

1 **SECTION 526.** 943.70 (2) (b) 4. of the statutes is amended to read:

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

4 **SECTION 527.** 943.70 (2) (c) 1. of the statutes, as created by 2001 Wisconsin Act
5 16, is amended to read:

6 943.70 (2) (c) 1. In the case of a misdemeanor, the maximum fine prescribed by
7 law for the crime may be increased by not more than \$1,000 and the maximum term
8 of imprisonment prescribed by law for the crime may be increased so that the revised
9 maximum term of imprisonment is ~~12 months~~ one year in the county jail.

10 **SECTION 528.** 943.70 (3) (b) 2. of the statutes is amended to read:

11 943.70 (3) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or
12 obtain property.

13 **SECTION 529.** 943.70 (3) (b) 3. of the statutes is amended to read:

14 943.70 (3) (b) 3. A Class ~~D~~ H felony if the damage to the computer, computer
15 system, computer network, equipment or supplies is greater than \$2,500.

16 **SECTION 530.** 943.70 (3) (b) 4. of the statutes is amended to read:

17 943.70 (3) (b) 4. A Class ~~C~~ F felony if the offense creates a substantial and
18 unreasonable risk of death or great bodily harm to another.

19 **SECTION 531.** 943.75 (2) of the statutes is amended to read:

20 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
21 for companionship or protection of persons or property, recreation, exhibition, or
22 educational purposes, acting without the consent of the owner or custodian of the
23 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a
24 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection
25 by a person is a Class ~~E~~ I felony.

1 **SECTION 532.** 943.75 (2m) of the statutes is amended to read:

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

6 **SECTION 533.** 943.76 (2) (a) of the statutes, as created by 2001 Wisconsin Act
7 16, is amended to read:

8 **943.76 (2) (a)** Whoever intentionally introduces a contagious or infectious
9 disease into livestock without the consent of the owner of the livestock is guilty of a
10 Class C F felony.

11 **SECTION 534.** 943.76 (2) (b) of the statutes, as created by 2001 Wisconsin Act
12 16, is amended to read:

13 **943.76 (2) (b)** Whoever intentionally introduces a contagious or infectious
14 disease into wild deer without the consent of the department of natural resources is
15 guilty of a Class C F felony.

16 **SECTION 535.** 944.05 (1) (intro.) of the statutes is amended to read:

17 **944.05 (1) (intro.)** Whoever does any of the following is guilty of a Class E I
18 felony:

19 **SECTION 536.** 944.06 of the statutes is amended to read:

20 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
21 a person he or she knows is a blood relative and such relative is in fact related in a
22 degree within which the marriage of the parties is prohibited by the law of this state
23 is guilty of a Class C F felony.

24 **SECTION 537.** 944.15 (title) of the statutes is repealed and recreated to read:

25 **944.15 (title) Public fornication.**

1 **SECTION 538.** 944.16 (intro.) of the statutes is amended to read:

2 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
3 Class ~~E~~ I felony:

4 **SECTION 539.** 944.21 (5) (c) of the statutes is amended to read:

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

7 **SECTION 540.** 944.21 (5) (e) of the statutes is amended to read:

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

11 **SECTION 541.** 944.32 of the statutes is amended to read:

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

15 **SECTION 542.** 944.33 (2) of the statutes is amended to read:

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

18 **SECTION 543.** 944.34 (intro.) of the statutes is amended to read:

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

21 **SECTION 544.** 945.03 (1m) (intro.) of the statutes is amended to read:

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

1 **SECTION 545.** 945.05 (1) (intro.) of the statutes, as affected by Wisconsin Act
2 16, is amended to read:

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

6 **SECTION 546.** 945.08 (1) of the statutes is amended to read:

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

11 **SECTION 547.** 946.02 (1) (intro.) of the statutes is amended to read:

12 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F
13 felony:

14 **SECTION 548.** 946.03 (1) (intro.) of the statutes is amended to read:

15 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
16 felony:

17 **SECTION 549.** 946.03 (2) of the statutes is amended to read:

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

25 **SECTION 550.** 946.05 (1) of the statutes is amended to read:

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

3 **SECTION 551.** 946.10 (intro.) of the statutes is amended to read:

4 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
5 either of the following is guilty of a Class ~~D~~ H felony:

6 **SECTION 552.** 946.11 (1) (intro.) of the statutes is amended to read:

7 946.11 (1) (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

8 **SECTION 553.** 946.12 (intro.) of the statutes is amended to read:

9 **946.12 Misconduct in public office.** (intro.) Any public officer or public
10 employee who does any of the following is guilty of a Class ~~E~~ I felony:

11 **SECTION 554.** 946.13 (1) (intro.) of the statutes is amended to read:

12 946.13 (1) (intro.) Any public officer or public employee who does any of the
13 following is guilty of a Class ~~E~~ I felony:

14 **SECTION 555.** 946.14 of the statutes is amended to read:

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

20 **SECTION 556.** 946.15 (1) of the statutes is amended to read:

21 946.15 (1) Any employer, or any agent or employee of an employer, who induces
22 any person who seeks to be or is employed pursuant to a public contract as defined
23 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
24 wage rate determination has been issued by the department of workforce
25 development under s. 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local

1 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
2 waive or return any part of the compensation to which that person is entitled under
3 his or her contract of employment or under the prevailing wage rate determination
4 issued by the department or local governmental unit, or who reduces the hourly basic
5 rate of pay normally paid to an employee for work on a project on which a prevailing
6 wage rate determination has not been issued under s. 66.0903 (3) or (6), 103.49 (3),
7 103.50 (3) or 229.8275 (3) during a week in which the employee works both on a
8 project on which a prevailing wage rate determination has been issued and on a
9 project on which a prevailing wage rate determination has not been issued, is guilty
10 of a Class ~~E~~ I felony.

11 **SECTION 557.** 946.15 (3) of the statutes is amended to read:

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

22 **SECTION 558.** 946.31 (1) (intro.) of the statutes is amended to read:

23 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
24 material statement which the person does not believe to be true, in any matter, cause,

1 action or proceeding, before any of the following, whether legally constituted or
2 exercising powers as if legally constituted, is guilty of a Class D H felony:

3 **SECTION 559.** 946.32 (1) (intro.) of the statutes is amended to read:

4 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class D
5 H felony:

6 **SECTION 560.** 946.41 (2m) (intro.) of the statutes is amended to read:

7 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
8 circumstances is guilty of a Class D H felony:

9 **SECTION 561.** 946.415 (2) (intro.) of the statutes is amended to read:

10 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
11 a Class E I felony:

12 **SECTION 562.** 946.42 (3) (intro.) of the statutes is amended to read:

13 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
14 under any of the following circumstances is guilty of a Class D H felony:

15 **SECTION 563.** 946.42 (4) of the statutes is repealed.

16 **SECTION 564.** 946.425 (1) of the statutes is amended to read:

17 946.425 (1) Any person who is subject to a series of periods of imprisonment
18 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
19 required under the sentence is guilty of a Class D H felony.

20 **SECTION 565.** 946.425 (1m) (b) of the statutes is amended to read:

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

25 **SECTION 566.** 946.425 (1r) (b) of the statutes is amended to read:

1 946.425 (1r) (b) Any person who is subject to a confinement order under s.
2 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
3 report to the county jail or house of correction as required under the order is guilty
4 of a Class D H felony.

5 **SECTION 567.** 946.425 (2) of the statutes is repealed.

6 **SECTION 568.** 946.43 (1m) (intro.) of the statutes is amended to read:

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

10 **SECTION 569.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

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

17 **SECTION 570.** 946.44 (1) (intro.) of the statutes is amended to read:

18 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

19 **SECTION 571.** 946.44 (1g) of the statutes is amended to read:

20 946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b)
21 is guilty of a Class C F felony.

22 **SECTION 572.** 946.44 (1m) of the statutes is amended to read:

23 946.44 (1m) Whoever intentionally introduces into an institution where
24 prisoners are detained or transfers to a prisoner any firearm, whether loaded or

1 unloaded, or any article used or fashioned in a manner to lead another person to
2 believe it is a firearm, is guilty of a Class C F felony.

