schedule II controlled substance while in specified proximity to specified places, such as housing projects, parks and schools. See SECS. 9 and 28 of the substitute amendment.

10. Provides that flunitrazepam that is possessed, transferred, sold, offered for sale or attempted to be possessed in violation of ch. 961, Stats., is contraband and is required to be seized and summarily forfeited to the state, as are schedule I controlled substances under current s. 961.55 (6), Stats. Further, flunitrazepam that is seized or comes into the possession of the state, the owner of which is unknown, is contraband and is required to be summarily forfeited to the state, as are schedule I controlled substances under current s. 961.55 (6), Stats. See SEC. 29 of the substitute amendment.

Note that the current penalty for possession or attempted possession of flunitrazepam was increased by 1997 Wisconsin Act 220 to a maximum fine of not more than \$5,000, maximum imprisonment of not more than two years, or both. [s. 961.41 (3g) (f), Stats.]

If you have any questions or need additional information, contact me at the Legislative Council Staff offices.



Wisconsin Coalition Against Sexual Assault

Testimony on Assembly Bill 185
Senate Committee on Judiciary and Consumer Affairs

March 27, 2000

The Wisconsin Coalition Against Sexual Assault is a statewide coalition of over 170 organizations, agencies, and individuals working to end sexual violence, including 36 Sexual Assault Service Providers from around the state of Wisconsin. We would like to thank the committee for holding a hearing on this bill and the resultant attention it brings to the issue of sexual assault. We would like to testify for information only.

WCASA is keenly aware of how the illegal use of this drug and others like it can have devastating effects on victims of sexual assault. Members of the committee may be aware that flunitrazepam, also known as its trade name, "Rohypnol," or its media term, "the Date Rape drug," has been identified nationwide in a number of sexual assault cases as a drug used by perpetrators to incapacitate their victims during a rape. This drug, like similar drugs that are becoming available, are often mixed with alcohol, and depending on the dosage, can cause a person to suffer a blackout and lose consciousness. Often, as a result of this drug and others like it, victims awaken after being assaulted with little or no memory of the incident, but may find themselves in a strange place and physically feel the effects of a sexual assault. The psychological effects of helplessness and confusion, among others, follow victims for the rest of their lives.

Because these kinds of drugs are quickly metabolized and disappear from the victim's system within a relatively short time of ingestion, it is very difficult to track the number of actual cases of rape using "date rape" drugs.

Unfortunately, flunitrazepam is not the only drug or method of incapacitation used in rapes. In the last legislative session, Wisconsin Act 220 was passed which criminalized the use of controlled substances in committing a sexual assault. We feel that Act 220 was a good start since it focused on the

victim's consciousness and the perpetrator's awareness of the victim's condition. Sadly, the final act omitted alcohol, which is the drug most often used in date rape situations.

The Wisconsin Coalition Against Sexual Assault's interest in this legislation is to prevent the use of any drug, alcohol, or substance used as a tool to incapacitate a victim's awareness and ability to consent to a sexual encounter. Our concern is that focusing specific attention on the rescheduling of one drug will draw attention away from the broader perspective of the issue. Unfortunately, other drugs, such as GHB, continue to pop up and are even more readily available on the street and on the internet and would require further legislative attention if addressed individually.

Again, we applaud the committee's attention to this bill and the issue of sexual assault and hope that we can continue to be a source of information to you.

Rohypnol (Flunitrazepam) Information Sheet

Although not a new phenomenon, concern over substance-related rape is rapidly increasing as perpetrators find more severe and dangerous means to sedate victims. The common use of alcohol as a sedative is being combined with and even replaced by illicit use of the drug Rohypnol (ro-hip-nol). Rohypnol is manufactured abroad and sold illegally in the United States. It is intended to curb severe and debilitating sleep disorders, but its sedative effects have been felt by victims of rape; consequently giving rise to the familiarity of Rohypnol as the "date rape" drug.

How is Rohypnol used as a prelude to rape? What are the symptoms of Rohypnol?

