

ASSEMBLY BILL 3

1 **SECTION 463.** 943.25 (1) of the statutes is amended to read:

2 943.25 (1) Whoever, with intent to defraud, conveys real property which he or
3 she knows is encumbered, without informing the grantee of the existence of the
4 encumbrance is guilty of a Class ~~E~~ I felony.

5 **SECTION 464.** 943.25 (2) (intro.) of the statutes is amended to read:

6 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
7 is guilty of a Class ~~E~~ I felony:

8 **SECTION 465.** 943.26 (2) of the statutes is amended to read:

9 943.26 (2) If the security is impaired by more than \$1,000, the mortgagor or
10 vendee is guilty of a Class ~~E~~ I felony.

11 **SECTION 466.** 943.27 of the statutes is amended to read:

12 **943.27 Possession of records of certain usurious loans.** Any person who
13 knowingly possesses any writing representing or constituting a record of a charge of,
14 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
15 upon \$100 for one year computed upon the declining principal balance of the loan,
16 use or forbearance of money, goods or things in action or upon the loan, use or sale
17 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
18 ~~E~~ I felony.

19 **SECTION 467.** 943.28 (2) of the statutes is amended to read:

20 943.28 (2) Whoever makes any extortionate extension of credit, or conspires to
21 do so, if one or more of the parties to the conspiracy does an act to effect its object,
22 is guilty of a Class ~~C~~ F felony.

23 **SECTION 468.** 943.28 (3) of the statutes is amended to read:

24 943.28 (3) Whoever advances money or property, whether as a gift, as a loan,
25 as an investment, pursuant to a partnership or profit-sharing agreement, or

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1 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
2 Class C F felony.

3 **SECTION 469.** 943.28 (4) of the statutes is amended to read:

4 943.28 (4) Whoever knowingly participates in any way in the use of any
5 extortionate means to collect or attempt to collect any extension of credit, or to punish
6 any person for the nonrepayment thereof, is guilty of a Class C F felony.

7 **SECTION 470.** 943.30 (1) of the statutes is amended to read:

8 943.30 (1) Whoever, either verbally or by any written or printed
9 communication, maliciously threatens to accuse or accuses another of any crime or
10 offense, or threatens or commits any injury to the person, property, business,
11 profession, calling or trade, or the profits and income of any business, profession,
12 calling or trade of another, with intent thereby to extort money or any pecuniary
13 advantage whatever, or with intent to compel the person so threatened to do any act
14 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

15 **SECTION 471.** 943.30 (2) of the statutes is amended to read:

16 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
17 commerce or business or the movement of any article or commodity in commerce or
18 business is guilty of a Class D H felony.

19 **SECTION 472.** 943.30 (3) of the statutes is amended to read:

20 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
21 grand juror, in the performance of his or her functions as such, is guilty of a Class D
22 H felony.

23 **SECTION 473.** 943.30 (4) of the statutes is amended to read:

24 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
25 action of any public officer is guilty of a Class D H felony.

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1 **SECTION 474.** 943.30 (5) (b) of the statutes is amended to read:

2 943.30 (5) (b) Whoever, orally or by any written or printed communication,
3 maliciously uses, or threatens to use, the patient health care records of another
4 person, with intent thereby to extort money or any pecuniary advantage, or with
5 intent to compel the person so threatened to do any act against the person's will or
6 omit to do any lawful act, is guilty of a Class ~~D~~ H felony.

7 **SECTION 475.** 943.31 of the statutes is amended to read:

8 **943.31 Threats to communicate derogatory information.** Whoever
9 threatens to communicate to anyone information, whether true or false, which would
10 injure the reputation of the threatened person or another unless the threatened
11 person transfers property to a person known not to be entitled to it is guilty of a Class
12 E I felony.

13 **SECTION 476.** 943.32 (1) (intro.) of the statutes is amended to read:

14 943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person
15 or presence of the owner by either of the following means is guilty of a Class C E
16 felony:

17 **SECTION 477.** 943.32 (2) of the statutes is amended to read:

18 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
19 weapon, a device or container described under s. 941.26 (4) (a) or any article used or
20 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
21 weapon or such a device or container is guilty of a Class B C felony.

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22 ~~**SECTION 478.** 943.34 (1) (b) of the statutes is amended to read:~~

23 ~~943.34 (1) (b) A Class E I felony, if the value of the property exceeds \$1,000 but
24 does not more than \$2,500 exceed \$5,000.~~

25 **SECTION 479.** 943.34 (1) (bm) of the statutes is created to read:

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1 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
2 does not exceed \$10,000.

3 SECTION 480. 943.34 (1) (c) of the statutes is amended to read:

4 943.34 (1) (c) A Class C G felony, if the value of the property exceeds \$2,500
5 \$10,000.

6 SECTION 481. 943.38 (1) (intro.) of the statutes is amended to read:

7 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
8 writing or object of any of the following kinds so that it purports to have been made
9 by another, or at another time, or with different provisions, or by authority of one who
10 did not give such authority, is guilty of a Class C H felony:

11 SECTION 482. 943.38 (2) of the statutes is amended to read:

12 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
13 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have
14 been thus falsely made or altered, is guilty of a Class C H felony.

15 SECTION 483. 943.39 (intro.) of the statutes is amended to read:

16 943.39 **Fraudulent writings.** (intro.) Whoever, with intent to injure or

✓
LVS 129-17 → defraud, does any of the following is guilty of a Class D H felony:
18 SECTION 484. 943.395 (2) (b) of the statutes is amended to read: *as affected by 2001 Wisconsin Act 16,*

19 943.395 (2) (b) Is guilty of a Class E I felony if the value of the claim or benefit

20 exceeds ~~\$1,000~~ ~~\$2,500~~ \$1,000
strike *score*

21 SECTION 485. 943.40 (intro.) of the statutes is amended to read:

22 943.40 **Fraudulent destruction of certain writings.** (intro.) Whoever with

23 intent to defraud does either of the following is guilty of a Class D H felony:

24 SECTION 486. 943.41 (8) (b) of the statutes is amended to read:

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1 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
2 or (6m) is guilty of a Class ~~E~~ I felony.

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3 SECTION 487. 943.41 (8) (c) of the statutes is amended to read:

4 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
5 if the value of the money, goods, services or property illegally obtained does not
6 exceed \$1,000 is guilty of a Class A misdemeanor; if the value of the money, goods,
7 services or property exceeds \$1,000 but does not exceed ~~\$2,500~~ \$5,000, in a single
8 transaction or in separate transactions within a period not exceeding 6 months, the
9 person is guilty of a Class ~~E~~ I felony; ~~if the value of the money, goods, services, or~~
10 ~~property exceeds \$5,000 but does not exceed \$10,000, in a single transaction or in~~
11 ~~separate transactions within a period not exceeding 6 months, the person is guilty~~
12 ~~of a Class H felony; or if the value of the money, goods, services or property exceeds~~
13 ~~\$2,500 \$10,000, in a single transaction or in separate transactions within a period~~
14 ~~not exceeding 6 months, the person is guilty of a Class ~~C~~ G felony.~~

15 SECTION 488. 943.45 (3) (c) of the statutes is amended to read:

16 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
17 for direct or indirect commercial advantage or private financial gain is guilty of a
18 Class ~~E~~ felony A misdemeanor.

19 SECTION 489. 943.45 (3) (d) of the statutes is amended to read:

20 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
21 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
22 ~~D~~ I felony.

23 SECTION 490. 943.455 (4) (c) of the statutes is amended to read:

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1 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
2 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
3 of a Class ~~E~~ felony A misdemeanor.

4 **SECTION 491.** 943.455 (4) (d) of the statutes is amended to read:

5 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
6 commercial advantage or private financial gain as a 2nd or subsequent offense is
7 guilty of a Class ~~D~~ I felony.

8 **SECTION 492.** 943.46 (4) (c) of the statutes is amended to read:

9 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
10 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
11 of a Class ~~E~~ felony A misdemeanor.

12 **SECTION 493.** 943.46 (4) (d) of the statutes is amended to read:

13 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
14 commercial advantage or private financial gain as a 2nd or subsequent offense is
15 guilty of a Class ~~D~~ I felony.

16 **SECTION 494.** 943.47 (3) (c) of the statutes is amended to read:

17 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
18 for direct or indirect commercial advantage or private financial gain is guilty of a
19 Class ~~E~~ felony A misdemeanor.