The most common scenario of reported cases in which Rohypnol is used to facilitate rape is that in which a perpetrator laces a victim's drink with a tablet of Rohypnol. The initial pharmacologic effects of Rohypnol appear 15-30 minutes after intake and include impaired memory and judgement, drowsiness, loss of fine motor skills, dizziness, and confusion. The victim may feel intoxicated. Eventually the victim may lose consciousness thus becoming vulnerable to attack. The effects reach their peak within 1 to 2 hours after intake and continue for an average of 8 to 10 hours. At higher doses and when combined with other drugs the effects may persist for 24 hours. Higher doses of Rohypnol may induce amnesia. Alcohol and other drugs work synergistically with Rohypnol, thus enhancing the effects.

Facts about Rohypnol

Manufactured by the pharmaceutical company Hoffmann-La Roche Inc., Rohypnol is the brand name for the drug flunitrazepam. It belongs to a class of drugs known as benzodiazepines, which include widely used medications such as Valium, Librium, and Xanax. The sedative effects of Rohypnol are 7-10 times greater than that of Valium.

Rohypnol is available in round white tablets that are slightly smaller than an aspirin. It is available in 1mg and 2mg doses; however, the 2 mg dose is currently being removed from worldwide markets. One side of the tablet contains the name "Roche" and an encircled 1 or 2 while the reverse side is marked with either a cross or single horizontal groove. Common street names for the drug include roachies, la rocha, rope, roofies, ruffies, Mexican valium, rib, R-2 and Roach-2.

How do people get Rohypnol?

While Rohypnol is illegal in the United States, it is approved for prescription use in 64 countries. It is an inexpensive drug usually available for less than \$5 per tablet. The most common forms of smuggling into the U.S. are through the postal service, delivery services, and by individuals. Reported use of Rohypnol has been more common in Florida and Texas, but its use throughout the U.S. is increasing. WCASA has received reports from students in Wisconsin who state that Rohypnol is available on their campuses.

If you suspect you have been drugged and/or sexually assaulted

Individuals who suspect they have been assaulted and/or drugged with Rohypnol (or any other substance) may choose to contact their local rape crisis center or law enforcement agency for drug testing and information on available resources. Most substances can be detected through appropriate drug testing. The findings of such tests can provide valuable evidence in a court of law if the rape survivor chooses to prosecute the case.

Rohypnol can be found in urine for up to 72 hours after ingestion. Samples taken closer to the time of ingestion increase the likelihood of detecting the drug. The urine test for Rohypnol will also test for the presence of other benzodiazepines, as well as for marijuana, cocaine and some opiates and barbiturates. Individuals should also save the glass/beverage the drug was dissolved in for testing.

For more information contact your local rape crisis center, the Wisconsin Coalition Against Sexual Assault or your local law enforcement agency. Hoffmann-La Roche also has a toll free information line (1-800-720-1076) that provides general information on Rohypnol.

SEXUAL VIOLENCE AND SUBSTANCE ABUSE

Sexual violence is any act (verbal and/or physical) which breaks a person's trust and/or safety and is sexual in nature. The term "sexual violence" includes: rape, incest, child sexual assault, marital rape, sexual harassment, exposure, and voyeurism. Substance abuse refers to the overuse/abuse of substances such as: alcohol, drugs, prescription medication, and food.

There are many connections between sexual assault and substance abuse. Although there are many causes of rape, at the societal and individual levels, alcohol may be a contributing factor in its occurrence. In many sexual assaults the perpetrator and/or victim may be using/abusing alcohol or drugs prior to the assault. For the perpetrator, being under the influence may remove both physical and psychological inhibitors which keep people from acting out violently. They may also use the alcohol or drugs as an excuse for criminal behavior. The use of alcohol and drugs also makes it much more difficult for the victim to stay away from dangerous situations and to problem-solve a way out of an assault. Many sexual assault perpetrators have admitted to feeding alcohol or drugs to their victims.

Being under the influence of alcohol and/or drugs is not an excuse for perpetrating sexual violence. It does not give someone a right to hurt other people. Victims who were under the influence of substances at the time of the assault are not responsible for the perpetrators' actions.

Many studies also document the high percentage of people who abuse substances who are victims/survivors of sexual violence. Many of these people report that drugs and alcohol helped them to "numb out" and push away the awful memories of sexual violence. Many of these survivors are not able to stay clean and sober until they have dealt with the sexual abuse issues.

HERE ARE THE FACTS:

- 26% of the men who acknowledged committing sexual assault on a date reported being intoxicated at the time of the assault. Another 29% reported being "mildly buzzed," for a total of 55% who were admittedly under the influence of alcohol. In the same study, 21% of the college women who experienced sexual aggression on a date were intoxicated at the time of the assault. Another 32% reported being "mildly buzzed," for a total of 53% who were under the influence of alcohol ("Date Rape and Sexual Aggression in Dating Situations: Incidence and Risk Factors," Charlene Muehlenhard and Melanie Linton, *Journal of Counseling Psychology*, vol.34, no.2, 1987).
- 75% of men and 55% of women involved in acquaintance rapes reported using alcohol or other drugs prior to the incident (*I Never Called It Rape*, Robin Warshaw, NY: Harper & Row, 1988).
- Author Peggy Reeves Sanday, in her book *Fraternity Gang Rape*, provides a link between alcohol use, peer support, rape myths, and sexual aggression on campus. She argues that alcohol is a tool that men in fraternities are taught to use to "work a yes out" of unwilling women (New York University Press, 1990).
- Rape survivors are 3.4 times more likely than non-survivors to use marijuana, 6 times more likely to use cocaine, and 10 times more likely to use other hard drugs. Rape survivors are 5.3 times more likely than non-survivors to use prescription drugs for non-medical purposes (*Rape in America: Report to the Nation*, Crime Victims Research and Treatment Center, National Victim Center, 1992).
- The use of a "date rape drug" is on the rise. The drug is Rohypnol. It is a very potent tranquilizer which produces a sedative effect, amnesia, muscle relaxation, and a slowing of psychomotor responses. Sedation occurs 20-30 minutes after administration and lasts for several hours. The drug has been added to drinks at fraternity parties and college social gatherings, causing women to pass out and not remember what has occurred. As a result, many women are sexually assaulted and have no recollection (Emergency Net News, <http://www.emergency.com/roofies.htm>, 1996).
- One study presented in the June 9, 1994 Duke University paper *The Chronicle* found that 90% of all campus rapes occurred when the victim, the assailant, or both, were using alcohol (conducted by the Commission on Substance Abuse at Colleges and Universities of the Center on Addiction and Substance Abuse at Columbia University, in *Sexual Etiquette 101...and More*, Robert A. Hatcher, et al., GA: Bridging the Gap Communications, 1995).
- A 1995 UW-Madison study found that alcohol use predicted sexual violation (respondents who drank more experienced more incidents of sexual violation). Strong associations were observed between both respondents' and violators' use of alcohol prior to an incident of sexual violation; 69.4% of respondents reported that they had been drinking prior to the incident of sexual violation, and 74.3% of respondents reported that the individuals who violated them had been drinking prior to the incident (Executive Summary of Sexual Violations Study, Laurel Crown and Linda Roberts, 1995).

Drug-facilitated Sexual Assault

by Gail Hutchison, sexual assault services coordinator

Alcohol is the most readily available mind-altering substance used in the United States. It is also the most frequently used substance involved in cases of sexual assault. Many studies find that over 50% of perpetrators used alcohol before they raped and 33% of survivors have alcohol in their system at the time they were raped. However, the reporting of drug-facilitated sexual assault is becoming more commonplace. Two drugs in particular that have been in the spotlight are Rohypnol (chemical name-flunitrazepam) and GHB (chemical name- gamma hydroxybutyrate). Some alcohol and drug abusers use these drugs illicitly. Rohypnol, for instance, is used by those who want to enhance the feeling of drunkenness. Both are used to extend the effects of heroin, or to diminish the after-effects of crack or cocaine.

Rohypnol is manufactured by Hoffman-LaRoche, and is not approved for use in the United States. Rohypnol is used in 80 countries in the treatment of severe insomnia and is approved for use as a pre-operative sedative. It is ten times more powerful than Valium. In order to contain smuggling and stop the use of Rohypnol in sexual assaults, the company has stopped manufacturing the 2mg tablet and has stopped direct sales to pharmacies in Mexico, which has been a major source for illegal possession by U.S. citizens. Rohypnol is now formulated in only 5 countries. Since 1996 it has been illegal to import or possess Rohypnol in this country and it is currently a Schedule IV controlled substance.