20 **SECTION 495.** 943.47 (3) (d) of the statutes is amended to read:

21 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
22 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
23 ~~D~~ I felony.

24 **SECTION 496.** 943.49 (2) (b) 2. of the statutes is amended to read:

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1 943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class D I felony if
2 the violation occurs after the person has been convicted under this subsection.

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~~3 SECTION 497. 943.50 (4) (b) of the statutes is amended to read:
4 943.50 (4) (b) A Class E I felony, if the value of the merchandise exceeds \$1,000
5 but does not ~~\$2,500~~ exceed \$5,000.~~

6 SECTION 498. 943.50 (4) (bm) of the statutes is created to read:
7 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
8 but does not exceed \$10,000.

9 SECTION 499. 943.50 (4) (c) of the statutes is amended to read:
10 943.50 (4) (c) A Class C G felony, if the value of the merchandise exceeds \$2,500
11 \$10,000.

12 SECTION 500. 943.60 (1) of the statutes is amended to read:
13 943.60 (1) Any person who submits for filing, entering or recording any lien,
14 claim of lien, lis pendens, writ of attachment, financing statement or any other
15 instrument relating to a security interest in or title to real or personal property, and
16 who knows or should have known that the contents or any part of the contents of the
17 instrument are false, a sham or frivolous, is guilty of a Class D H felony.

INS 132-17

~~18 SECTION 501. 943.61 (5) (b) of the statutes is amended to read:
19 943.61 (5) (b) A Class E I felony, if the value of the library materials exceeds
20 \$1,000 but does not exceed \$2,500.~~

21 SECTION 502. 943.61 (5) (c) of the statutes is amended to read:
22 943.61 (5) (c) A Class C H felony, if the value of the library materials exceeds
23 \$2,500.

INS 132-23

24 SECTION 503. 943.62 (4) (b) of the statutes is amended to read:

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1 943.62 (4) (b) A Class E I felony, if the value of the advance payment or required
2 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

3 SECTION 504. 943.62 (4) (c) of the statutes is amended to read:

4 943.62 (4) (c) A Class C F felony, if the value of the advance payment or required
5 refund, as applicable, exceeds \$2,500.

6 SECTION 505. 943.70 (2) (b) 2. of the statutes is amended to read:

7 943.70 (2) (b) 2. A Class E I felony if the offense is committed to defraud or to
8 obtain property. *repealed.*

9 *Fix Component* SECTION 506. 943.70 (2) (b) 3. of the statutes is amended to read:

10 943.70 (2) (b) 3. A Class ~~E I~~ *offense results in* felony if the damage is *greater than* \$2,500 or if
11 it causes an interruption or impairment of governmental operations or public
12 communication, of transportation or of a supply of water, gas or other public service.

INS
133/12

13 SECTION 507. 943.70 (2) (b) 4. of the statutes is amended to read:

14 943.70 (2) (b) 4. A Class C F felony if the offense creates a substantial and
15 unreasonable risk of death or great bodily harm to another.

16 SECTION 508. 943.70 (3) (b) 2. of the statutes is amended to read:

17 943.70 (3) (b) 2. A Class E I felony if the offense is committed to defraud or
18 obtain property.

19 SECTION 509. 943.70 (3) (b) 3. of the statutes is amended to read:

20 943.70 (3) (b) 3. A Class D H felony if the damage to the computer, computer
21 system, computer network, equipment or supplies is greater than \$2,500.

22 SECTION 510. 943.70 (3) (b) 4. of the statutes is amended to read:

23 943.70 (3) (b) 4. A Class C F felony if the offense creates a substantial and
24 unreasonable risk of death or great bodily harm to another.

25 SECTION 511. 943.75 (2) of the statutes is amended to read:

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1 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
2 for companionship or protection of persons or property, recreation, exhibition, or
3 educational purposes, acting without the consent of the owner or custodian of the
4 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a
5 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection
6 by a person is a Class ~~E~~ I felony.

7 SECTION 512. 943.75 (2m) of the statutes is amended to read:

8 943.75 (2m) Whoever intentionally releases an animal that is lawfully
9 confined for scientific, farming, restocking, research or commercial purposes, acting
10 without the consent of the owner or custodian of the animal, is guilty of a Class ~~C~~ H
11 felony.

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11

12 SECTION 513. 944.05 (1) (intro.) of the statutes is amended to read:

13 944.05 (1) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
14 felony:

15 SECTION 514. 944.06 of the statutes is amended to read:

16 944.06 Incest. Whoever marries or has nonmarital sexual intercourse with
17 a person he or she knows is a blood relative and such relative is in fact related in a
18 degree within which the marriage of the parties is prohibited by the law of this state
19 is guilty of a Class ~~C~~ F felony.

20 SECTION 515. 944.15 (title) of the statutes is repealed and recreated to read:

21 944.15 (title) Public fornication.

22 SECTION 516. 944.16 (intro.) of the statutes is amended to read:

23 **INSERT B** 944.16 Adultery. (intro.) Whoever does either of the following is guilty of a
24 Class ~~E~~ I felony:

, as affected by 2001 Wisconsin Act 33.

25 SECTION 517. 942.09 (intro.) of the statutes is amended to read:

(MOVE TO P. 118)

INSERT B

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(18)

942.09
~~944.205~~ (2) (intro.) Whoever does any of the following is guilty of a Class E I felony:

3 SECTION 518. 944.21 (5) (c) of the statutes is amended to read:

4 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
5 convictions under this section, the person is guilty of a Class D H felony.

6 SECTION 519. 944.21 (5) (e) of the statutes is amended to read:

7 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
8 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
9 the person is guilty of a Class D H felony.

10 SECTION 520. 944.32 of the statutes is amended to read:

11 944.32 Soliciting prostitutes. Except as provided under s. 948.08, whoever
12 intentionally solicits or causes any person to practice prostitution or establishes any
13 person in a place of prostitution is guilty of a Class D H felony.

14 SECTION 521. 944.33 (2) of the statutes is amended to read:

15 944.33 (2) If the person received compensation from the earnings of the
16 prostitute, such person is guilty of a Class C F felony.

17 SECTION 522. 944.34 (intro.) of the statutes is amended to read:

18 944.34 Keeping place of prostitution. (intro.) Whoever intentionally does
19 any of the following is guilty of a Class D H felony:

20 SECTION 523. 945.03 (1m) (intro.) of the statutes is amended to read:

21 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
22 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E

23 I felony:

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, as affected by 2001 Wisconsin Act 16,

24 SECTION 524. 945.05 (1) (intro.) of the statutes is amended to read:

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SECTION 524

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(b)
plain

1 945.05 (1) (intro.) Except as provided in subs. (1e) and (1m), whoever
2 manufactures, transfers commercially or possesses with intent to transfer
3 commercially either of the following is guilty of a Class ~~E~~ I felony:

4 **SECTION 525.** 945.08 (1) of the statutes is amended to read:

5 945.08 (1) Any person who, with intent to influence any participant to refrain
6 from exerting full skill, speed, strength or endurance, transfers or promises any
7 property or any personal advantage to or on behalf of any participant in a contest of
8 skill, speed, strength or endurance is guilty of a Class ~~D~~ H felony.

9 **SECTION 526.** 946.02 (1) (intro.) of the statutes is amended to read:

10 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class ~~C~~ F
11 felony:

12 **SECTION 527.** 946.03 (1) (intro.) of the statutes is amended to read:

13 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class ~~C~~ F
14 felony:

15 **SECTION 528.** 946.03 (2) of the statutes is amended to read:

16 946.03 (2) Whoever permits any premises under his or her care, control or
17 supervision to be used by an assembly with knowledge that the purpose of the
18 assembly is to advocate or teach the duty, necessity, desirability or propriety of
19 overthrowing the government of the United States or this state by the use or threat
20 of physical violence with intent that such government be overthrown or, after
21 learning that the premises are being so used, permits such use to be continued is
22 guilty of a Class ~~E~~ I felony.

23 **SECTION 529.** 946.05 (1) of the statutes is amended to read:

24 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
25 contempt upon the flag is guilty of a Class ~~E~~ I felony.

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1 **SECTION 530.** 946.10 (intro.) of the statutes is amended to read:

2 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
3 either of the following is guilty of a Class ~~D~~ H felony:

4 **SECTION 531.** 946.11 (1) (intro.) of the statutes is amended to read:

5 946.11 (1) (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

6 **SECTION 532.** 946.12 (intro.) of the statutes is amended to read:

7 **946.12 Misconduct in public office.** (intro.) Any public officer or public
8 employee who does any of the following is guilty of a Class ~~E~~ I felony:

9 **SECTION 533.** 946.13 (1) (intro.) of the statutes is amended to read:

10 946.13 (1) (intro.) Any public officer or public employee who does any of the
11 following is guilty of a Class ~~E~~ I felony:

12 **SECTION 534.** 946.14 of the statutes is amended to read:

13 **946.14 Purchasing claims at less than full value.** Any public officer or
14 public employee who in a private capacity directly or indirectly intentionally
15 purchases for less than full value or discounts any claim held by another against the
16 state or a political subdivision thereof or against any public fund is guilty of a Class
17 ~~E~~ I felony.

18 **SECTION 535.** 946.15 (1) of the statutes is amended to read:

19 946.15 (1) Any employer, or any agent or employee of an employer, who induces
20 any person who seeks to be or is employed pursuant to a public contract as defined
21 in s. 66.0903^{i ← plain} (1) (c) or who seeks to be or is employed on a project on which a prevailing
22 wage rate determination has been issued by the department of workforce
23 development under s. ~~66.203~~^{66.0903} (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
24 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
25 waive or return any part of the compensation to which that person is entitled under

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1 his or her contract of employment or under the prevailing wage rate determination
2 issued by the department or local governmental unit, or who reduces the hourly basic
3 rate of pay normally paid to an employee for work on a project on which a prevailing
4 wage rate determination has not been issued under s. ^{66.0903}~~66.293~~(3) or (6), 103.49 (3) ^{or}
5 103.50 (3) ^{or 229.8275(3)} during a week in which the employee works both on a project on which a
6 prevailing wage rate determination has been issued and on a project on which a
7 prevailing wage rate determination has not been issued, is guilty of a Class E I felony.

8 **SECTION 536.** 946.15 (3) of the statutes is amended to read:

9 946.15 (3) Any employer or labor organization, or any agent or employee of an
10 employer or labor organization, who induces any person who seeks to be or is
11 employed on a project on which a prevailing wage rate determination has been issued
12 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
13 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),
14 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
15 under the prevailing wage rate determination issued by the department or local
16 governmental unit to be deducted from the person's pay is guilty of a Class E I felony,
17 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
18 is working on a project that is subject to 40 USC 276c.

19 **SECTION 537.** 946.31 (1) (intro.) of the statutes is amended to read:

20 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
21 material statement which the person does not believe to be true, in any matter, cause,
22 action or proceeding, before any of the following, whether legally constituted or
23 exercising powers as if legally constituted, is guilty of a Class D H felony:

24 **SECTION 538.** 946.32 (1) (intro.) of the statutes is amended to read:

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1 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class D
2 H felony:

3 **SECTION 539.** 946.41 (2m) (intro.) of the statutes is amended to read:

4 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
5 circumstances is guilty of a Class D H felony:

6 **SECTION 540.** 946.415 (2) (intro.) of the statutes is amended to read:

7 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
8 a Class E I felony:

9 **SECTION 541.** 946.42 (3) (intro.) of the statutes is amended to read:

10 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
11 under any of the following circumstances is guilty of a Class D H felony:

12 **SECTION 542.** 946.42 (4) of the statutes is repealed.

13 **SECTION 543.** 946.425 (1) of the statutes is amended to read:

14 946.425 (1) Any person who is subject to a series of periods of imprisonment
15 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
16 required under the sentence is guilty of a Class D H felony.

17 **SECTION 544.** 946.425 (1m) (b) of the statutes is amended to read:

18 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
19 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
20 intentionally fails to report to the county jail as required under the sentence is guilty
21 of a Class D H felony.

22 **SECTION 545.** 946.425 (1r) (b) of the statutes is amended to read:

23 946.425 (1r) (b) Any person who is subject to a confinement order under s.
24 973.09 (4) as the result of a conviction for a felony and who intentionally fails to

ASSEMBLY BILL 3**SECTION 545**

1 report to the county jail or house of correction as required under the order is guilty
2 of a Class D H felony.

3 **SECTION 546.** 946.425 (2) of the statutes is repealed.

4 **SECTION 547.** 946.43 (1m) (intro.) of the statutes is amended to read:

5 946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,
6 county or municipal detention facility who intentionally does any of the following is
7 guilty of a Class C F felony:

8 **SECTION 548.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

9 946.43 (2m) (a) (intro.) Any prisoner confined to a state prison or other state,
10 county or municipal detention facility who throws or expels blood, semen, vomit,
11 saliva, urine, feces or other bodily substance at or toward an officer, employee or
12 visitor of the prison or facility or another prisoner of the prison or facility under all
13 of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for~~
14 ~~not more than 2 years or both~~ is guilty of a Class I felony:

15 **SECTION 549.** 946.44 (1) (intro.) of the statutes is amended to read:

16 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

17 **SECTION 550.** 946.44 (1g) of the statutes is amended to read:

18 946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b)
19 is guilty of a Class C F felony.

20 **SECTION 551.** 946.44 (1m) of the statutes is amended to read:

21 946.44 (1m) Whoever intentionally introduces into an institution where
22 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
23 unloaded, or any article used or fashioned in a manner to lead another person to
24 believe it is a firearm, is guilty of a Class C F felony.

25 **SECTION 552.** 946.47 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

1 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class **E I**
2 felony:

3 **SECTION 553.** 946.48 (1) of the statutes is amended to read:

4 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
5 written or oral communication with intent to induce a false belief that the sender has
6 knowledge of the whereabouts, physical condition, or terms imposed upon the return
7 of a kidnapped or missing person is guilty of a Class **D H** felony.

8 **SECTION 554.** 946.49 (1) (b) of the statutes is amended to read:

9 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
10 of a Class **D H** felony.

11 **SECTION 555.** 946.49 (2) of the statutes is amended to read:

12 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
13 guilty of a Class **E I** felony for failure to appear as provided.

14 **SECTION 556.** 946.50 (5d) of the statutes is created to read:

15 946.50 (5d) A Class **F** felony, if the person was adjudicated delinquent for
16 committing an act that would be a Class **F** felony if committed by an adult.

17 **SECTION 557.** 946.50 (5h) of the statutes is created to read:

18 946.50 (5h) A Class **G** felony, if the person was adjudicated delinquent for
19 committing an act that would be a Class **G** felony if committed by an adult.

20 **SECTION 558.** 946.50 (5p) of the statutes is created to read:

21 946.50 (5p) A Class **H** felony, if the person was adjudicated delinquent for
22 committing an act that would be a Class **H** felony if committed by an adult.

23 **SECTION 559.** 946.50 (5t) of the statutes is created to read:

24 946.50 (5t) A Class **I** felony, if the person was adjudicated delinquent for
25 committing an act that would be a Class **I** felony if committed by an adult.

ASSEMBLY BILL 3

1 **SECTION 560.** 946.60 (1) of the statutes is amended to read:

2 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
3 removes, withholds or transfers possession of a document, knowing that the
4 document has been subpoenaed by a court or by or at the request of a district attorney
5 or the attorney general, is guilty of a Class ~~E~~ I felony.

6 **SECTION 561.** 946.60 (2) of the statutes is amended to read:

7 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
8 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
9 withhold or transfer possession of a subpoenaed document, knowing that the
10 document has been subpoenaed by a court or by or at the request of a district attorney
11 or the attorney general, is guilty of a Class ~~E~~ I felony.

12 **SECTION 562.** 946.61 (1) (intro.) of the statutes is amended to read:

13 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
14 felony:

15 **SECTION 563.** 946.64 of the statutes is amended to read:

16 **946.64 Communicating with jurors.** Whoever, with intent to influence any
17 person, summoned or serving as a juror, in relation to any matter which is before that
18 person or which may be brought before that person, communicates with him or her
19 otherwise than in the regular course of proceedings in the trial or hearing of that
20 matter is guilty of a Class ~~E~~ I felony.

21 **SECTION 564.** 946.65 (1) of the statutes is amended to read:

22 946.65 (1) Whoever for a consideration knowingly gives false information to
23 any officer of any court with intent to influence the officer in the performance of
24 official functions is guilty of a Class ~~E~~ I felony.