The appearance of the pill previously was a round, white tablet. Hoffmann-LaRoche now manufactures Rohypnol as an oval, green pill that dissolves slowly, releases a blue dye and leaves a residue. The effects begin within 15 minutes of ingestion, peak within 1 hour and may last for up to 8 hours, depending on the amount taken. Some of the side effects are similar to alcohol: drowsiness, disorientation and nausea. Other symptoms could also be a lack of muscle coordination, impaired judgement and partial or no memory of the last 8 hours. Street names: Roofies, La Rocha, Rope, Mind eraser, and Mexican Valium.

GHB is used as an anesthetic in Europe and is currently being studied for the treatment of narcolepsy. It is a colorless, odorless substance that is made predominantly in homemade basement laboratories, in pill, powder and most commonly a liquid form. It often has a salty taste when ingested. It is illegal to manufacture or distribute, but not illegal to possess or use. GHB is not a scheduled substance at this time. In liquid form, as little as a teaspoon of GHB mixed into a drink can cause a loss of consciousness. The effects

begin within five to twenty minutes and can cause the appearance of severe drunkenness. It does not produce the same muscle paralysis and memory loss as Rohypnol, but can cause unconsciousness and memory impairment. Side effects include short-term disruption in brain chemistry, and nausea and vomiting. GHB also can also depress respiration and may induce a coma. Street names: Grievous Bodily Harm, Liquid X, and Liquid Ecstasy

A third, lesser-known, drug being used is called Ketamine. It is used as a general anesthetic in veterinary medicine. It is not a scheduled drug. It is usually in the form of a liquid, but sometimes is a powder, when not in a pharmaceutical form. The effects are similar to Rohypnol and GHB. Street name: Special K.

In response to drug-facilitated sexual assaults, Congress passed on October 13, 1996 the Drug-Induced Rape Prevention and Punishment Act. The law enacts harsher penalties for the distribution of a controlled substance to an individual without the individual's knowledge or consent, and with the intent to commit a crime of violence, including rape. The law also imposed a penalty (up to 20 years) for the distribution and importation of 1 gram or more of Rohypnol. This does not cover GHB or Ketamine, because they are not considered controlled substances. As of March 5, 1996 the US Customs Services began seizing all quantities of Rohypnol and because of that, availability has dropped off considerably.

Since June of 1996 a urine test has been available, free of charge, to those who think they may have been assaulted through use of a drug. The test is funded by Hoffmann LaRoche, and is conducted independently by ElSohly Laboratory. The test is confidential and the identity of the individual is never disclosed, even to the lab. Test results are sent directly back to the submitting agency. Samples are reliable up to 72 hours after ingestion and should be kept refrigerated or frozen until arrangements are made to ship it. Frozen samples are good for up to a year. Sample collection should be done by law enforcement or hospital personnel in tandem with evidence collection protocols. The telephone number for ElSohly laboratory is 800-608-6540. It is important to let the victim know that the test will reveal all drugs that are present in his/her system.

The results of tests of 1237 samples given to the ElSohly Lab between June 1996 and July 1998 from rape survivors who felt that they may have been drugged revealed that alcohol is the most frequently identified substance. Almost 40% of the positive samples contained multiple substances. Rohypnol and GHB only showed up in a small proportion of samples.





United Council

of University of Wisconsin Students, Inc.

122 State Street, Suite 500, Madison, WI 53703 Phone: (608) 263-3422 Fax: (608) 265-4070

Testimony of

Sunshine Hedlund, Women's Issues Director

on

AB 185 The Controlled Substance Flunitrazepam

March 27, 2000

Chair George, members of the committee, I want to thank you for the opportunity to speak with you today. My name is Sunshine Hedlund and I am the Women's Issues Director for the United Council of University of Wisconsin Students. United Council represents approximately 140,000 students on 24 UW campuses.

I am here today to speak in favor of Assembly Bill 185. This bill strengthens the law's role as a deterrent of illegal activity by increasing the penalties associated with possessing, manufacturing, distributing, and delivering Flunitrazepam. In addition to Flunitrazepam's use as a self-induced recreational drug, it is also used to assist attackers in committing sexual assaults.