25 **SECTION 565.** 946.68 (1r) (a) of the statutes is amended to read:

ASSEMBLY BILL 3

1 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
2 to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

3 **SECTION 566.** 946.68 (1r) (b) of the statutes is amended to read:

4 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
5 to induce payment of a claim, the person is guilty of a Class ~~D~~ H felony.

6 **SECTION 567.** 946.68 (1r) (c) of the statutes is amended to read:

7 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
8 the person is guilty of a Class ~~D~~ H felony.

9 **SECTION 568.** 946.69 (2) (intro.) of the statutes is amended to read:

10 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
11 felony:

12 **SECTION 569.** 946.70 (2) of the statutes is amended to read:

13 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
14 the commission of a crime other than the crime under this section is guilty of a Class
15 ~~D~~ H felony.

16 **SECTION 570.** 946.72 (1) of the statutes is amended to read:

17 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
18 removes or conceals any public record is guilty of a Class ~~D~~ H felony.

19 **SECTION 571.** 946.74 (2) of the statutes is amended to read:

20 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
21 sexual morality with or upon the inmate of the institution is guilty of a Class ~~D~~ H
22 felony.

23 **SECTION 572.** 946.76 of the statutes is amended to read:

ASSEMBLY BILL 3

1 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
2 to its execution that a search warrant has been applied for or issued, except so far
3 as may be necessary to its execution, is guilty of a Class ~~E~~ I felony.

4 **SECTION 573.** 946.82 (4) of the statutes ^{as affected by 2001 Wisconsin Act 16,} is amended to read:

5 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
6 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
7 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
8 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
9 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
10 940.19 (3) (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
11 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) ^{(2d), ← plain} or (2g), 943.011,
12 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ^{(← and (d))} (b) to ~~(c)~~ P
13 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
14 943.30, 943.32, 943.34 (1) ^f (b), ~~(bm)~~, and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
15 (c), 943.50 (4) ^f (b), ~~(bm)~~, and (c), 943.60, 943.70, ^{943.76, ← plain} 944.205, 944.21 (5) (c) and (e), 944.32,
16 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
17 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
18 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

19 **SECTION 574.** 946.84 (1) of the statutes ^{← plain} is amended to read:

20 946.84 (1) Any person convicted of engaging in racketeering activity in
21 violation of s. 946.83 is guilty of a Class C E felony.

22 **SECTION 575.** 946.85 (1) of the statutes is amended to read:

23 946.85 (1) Any person who engages in a continuing criminal enterprise shall
24 be imprisoned for not less than 10 years nor more than 30 years, and fined not more
25 than \$10,000 or as provided in s. 946.84 (2). ~~If the court imposes a sentence less than~~

ASSEMBLY BILL 3

1 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
2 ~~record~~ is guilty of a Class E felony.

3 SECTION 576. 947.013 (1t) of the statutes is amended to read:

4 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
5 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
6 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
7 occurs within 7 years of the prior conviction.

8 SECTION 577. 947.013 (1v) of the statutes is amended to read:

9 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
10 she intentionally gains access to a record in electronic format that contains
11 personally identifiable information regarding the victim in order to facilitate the
12 violation under sub. (1r).

13 SECTION 578. 947.013 (1x) (intro.) of the statutes is amended to read:

14 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
15 circumstances is guilty of a Class ~~D~~ H felony:

16 SECTION 579. 947.015 of the statutes is amended to read:

17 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
18 conveyed any threat or false information, knowing such to be false, concerning an
19 attempt or alleged attempt being made or to be made to destroy any property by the
20 means of explosives is guilty of a Class ~~E~~ I felony.

21 SECTION 580. 948.02 (2) of the statutes is amended to read:

22 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
23 sexual intercourse with a person who has not attained the age of 16 years is guilty
24 of a Class ~~BC~~ C felony.

25 SECTION 581. 948.02 (3) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 581**

1 **948.02 (3) FAILURE TO ACT.** A person responsible for the welfare of a child who
2 has not attained the age of 16 years is guilty of a Class C F felony if that person has
3 knowledge that another person intends to have, is having or has had sexual
4 intercourse or sexual contact with the child, is physically and emotionally capable
5 of taking action which will prevent the intercourse or contact from taking place or
6 being repeated, fails to take that action and the failure to act exposes the child to an
7 unreasonable risk that intercourse or contact may occur between the child and the
8 other person or facilitates the intercourse or contact that does occur between the
9 child and the other person.

10 **SECTION 582.** 948.02 (3m) of the statutes is repealed.

11 **SECTION 583.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
12 amended to read:

13 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
14 or (2) within a specified period of time involving the same child is guilty of a:

15 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

16 **SECTION 584.** 948.025 (1) (b) of the statutes is created to read:

17 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
18 of s. 948.02 (1).

19 **SECTION 585.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
20 amended to read:

21 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
22 the defendant guilty the members of the jury must unanimously agree that at least
23 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
24 under sub. (1) of time but need not agree on which acts constitute the requisite

ASSEMBLY BILL 3

1 number and need not agree on whether a particular violation was a violation of s.
2 948.02 (1) or (2).

3 **SECTION 586.** 948.025 (2) (a) of the statutes is created to read:

4 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
5 the defendant guilty the members of the jury must unanimously agree that at least
6 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
7 agree on which acts constitute the requisite number.

8 **SECTION 587.** 948.025 (2m) of the statutes is repealed.

9 **SECTION 588.** 948.03 (2) (a) of the statutes is amended to read:

10 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
11 guilty of a Class C E felony.

12 **SECTION 589.** 948.03 (2) (b) of the statutes is amended to read:

13 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
14 a Class D H felony.

15 **SECTION 590.** 948.03 (2) (c) of the statutes is amended to read:

16 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
17 which creates a high probability of great bodily harm is guilty of a Class C F felony.

18 **SECTION 591.** 948.03 (3) (a) of the statutes is amended to read:

19 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
20 of a Class D G felony.

21 **SECTION 592.** 948.03 (3) (b) of the statutes is amended to read:

22 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
23 Class E I felony.

24 **SECTION 593.** 948.03 (3) (c) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 593**

1 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
2 which creates a high probability of great bodily harm is guilty of a Class ~~D~~ H felony.

3 **SECTION 594.** 948.03 (4) (a) of the statutes is amended to read:

4 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
5 ~~C~~ F felony if that person has knowledge that another person intends to cause, is
6 causing or has intentionally or recklessly caused great bodily harm to the child and
7 is physically and emotionally capable of taking action which will prevent the bodily
8 harm from occurring or being repeated, fails to take that action and the failure to act
9 exposes the child to an unreasonable risk of great bodily harm by the other person
10 or facilitates the great bodily harm to the child that is caused by the other person.

11 **SECTION 595.** 948.03 (4) (b) of the statutes is amended to read:

12 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
13 ~~D~~ H felony if that person has knowledge that another person intends to cause, is
14 causing or has intentionally or recklessly caused bodily harm to the child and is
15 physically and emotionally capable of taking action which will prevent the bodily
16 harm from occurring or being repeated, fails to take that action and the failure to act
17 exposes the child to an unreasonable risk of bodily harm by the other person or
18 facilitates the bodily harm to the child that is caused by the other person.

19 **SECTION 596.** 948.03 (5) of the statutes is repealed.

20 **SECTION 597.** 948.04 (1) of the statutes is amended to read:

21 948.04 (1) Whoever is exercising temporary or permanent control of a child and
22 causes mental harm to that child by conduct which demonstrates substantial
23 disregard for the mental well-being of the child is guilty of a Class ~~C~~ F felony.

24 **SECTION 598.** 948.04 (2) of the statutes is amended to read:

ASSEMBLY BILL 3

1 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
 2 felony if that person has knowledge that another person has caused, is causing or will
 3 cause mental harm to that child, is physically and emotionally capable of taking
 4 action which will prevent the harm, fails to take that action and the failure to act
 5 exposes the child to an unreasonable risk of mental harm by the other person or
 6 facilitates the mental harm to the child that is caused by the other person.