The most common example of Flunitrazepam being used in a rape is when an attacker puts it in a victim's drink without their knowledge. Since the drug lacks color, odor, and taste and dissolves quickly, a victim can ingest it unknowingly. The initial effects of Flunitrazepam appear within a half hour after inducing the drug. The effects include impaired memory and judgement, drowsiness, loss of fine motor skills, dizziness, the feeling of being intoxicated and confusion. Eventually the victim may lose consciousness thus becoming vulnerable to sexual assault. The effects reach their peak within one to two hours after intake and continue for an average of eight to ten hours. Higher doses of the drug may induce amnesia.

According to statistics, a majority of sexual assaults occur while both the victim and the attacker are under the influence of alcohol. It is also known that 84% of sexual assault victims are attacked by someone they know. These circumstances, especially on university campuses, make it easy for an acquaintance attacker to tamper with a victim's drink. This bill would strengthen the law to serve as a strong deterrent to people who would take advantage of the convenience of date rape drugs.

Passing this bill is also especially important in light of the lack of sexual assault prosecutions that occur. Victims of sexual assault are often reluctant to identify themselves as rape victims and report the incident because they have been socialized to think the rape was their fault, and because historically it has been very difficult to convict people accused of rape. Victims of drug-assisted sexual assaults have the added burden of not remembering the details of the assault or even worse, not even knowing whether a sexual assault occurred. Due to all of these factors that make reporting sexual assaults difficult, only a small fraction of the assaults that do occur actually get reported and prosecuted. Since there is no way to ensure that all those guilty of sexual assault are convicted under the legal system, we must ensure that the punishment for those

that are convicted is great.

The more severe punishments provided by this bill are also supported by students. Students recognize that the physical violations of a sexual assault are not the only violations that occur. When a perpetrator uses a date rape drug, such as Flunitrazepam, he completely takes away the victim's right to make a decision. He takes away her right to consent and agree to sexual intercourse. He takes away her right to refuse sexual intercourse and leave the situation. He completely removes her right to physically resist, struggle, yell, or fight back if he sexually assaults her. It is for the violations of a victim's rights and the actual sexual assault that the punishments should be strict.

Students encourage you to support Assembly Bill 185. The increased penalties for possessing, manufacturing, distributing, and delivering Flunitrazepam are necessary if the law is to serve as a greater deterrent to drug-assisted sexual assaults and provide enhanced punishments for those convicted of using the date rape drug. I urge you to vote for this bill today and on the Senate floor. Thank you.



State of Wisconsin DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Dan/Gary

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March 31, 1999

THE HONORABLE MICHAEL HUEBSCH
P.O. BOX 8952
MADISON WI 53708-8952

*as you can see both
The WI Controlled Substances
Board and The D.E.A. agree
that Rep. Huebsch Bill AB185
is not needed.*

RE: 1999 Assembly Bill 185

Dear Representative Hucbsch:

The Wisconsin Controlled Substances Board has reviewed 1999 Assembly Bill 185 and voted at their meeting on March 31, 1999 to go on record in opposition to AB 185 as introduced.

The Board is in support of the changes in the penalties as proposed in this bill, but concurs with the United States Drug Enforcement Administration that there does not appear to be sufficient grounds to reschedule Flunitrazepam as a Schedule I substance pursuant to the administrative process as set forth in the federal requirements for the scheduling of a drug.

It is the Boards hope that you will amend this bill to not make those changes.

If you have any questions please feel free to contact us.

Sincerely,

Cynthia Benning, R.Ph.

Cynthia Benning, R.Ph.
Chair *PDB*
Wisconsin Controlled Substances Board

CC: Members-Assembly Committee on Judiciary and Personal Privacy Committee
Assembly and Senate Sponsors
Secretary Cummings

CB/pdb
R:AUTOTEXT\INV9.DOC

State of Wisconsin



GARY R. GEORGE
SENATOR

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk
Senate Committee on Judiciary and Consumer Affairs

RE: Paper Ballot on Bills That Have Previously Received a Public Hearing in the
Senate Committee on Judiciary and Consumer Affairs and on Which There
Appears to be a Consensus In Favor

DATE: March 28, 2000

Attached please find paper ballots for two bills that have previously received a public hearing in the Senate Committee on Judiciary and Consumer Affairs. Included are: AB 689 (Interference with the custody of a child) and AB 846 (Payment of judgments in traffic cases and in municipal court and suspension of operating privileges).