7 **SECTION 599.** 948.05 (1) (intro.) of the statutes is amended to read:

8 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
 9 character and content of the sexually explicit conduct involving the child is guilty of
 10 a Class C F felony:

as affected by 2001 Wisconsin Act 16, ✓

11 **SECTION 600.** 948.05 (1m) of the statutes is amended to read:

12 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
 13 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
 14 sell or distribute, any ~~undeveloped film, photographic negative, photograph, motion~~
 15 ~~picture, videotape, sound recording or other reproduction~~ of a child engaging in
 16 sexually explicit conduct is guilty of a Class C F felony if the person knows the
 17 character and content of the sexually explicit conduct involving the child and if the
 18 person knows or reasonably should know that the child engaging in the sexually
 19 explicit conduct has not attained the age of 18 years.

PWF

20 **SECTION 601.** 948.05 (2) of the statutes is amended to read:

21 948.05 (2) A person responsible for a child's welfare who knowingly permits,
 22 allows or encourages the child to engage in sexually explicit conduct for a purpose
 23 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

24 **SECTION 602.** 948.055 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 3

1 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
2 years.

3 SECTION 603. 948.055 (2) (b) of the statutes is amended to read:

4 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
5 but has not attained the age of 18 years.

6 SECTION 604. 948.06 (intro.) of the statutes is amended to read:

7 948.06 Incest with a child. (intro.) Whoever does any of the following is
8 guilty of a Class BC C felony:

9 SECTION 605. 948.07 (intro.) of the statutes is amended to read:

10 948.07 Child enticement. (intro.) Whoever, with intent to commit any of the
11 following acts, causes or attempts to cause any child who has not attained the age
12 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
13 BC D felony:

14 SECTION 606. 948.08 of the statutes is amended to read:

15 948.08 Soliciting a child for prostitution. Whoever intentionally solicits
16 or causes any child to practice prostitution or establishes any child in a place of
17 prostitution is guilty of a Class BC D felony.

18 SECTION 607. 948.095 (2) (intro.) of the statutes is amended to read:

19 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
20 child who has attained the age of 16 years and who is not the defendant's spouse is
21 guilty of a Class D H felony if all of the following apply: as affected by 2001 Wisconsin Act 16.

22 SECTION 608. 948.11 (2) (a) ^(intro.) of the statutes ^{is amended to read:} ^{character and content}

23 948.11 (2) (a) ^{Whoever, with knowledge of the nature of the material, sells,}
24 rents, exhibits, ~~transfers~~ or loans to a child any harmful material, with or without
25 monetary consideration, is guilty of a Class E I felony.

RWF

plays, distributes,

if any of the following applies: ✓

ASSEMBLY BILL 3

(intro.)

, as affected by 2001 Wisconsin Act 16,

PWF

as affected by 2001 Wisconsin Act 16,

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SECTION 609. 948.11 (2) (am) of the statutes is amended to read:

948.11 (2) (am) Any person who has attained the age of 17 and who, with knowledge of the ^{character and content} ~~nature~~ of the description or narrative account, verbally communicates, by any means, a harmful description or narrative account to a child, with or without monetary consideration, is guilty of a Class E I felony.

plain

if any of the following applies:

SECTION 610. 948.12 (intro.) of the statutes is amended to read:

948.12 ^(1m) Possession of child pornography, ^{(B)(1m)} (intro.) Whoever possesses any undeveloped film, photographic negative, photograph, motion picture, videotape or other pictorial reproduction or audio recording of a child engaged in sexually explicit conduct under all of the following circumstances is guilty of a Class E I felony:

SECTION 611. 948.13 (2) of the statutes is amended to read:

948.13 (2) Whoever has been convicted of a serious child sex offense and subsequently engages in an occupation or participates in a volunteer position that requires him or her to work or interact primarily and directly with children under 16 years of age is guilty of a Class C F felony. This subsection does not apply to a person who is exempt under a court order issued under sub. (2m).

SECTION 612. 948.20 of the statutes is amended to read:

948.20 Abandonment of a child. Whoever, with intent to abandon the child, leaves any child in a place where the child may suffer because of neglect is guilty of a Class D G felony.

SECTION 613. 948.21 (1) of the statutes is amended to read:

948.21 (1) Any person who is responsible for a child's welfare who, through his or her actions or failure to take action, intentionally contributes to the neglect of the child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D felony.

INS
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ASSEMBLY BILL 3**SECTION 614**

1 **SECTION 614.** 948.22 (2) of the statutes is amended to read:

2 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
3 to provide spousal, grandchild or child support which the person knows or reasonably
4 should know the person is legally obligated to provide is guilty of a Class ~~E~~ I felony.
5 A prosecutor may charge a person with multiple counts for a violation under this
6 subsection if each count covers a period of at least 120 consecutive days and there is
7 no overlap between periods.

8 **SECTION 615.** 948.23 of the statutes is amended to read:

9 **948.23 Concealing death of child.** Any person who conceals the corpse of
10 any issue of a woman's body with intent to prevent a determination of whether it was
11 born dead or alive is guilty of a Class ~~E~~ I felony.

12 **SECTION 616.** 948.24 (1) (intro.) of the statutes is amended to read:

13 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
14 felony:

15 **SECTION 617.** 948.30 (1) (intro.) of the statutes is amended to read:

16 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
17 following is guilty of a Class ~~C~~ E felony:

18 **SECTION 618.** 948.30 (2) (intro.) of the statutes is amended to read:

19 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
20 following is guilty of a Class ~~B~~ C felony:

21 **SECTION 619.** 948.31 (1) (b) of the statutes is amended to read:

22 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
23 causes a child to leave, takes a child away or withholds a child for more than 12 hours
24 beyond the court-approved period of physical placement or visitation period from a
25 legal custodian with intent to deprive the custodian of his or her custody rights

ASSEMBLY BILL 3

1 without the consent of the custodian is guilty of a Class C F felony. This paragraph
2 is not applicable if the court has entered an order authorizing the person to so take
3 or withhold the child. The fact that joint legal custody has been awarded to both
4 parents by a court does not preclude a court from finding that one parent has
5 committed a violation of this paragraph.

6 **SECTION 620.** 948.31 (2) of the statutes is amended to read:

7 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
8 child for more than 12 hours from the child's parents or, in the case of a nonmarital
9 child whose parents do not subsequently intermarry under s. 767.60, from the child's
10 mother or, if he has been granted legal custody, the child's father, without the consent
11 of the parents, the mother or the father with legal custody, is guilty of a Class E I
12 felony. This subsection is not applicable if legal custody has been granted by court
13 order to the person taking or withholding the child.

14 **SECTION 621.** 948.31 (3) (intro.) of the statutes is amended to read:

15 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
16 the parent, who does any of the following is guilty of a Class C F felony:

17 **SECTION 622.** 948.35 of the statutes is repealed.

18 **SECTION 623.** 948.36 of the statutes is repealed.

19 **SECTION 624.** 948.40 (4) (a) of the statutes is amended to read:

20 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
21 felony; or

22 **SECTION 625.** 948.40 (4) (b) of the statutes is amended to read:

23 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
24 violation of a state or federal criminal law which is punishable as a felony, the person
25 is guilty of a Class D H felony.

ASSEMBLY BILL 3

1 **SECTION 626.** 948.51 (3) (b) of the statutes is amended to read:

2 948.51 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~
3 to another.

4 **SECTION 627.** 948.51 (3) (c) of the statutes is created to read:

5 948.51 (3) (c) A Class G felony if the act results in the death of another.

6 **SECTION 628.** 948.60 (2) (b) of the statutes is amended to read:

7 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
8 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
9 Class ~~E~~ I felony.

10 **SECTION 629.** 948.60 (2) (c) of the statutes is amended to read:

11 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
12 person under 18 years of age under par. (b) discharges the firearm and the discharge
13 causes death to himself, herself or another.

14 **SECTION 630.** 948.605 (2) (a) of the statutes is amended to read:

15 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
16 that the individual knows, or has reasonable cause to believe, is a school zone is
17 guilty of a Class ~~A misdemeanor~~ I felony.

18 **SECTION 631.** 948.605 (3) (a) of the statutes is amended to read:

19 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
20 the safety of another, discharges or attempts to discharge a firearm at a place the
21 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

22 **SECTION 632.** 948.605 (4) of the statutes is repealed.

23 **SECTION 633.** 948.61 (2) (b) of the statutes is amended to read:

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1 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
2 subsequent violation of this section within a 5-year period, as measured from the
3 dates the violations occurred.

4 **SECTION 634.** 948.62 (1) (a) of the statutes is amended to read:

5 948.62 (1) (a) A Class ~~E~~ felony A misdemeanor, if the value of the property does
6 not exceed \$500.