A paper ballot on AB 185 will be circulated later this morning or early this afternoon.

Note: Please return the attached paper ballots by noon today -- Tuesday, March 28, 2000.

Judiciary Committee Hearing/Exec. Session -- March 27, 2000

Recommendations:

1. Take Executive Action on AB 497, AB 174 before the hearing starts so I can begin the paperwork. (These two bills are going to be amended so they need to go back to the Assembly.)
2. Hold public hearing on SB 491 (police technology) next.
3. Take Executive Action on SB 491 so I can begin the paper work.
4. Hold the hearing on the appointments (It is my understanding that only Roberta Harris will be able to appear today)
5. Hold the hearing on the bills.

All the other bills not listed in #1 and #2 do not need to be rushed. They are not going to be amended so they can go on Wednesday's calendar.

***Pat Essie has asked that we not take Executive Action on AB 185.

***The Municipal Judges Association opposes AB 846 but will not be able send anyone to testify.

5/21/00

STATE OF WISCONSIN
DEPARTMENT OF REGULATION & LICENSING

P.O. Box 8935

Madison, WI 53708

FYI - Sen. George, Chair + Don R.

~~HERE IS THE MATERIAL YOU~~

~~RECENTLY REQUESTED.~~

PLEASE CALL IF WE CAN

ASSIST FURTHER. *Thanks*



Marya Sheldon, Executive Asst.

(608) 266-~~2112~~
8608

AB 185**JOINT FINANCE EXEC SESSION NOTICE – 8:45 A.M., TUESDAY, MARCH 28.**

- AB-175. Requires PFDs be worn by certain underaged persons in certain boats.
AB-533. Faith-based approaches to crime prevention.
AB-572. Sales/use tax on tips and gratuities.
AB-629. Loan program for teachers and orientation and mobility instructors of visually impaired pupils.
AB-690. Grants for preservation of historic property.
AB-709. Regulation of athletic agents.
AB-718. Payments to ethanol producers.
AB-721. Additional assistant district attorney positions.
AB-731. Child abuse and neglect prevention.
SB-307. Irrevocable burial trusts.
SB-315. Child abuse and neglect prevention.
SB-362. Fiscal estimates for bills with criminal penalty provisions.
SB-378. Payments to ethanol producers.
SB-442. Local cultural arts district.
SB-443. Funding for repair of dame in Cazenovia.

Attn: Sen. Gary George, Chair
 Dan Rossmiller, Committee
 Clerk

SENATE HEARING NOTICE*** Judiciary, 3:15 pm, Mon, Mar 27, 201-SE. (AMENDED)**

The following appointments to the Public Defender Board: Harry Hertel, Roberta Harris, James Rogers, Daniel Berkos, Bob Morris, John Hogan.

- SB-491. Grants for innovative police technology.
AB-704. Possession/disposal of waste created by illegal manufacture of meth.
 * AB-185. Date rape drugs.
AB-689. Interference with custody of a child.
AB-846. Payment of judgments in traffic cases; municipal courts.
 (An exec will be held on AB-497.)

Economic Development, 8:30 am, Tue, Mar 28, 300-SE.

- AB-841. Duration of designation of area as development zone.
AB-872. Comprehensive plans.
AB-545. Leave of absence for state employes donating bone marrow, human organ donors.
SB-373. Ownership of a municipal theater in Milwaukee.
SJR-37. Urges US Senate to ratify UN Convention on Elimination of All Forms of Discrimination against Women.
AB-177. Razing of historic building after preparation of historic record.
 (An exec will be held on the above and AB-531)

ASSEMBLY HEARING NOTICE (AMENDED)**Utilities, 8 am, Tue, Mar 28, 328-NW.**

- AB-927. License fees based on sale of wholesale electricity.
 LRB-4827. Transmission company duties, nitrogen oxide emissions standards, etc.
 (An exec may be held on the above)

NEWS RELEASES

- Rep. Stone. Assembly approves bill eliminating use of discovery in OWI refusal hearings.
Rep. Stone. Attempt to move Midwest Express bill forward in Assembly stalled.
Governor. Planning grants spur child care center development.
Governor. Minority businesses receive planning funds.
WI Fire Chief's Assn. Rally for volunteer firefighters and EMTs.