7 **SECTION 635.** 948.62 (1) (b) of the statutes is amended to read:

8 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
9 does not exceed \$2,500.

10 **SECTION 636.** 948.62 (1) (bm) of the statutes is created to read:

11 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but
12 does not exceed \$5,000.

13 **SECTION 637.** 948.62 (1) (c) of the statutes is amended to read:

14 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds \$2,500
15 \$5,000.

16 **SECTION 638.** 949.03 (1) (b) of the statutes is amended to read:

17 949.03 (1) (b) The commission or the attempt to commit any crime specified in
18 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
19 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
20 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
21 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
22 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

23 **SECTION 639.** 950.04 (1v) (g) of the statutes is amended to read:

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1 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
2 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
3 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

4 **SECTION 640.** 950.04 (1v) (nt) of the statutes is created to read:

5 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
6 bifurcated sentence and provide a statement concerning modification of the
7 bifurcated sentence, as provided under s. 302.113 (9g) (d).

8 **SECTION 641.** 951.18 (1) of the statutes is amended to read:

9 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
10 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
11 Class C forfeiture. Any person who violates any of these provisions within 3 years
12 after a humane officer issues an abatement order under s. 173.11 prohibiting the
13 violation of that provision is subject to a Class A forfeiture. Any person who
14 intentionally or negligently violates any of those sections is guilty of a Class A
15 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
16 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any
17 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
18 is the victim is used by a law enforcement agency to perform agency functions or
19 duties and causing injury to the animal, is guilty of a Class ~~E~~ I felony.

20 **SECTION 642.** 951.18 (2) of the statutes is amended to read:

21 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
22 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I
23 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or
24 subsequent violation.

25 **SECTION 643.** 951.18 (2m) of the statutes is amended to read:

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1 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
2 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
3 that the animal that is the victim is used by a law enforcement agency or fire
4 department to perform agency or department functions or duties, is guilty of a Class
5 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
6 animal that is the victim is used by a law enforcement agency or fire department to
7 perform agency or department functions or duties and causing injury to the animal,
8 is guilty of a Class E I felony. Any person who intentionally violates s. 951.095,
9 knowing that the animal that is the victim is used by a law enforcement agency or
10 fire department to perform agency or department functions or duties and causing
11 death to the animal, is guilty of a Class D H felony.

12 SECTION 644. 961.41 (1) (intro.) of the statutes is amended to read:

13 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
14 authorized by this chapter, it is unlawful for any person to manufacture, distribute
15 or deliver a controlled substance or controlled substance analog. Any person who
16 violates this subsection ~~with respect to~~ is subject to the following penalties:

17 SECTION 645. 961.41 (1) (a) of the statutes is amended to read:

18 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
19 in par. (d), if a person violates this subsection with respect to a controlled substance
20 included in schedule I or II which is a narcotic drug, or a controlled substance analog
21 of a controlled substance included in schedule I or II which is a narcotic drug, may
22 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
23 months or both the person is guilty of a Class E felony.

24

SECTION 646. 961.41 (1) (b) of the statutes is amended to read:

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m ✓ plain

Pw/F
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961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect to 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 the person is guilty of a Class H felony.

SECTION 647. 961.41 (1) (cm) (intro.) of the statutes is amended to read:

961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates this subsection with respect to cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine base, is subject to the following penalties if and the amount manufactured, distributed, or delivered is:

SECTION 648. 961.41 (1) (cm) 1. of the statutes is renumbered 961.41 (1) (cm) 1r. and amended to read:

961.41 (1) (cm) 1r. Five grams or less More than one gram but not more than 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned for not more than 15 years is guilty of a Class F felony.

SECTION 649. 961.41 (1) (cm) 1g. of the statutes is created to read:

961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

SECTION 650. 961.41 (1) (cm) 2. of the statutes is amended to read:

961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class E felony.

SECTION 651. 961.41 (1) (cm) 3. of the statutes is amended to read:

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1 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
2 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than 3~~
3 ~~years nor more than 30 years~~ is guilty of a Class D felony.

4 **SECTION 652.** 961.41 (1) (cm) 4. of the statutes is amended to read:

5 961.41 (1) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the person
6 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than 5~~
7 ~~years nor more than 45 years~~ is guilty of a Class C felony.

8 **SECTION 653.** 961.41 (1) (cm) 5. of the statutes is repealed.

9 **SECTION 654.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

10 961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with
11 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~
12 ~~penalties if~~ and the amount manufactured, distributed or delivered is:

13 **SECTION 655.** 961.41 (1) (d) 1. of the statutes is amended to read:

14 961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~
15 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~
16 ~~and 6 months~~ is guilty of a Class F felony.

17 **SECTION 656.** 961.41 (1) (d) 2. of the statutes is amended to read:

18 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
19 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
20 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class
21 E felony.

22 **SECTION 657.** 961.41 (1) (d) 3. of the statutes is amended to read:

23 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
24 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~

ASSEMBLY BILL 3

1 ~~for not less than one year nor more than 22 years and 6 months is guilty of a Class~~
2 ~~D felony.~~

3 **SECTION 658.** 961.41 (1) (d) 4. of the statutes is amended to read:

4 961.41 (1) (d) 4. More than 50 grams but not more than 200 grams, the person
5 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
6 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
7 felony.

8 **SECTION 659.** 961.41 (1) (d) 5. of the statutes is repealed.

9 **SECTION 660.** 961.41 (1) (d) 6. of the statutes is repealed.

10 **SECTION 661.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

11 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and
12 methcathinone. (intro.) Phencyclidine If the person violates this subsection with
13 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
14 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
15 methcathinone, is subject to the following penalties if and the amount
16 manufactured, distributed, or delivered is:

17 **SECTION 662.** 961.41 (1) (e) 1. of the statutes is amended to read:

18 961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than
19 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
20 6 months is guilty of a Class F felony.

21 **SECTION 663.** 961.41 (1) (e) 2. of the statutes is amended to read:

22 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
23 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
24 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
25 E felony.

ASSEMBLY BILL 3

1 **SECTION 664.** 961.41 (1) (e) 3. of the statutes is amended to read:

2 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
3 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
4 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
5 D felony.

6 **SECTION 665.** 961.41 (1) (e) 4. of the statutes is amended to read:

7 961.41 (1) (e) 4. More than 50 grams but ~~not more than 200 grams~~, the person
8 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
9 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
10 felony.

11 **SECTION 666.** 961.41 (1) (e) 5. of the statutes is repealed.

12 **SECTION 667.** 961.41 (1) (e) 6. of the statutes is repealed.

13 **SECTION 668.** 961.41 (1) (em) of the statutes is repealed.

14 **SECTION 669.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

15 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the person violates
16 this subsection with respect to lysergic acid diethylamide or a controlled substance
17 analog of lysergic acid diethylamide is subject to the following penalties if and the
18 amount manufactured, distributed, or delivered is:

19 **SECTION 670.** 961.41 (1) (f) 1. of the statutes is amended to read:

20 961.41 (1) (f) 1. One gram or less, the person ~~shall be fined not less than \$1,000~~
21 ~~nor more than \$200,000 and may be imprisoned for not more than 7 years and 6~~
22 ~~months~~ is guilty of a Class G felony.

23 **SECTION 671.** 961.41 (1) (f) 2. of the statutes is amended to read:

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1 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall
2 be fined not less than ~~\$1,000 nor more than \$250,000~~ and shall be imprisoned for not
3 less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.

4 **SECTION 672.** 961.41 (1) (f) 3. of the statutes is amended to read:

5 961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than
6 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
7 nor more than 22 years and 6 months is guilty of a Class E felony.

8 **SECTION 673.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

9 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin If the person violates
10 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
11 of psilocin or psilocybin, ~~is subject to the following penalties if~~ and the amount
12 manufactured, distributed or delivered is:

13 **SECTION 674.** 961.41 (1) (g) 1. of the statutes is amended to read:

14 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
15 than ~~\$1,000 nor more than \$200,000~~ and may be imprisoned for not more than 7
16 years and 6 months is guilty of a Class G felony.

17 **SECTION 675.** 961.41 (1) (g) 2. of the statutes is amended to read:

18 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
19 shall be fined not less than ~~\$1,000 nor more than \$250,000~~ and shall be imprisoned
20 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
21 F felony.

22 **SECTION 676.** 961.41 (1) (g) 3. of the statutes is amended to read:

23 961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than
24 \$1,000 nor more than ~~\$500,000~~ and shall be imprisoned for not less than one year
25 nor more than 22 years and 6 months is guilty of a Class E felony.

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1 **SECTION 677.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

2 961.41 (1) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If the
3 person violates this subsection with respect to tetrahydrocannabinols, included
4 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
5 ~~subject to the following penalties if and~~ the amount manufactured, distributed or
6 ~~delivered is:~~

7 **SECTION 678.** 961.41 (1) (h) 1. of the statutes is amended to read:

8 961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
9 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
10 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
11 is guilty of a Class I felony.

12 **SECTION 679.** 961.41 (1) (h) 2. of the statutes is amended to read:

13 961.41 (1) (h) 2. ~~More than 500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
14 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
15 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
16 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
17 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

18 **SECTION 680.** 961.41 (1) (h) 3. of the statutes is amended to read:

19 961.41 (1) (h) 3. ~~More than 2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
20 or more than ~~50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50~~
21 ~~plants containing tetrahydrocannabinols,~~ the person ~~shall be fined not less than~~
22 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
23 ~~nor more than 15 years~~ is guilty of a Class G felony.

24 **SECTION 681.** 961.41 (1) (h) 4. of the statutes is created to read:

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SECTION 681

1 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
2 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
3 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

4 SECTION 682. 961.41 (1) (h) 5. of the statutes is created to read:

5 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
6 tetrahydrocannabinols, the person is guilty of a Class E felony.

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164/6

EV generally

7 SECTION 683. 961.41 (1) (i) of the statutes is amended to read:

8 961.41 (1) (i) Schedule IV drugs. Except as provided in par. (im), if a person
9 violates this subsection with respect to a substance included in schedule IV, may be
10 fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months
11 or both the person is guilty of a Class H felony.

NS
164/11

12 SECTION 684. 961.41 (1) (im) of the statutes is repealed and recreated to read:

13 961.41 (1) (im) Flunitrazepam. If a person violates this subsection with respect
14 to flunitrazepam, the person is guilty of a Class G felony.

15 SECTION 685. 961.41 (1) (j) of the statutes is amended to read:

16 961.41 (1) (j) Schedule V drugs. ~~A- If a person violates this subsection with~~
17 ~~respect to a substance included in schedule V, may be fined not more than \$5,000 or~~
18 ~~imprisoned for not more than 2 years or both the person is guilty of a Class I felony.~~

19 SECTION 686. 961.41 (1m) (intro.) of the statutes is amended to read:

20 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
21 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
22 with intent to manufacture, distribute or deliver, a controlled substance or a
23 controlled substance analog. Intent under this subsection may be demonstrated by,
24 without limitation because of enumeration, evidence of the quantity and monetary
25 value of the substances possessed, the possession of manufacturing implements or

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1 paraphernalia, and the activities or statements of the person in possession of the
2 controlled substance or a controlled substance analog prior to and after the alleged
3 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
4 following penalties:

5 SECTION 687. 961.41 (1m) (a) of the statutes is amended to read:

6 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
7 in par. (d), if a person violates this subsection with respect to a controlled substance
8 included in schedule I or II which is a narcotic drug or a controlled substance analog
9 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
10 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
11 ~~months or both~~ the person is guilty of a Class E felony.

12 SECTION 688. 961.41 (1m) (b) of the statutes ^{is} amended to read:

13 961.41 (1m) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
14 provided in pars. (cm) and (e) to (h), ^{m ← plain} if a person violates this subsection with respect
15 to any other controlled substance included in schedule I, II, or III, or a controlled
16 substance analog of any other controlled substance included in schedule I or II, may
17 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
18 ~~or both~~ the person is guilty of a Class H felony.

19 SECTION 689. 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

20 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
21 this subsection with respect to cocaine or cocaine base, or a controlled substance
22 analog of cocaine or cocaine base, ~~is subject to the following penalties if and the~~
23 amount possessed, with intent to manufacture, distribute or deliver, is:

24 SECTION 690. 961.41 (1m) (cm) 1. of the statutes is renumbered 961.41 (1m)
25 (cm) 1r. and amended to read:

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SECTION 690

1 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
2 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
3 ~~for not more than 15 years~~ is guilty of a Class F felony.

4 **SECTION 691.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

5 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

6 **SECTION 692.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

7 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
8 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~
9 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

10 **SECTION 693.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

11 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
12 ~~person shall be fined not more than \$500,000 and shall be imprisoned for not less~~
13 ~~than 3 years nor more than 30 years~~ is guilty of a Class D felony.

14 **SECTION 694.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

15 961.41 (1m) (cm) 4. More than 40 grams but not more than 100 grams, the
16 ~~person shall be fined not more than \$500,000 and shall be imprisoned for not less~~
17 ~~than 5 years nor more than 45 years~~ is guilty of a Class C felony.

18 **SECTION 695.** 961.41 (1m) (cm) 5. of the statutes is repealed.

19 **SECTION 696.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

20 961.41 (1m) (d) Heroin. (intro.) ~~Heroin~~ If a person violates this subsection with
21 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~
22 ~~penalties if~~ and the amount possessed, with intent to manufacture, distribute or
23 deliver, is:

24 **SECTION 697.** 961.41 (1m) (d) 1. of the statutes is amended to read:

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1 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
2 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
3 and 6 months is guilty of a Class F felony.

4 **SECTION 698.** 961.41 (1m) (d) 2. of the statutes is amended to read:

5 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
6 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
7 for not less than 6 months nor more than 22 years and 6 months is guilty of a Class
8 E felony.

9 **SECTION 699.** 961.41 (1m) (d) 3. of the statutes is amended to read:

10 961.41 (1m) (d) 3. More than 10 grams but not more than 50 grams, the person
11 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
12 for not less than one year nor more than 22 years and 6 months is guilty of a Class
13 D felony.

14 **SECTION 700.** 961.41 (1m) (d) 4. of the statutes is amended to read:

15 961.41 (1m) (d) 4. More than 50 grams but not more than 200 grams, the person
16 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
17 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
18 felony.

19 **SECTION 701.** 961.41 (1m) (d) 5. of the statutes is repealed.

20 **SECTION 702.** 961.41 (1m) (d) 6. of the statutes is repealed.

21 **SECTION 703.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

22 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and
23 methcathinone. (intro.) Phenylelidine If a person violates this subsection with
24 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
25 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or

ASSEMBLY BILL 3

1 methcathinone, ~~is subject to the following penalties if~~ and the amount possessed,
2 with intent to manufacture, distribute, or deliver, is:

3 **SECTION 704.** 961.41 (1m) (e) 1. of the statutes is amended to read:

4 961.41 (1m) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
5 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
6 ~~6 months~~ is guilty of a Class F felony.

7 **SECTION 705.** 961.41 (1m) (e) 2. of the statutes is amended to read:

8 961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person
9 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
10 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
11 E felony.

12 **SECTION 706.** 961.41 (1m) (e) 3. of the statutes is amended to read:

13 961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person
14 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
15 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
16 D felony.

17 **SECTION 707.** 961.41 (1m) (e) 4. of the statutes is amended to read:

18 961.41 (1m) (e) 4. More than 50 grams ~~but not more than 200 grams,~~ the person
19 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
20 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
21 felony.

22 **SECTION 708.** 961.41 (1m) (e) 5. of the statutes is repealed.

23 **SECTION 709.** 961.41 (1m) (e) 6. of the statutes is repealed.

24 **SECTION 710.** 961.41 (1m) (em) of the statutes is repealed.

25 **SECTION 711.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

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1 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates
2 this subsection with respect to lysergic acid diethylamide or a controlled substance
3 analog of lysergic acid diethylamide ~~is subject to the following penalties if and~~ the
4 amount possessed, with intent to manufacture, distribute or deliver, is:

5 **SECTION 712.** 961.41 (1m) (f) 1. of the statutes is amended to read:

6 961.41 (1m) (f) 1. One gram or less, the person ~~shall be fined not less than~~
7 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
8 ~~6 months~~ is guilty of a Class G felony.

9 **SECTION 713.** 961.41 (1m) (f) 2. of the statutes is amended to read:

10 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
11 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
12 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
13 F felony.

14 **SECTION 714.** 961.41 (1m) (f) 3. of the statutes is amended to read:

15 961.41 (1m) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
16 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
17 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

18 **SECTION 715.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

19 961.41 (1m) (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates
20 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
21 of psilocin or psilocybin, ~~is subject to the following penalties if and~~ the amount
22 possessed, with intent to manufacture, distribute or deliver, is:

23 **SECTION 716.** 961.41 (1m) (g) 1. of the statutes is amended to read:

ASSEMBLY BILL 3

SECTION 716

1 961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less
2 than ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~
3 ~~years and 6 months~~ is guilty of a Class G felony.

4 **SECTION 717.** 961.41 (1m) (g) 2. of the statutes is amended to read:

5 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
6 person shall be fined not less than ~~\$1,000 nor more than \$200,000 and shall be~~
7 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months~~ is guilty
8 of a Class F felony.

9 **SECTION 718.** 961.41 (1m) (g) 3. of the statutes is amended to read:

10 961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than
11 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
12 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

13 **SECTION 719.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

14 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a
15 person violates this subsection with respect to tetrahydrocannabinols, included
16 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
17 subject to the following penalties if and the amount possessed, with intent to
18 manufacture, distribute, or deliver, is:

19 **SECTION 720.** 961.41 (1m) (h) 1. of the statutes is amended to read:

20 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
21 containing tetrahydrocannabinols, the person shall be fined not less than ~~\$500 nor~~
22 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
23 is guilty of a Class I felony.

24 **SECTION 721.** 961.41 (1m) (h) 2. of the statutes is amended to read:

ASSEMBLY BILL 3

1 961.41 (1m) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000
2 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
3 ~~50~~ 20 plants containing tetrahydrocannabinols, the person shall be fined not less
4 than ~~\$1,000~~ nor more than ~~\$50,000~~ and shall be imprisoned for not less than ~~3~~
5 ~~months~~ nor more than ~~7 years~~ and ~~6 months~~ is guilty of a Class H felony.

6 SECTION 722. 961.41 (1m) (h) 3. of the statutes is amended to read:

7 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
8 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
9 plants containing tetrahydrocannabinols, the person shall be fined not less than
10 ~~\$1,000~~ nor more than ~~\$100,000~~ and shall be imprisoned for not less than one year
11 nor more than ~~15 years~~ is guilty of a Class G felony.

12 SECTION 723. 961.41 (1m) (h) 4. of the statutes is created to read:

13 961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
14 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
15 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

16 SECTION 724. 961.41 (1m) (h) 5. of the statutes is created to read:

17 961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing
18 tetrahydrocannabinols, the person is guilty of a Class E felony.

19 SECTION 725. 961.41 (1m) (i) of the statutes is amended to read:

20 961.41 (1m) (i) Schedule IV drugs Except as provided in par. (im), if a person
21 violates this subsection with respect to a substance included in schedule IV, may be
22 ~~fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months~~
23 ~~or both~~ the person is guilty of a Class H felony.

24 SECTION 726. 961.41 (1m) (im) of the statutes is repealed and recreated to read:

NS
71/
18

(I) generally

NS
171/23

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SECTION 726

1 ~~961.41 (1m) (1m) Flunitrazepam. If a person violates this subsection with~~
2 ~~respect to flunitrazepam, the person is guilty of a Class G felony.~~

3 SECTION 727. 961.41 (1m) (j) of the statutes is amended to read:

4 961.41 (1m) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
5 respect to a substance included in schedule V, may be fined not more than \$5,000 or
6 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

7 SECTION 728. 961.41 (1n) (c) of the statutes is amended to read:

8 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
9 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

10 SECTION 729. 961.41 (1q) of the statutes is amended to read:

11 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
12 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) and s. 961.49 (2), if
13 different penalty provisions apply to a person depending on whether the weight of
14 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
15 considered, the greater penalty provision applies.

16 SECTION 730. 961.41 (1r) of the statutes is amended to read:

17 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
18 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) and s. 961.49 (2) (b), an amount
19 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
20 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
21 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
22 of these substances together with any compound, mixture, diluent, plant material
23 or other substance mixed or combined with the controlled substance or controlled
24 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)

ASSEMBLY BILL 3

1 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
2 (4) (t) and includes the weight of any marijuana.

3 SECTION 731. 961.41 (2) (intro.) of the statutes is amended to read:

4 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
5 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
6 possess with intent to distribute or deliver, a counterfeit substance. Any person who
7 violates this subsection with respect to is subject to the following penalties:

8 SECTION 732. 961.41 (2) (a) of the statutes is amended to read:

9 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person
10 violates this subsection with respect to a counterfeit substance included in schedule
11 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
12 for not more than 22 years and 6 months or both the person is guilty of a Class E
13 felony.
as affected by 2001 Wisconsin Act 16, ✓

14 SECTION 733. 961.41 (2) (b) of the statutes is amended to read:

15 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Except as
16 provided in ~~part (a)~~ if a person violates this subsection with respect to any other
17 counterfeit substance included in schedule I, II ~~or~~ III or IV, may be fined not more
18 than \$15,000 or imprisoned for not more than 7 years and 6 months or both the
19 person is guilty of a Class H felony.
Handwritten notes: "plain comma" with arrow pointing to "or IV"; "score" with arrow pointing to "any other"; "score" with arrow pointing to "7 years"; "score" with arrow pointing to "6 months"; "score" with arrow pointing to "both"; "score" with arrow pointing to "person"; "score" with arrow pointing to "felony".

20 SECTION 734. 961.41 (2) (c) of the statutes is repealed.

21 *Fix Component* SECTION 735. 961.41 (2) (cm) ^(title) of the statutes is ^{created} amended to read:

22 961.41 (2) (cm) ^(title) Counterfeit flunitrazepam. ~~A~~ If a person violates this
23 subsection with respect to a counterfeit substance which is flunitrazepam, may be
24 fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
25 or both the person is guilty of a Class G felony.
Handwritten notes: "strike comma" with arrow pointing to the comma after "Counterfeit flunitrazepam"; "score comma" with arrow pointing to the comma after "7 years"; "score" with arrow pointing to the comma after "6 months"; "score" with arrow pointing to the comma after "both"; "score" with arrow pointing to the comma after "person"; "score" with arrow pointing to the comma after "felony".

PWF

3
pars. (a) and (b) and (c))
plain score score comma

ASSEMBLY BILL 3

SECTION 736

1 SECTION 736. 961.41 (2) (d) of the statutes is amended to read:

2 961.41 (2) (d) Counterfeit schedule V drugs. ~~A~~ If a person violates this
3 subsection with respect to a counterfeit substance included in schedule V, may be
4 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person
5 is guilty of a Class I felony.

6 SECTION 737. 961.41 (3g) (a) 1. of the statutes is renumbered 961.41 (3g) (am)
7 and amended to read:

8 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
9 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
10 which is a narcotic drug, or possesses a controlled substance analog of a controlled
11 substance included in schedule I or II which is a narcotic drug, the person may, upon
12 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
13 years or both, and, for a 2nd or subsequent offense, the person may be fined not more
14 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I
15 felony.

16 SECTION 738. 961.41 (3g) (a) 2. of the statutes is repealed.

17 SECTION 739. 961.41 (3g) (a) 3. of the statutes is repealed.

18 SECTION 740. 961.41 (3g) (b) of the statutes is amended to read:

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

25 SECTION 741. 961.41 (3g) (c) of the statutes is amended to read:

ASSEMBLY BILL 3

1 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
2 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
3 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
4 more than one year in the county jail upon a first conviction and is guilty of a Class
5 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
6 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
7 offense, the offender has at any time been convicted of any felony or misdemeanor
8 under this chapter or under any statute of the United States or of any state relating
9 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
10 or depressant, stimulant, or hallucinogenic drugs.

11 SECTION 742. 961.41 (3g) (d) of the statutes is amended 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, methamphetamine, methcathinone, psilocin or psilocybin, or a
15 controlled substance analog of lysergic acid diethylamide, phencyclidine,
16 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person
17 may be fined not more than \$5,000 or imprisoned for not more than one year in the
18 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd
19 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd
20 or subsequent offense if, prior to the offender's conviction of the offense, the offender
21 has at any time been convicted of any felony or misdemeanor under this chapter or
22 under any statute of the United States or of any state relating to controlled
23 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,
24 stimulant, or hallucinogenic drugs.

25 SECTION 743. 961.41 (3g) (dm) of the statutes is repealed.