3 **SECTION 573.** 946.47 (1) (intro.) of the statutes is amended to read:

4 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class E I
5 felony:

6 **SECTION 574.** 946.48 (1) of the statutes is amended to read:

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

11 **SECTION 575.** 946.49 (1) (b) of the statutes is amended to read:

12 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
13 of a Class D H felony.

14 **SECTION 576.** 946.49 (2) of the statutes is amended to read:

15 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
16 guilty of a Class E I felony for failure to appear as provided.

17 **SECTION 577.** 946.50 (5d) of the statutes is created to read:

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

20 **SECTION 578.** 946.50 (5h) of the statutes is created to read:

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

23 **SECTION 579.** 946.50 (5p) of the statutes is created to read:

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

1 **SECTION 580.** 946.50 (5t) of the statutes is created to read:

2 946.50 (5t) A Class I felony, if the person was adjudicated delinquent for
3 committing an act that would be a Class I felony if committed by an adult.

4 **SECTION 581.** 946.60 (1) of the statutes is amended to read:

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

9 **SECTION 582.** 946.60 (2) of the statutes is amended to read:

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

15 **SECTION 583.** 946.61 (1) (intro.) of the statutes is amended to read:

16 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
17 felony:

18 **SECTION 584.** 946.64 of the statutes is amended to read:

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

24 **SECTION 585.** 946.65 (1) of the statutes is amended to read:

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

4 **SECTION 586.** 946.68 (1r) (a) of the statutes is amended to read:

5 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
6 to another any document which simulates legal process is guilty of a Class E I felony.

7 **SECTION 587.** 946.68 (1r) (b) of the statutes is amended to read:

8 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
9 to induce payment of a claim, the person is guilty of a Class D H felony.

10 **SECTION 588.** 946.68 (1r) (c) of the statutes is amended to read:

11 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
12 the person is guilty of a Class D H felony.

13 **SECTION 589.** 946.69 (2) (intro.) of the statutes is amended to read:

14 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I
15 felony:

16 **SECTION 590.** 946.70 (2) of the statutes is amended to read:

17 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
18 the commission of a crime other than the crime under this section is guilty of a Class
19 D H felony.

20 **SECTION 591.** 946.72 (1) of the statutes is amended to read:

21 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
22 removes or conceals any public record is guilty of a Class D H felony.

23 **SECTION 592.** 946.74 (2) of the statutes is amended to read:

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

4 **SECTION 593.** 946.76 of the statutes is amended to read:

5 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
6 to its execution that a search warrant has been applied for or issued, except so far
7 as may be necessary to its execution, is guilty of a Class ~~E~~ I felony.

8 **SECTION 594.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
9 is amended to read:

10 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
11 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
12 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
13 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
14 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
15 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
16 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
17 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(e)~~ and
18 ~~(d)~~ (bf) to (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27,
19 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
20 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 944.205, 944.21
21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,
22 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,
23 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

24 **SECTION 595.** 946.84 (1) of the statutes is amended to read:

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

3 **SECTION 596.** 946.85 (1) of the statutes is amended to read:

4 946.85 (1) Any person who engages in a continuing criminal enterprise shall
5 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~
6 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
7 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
8 ~~record is guilty of a Class E felony.~~

9 **SECTION 597.** 947.013 (1t) of the statutes is amended to read:

10 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
11 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
12 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
13 occurs within 7 years of the prior conviction.

14 **SECTION 598.** 947.013 (1v) of the statutes is amended to read:

15 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class D H felony if he or
16 she intentionally gains access to a record in electronic format that contains
17 personally identifiable information regarding the victim in order to facilitate the
18 violation under sub. (1r).

19 **SECTION 599.** 947.013 (1x) (intro.) of the statutes is amended to read:

20 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
21 circumstances is guilty of a Class D H felony:

22 **SECTION 600.** 947.015 of the statutes is amended to read:

23 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
24 conveyed any threat or false information, knowing such to be false, concerning an

1 attempt or alleged attempt being made or to be made to destroy any property by the
2 means of explosives is guilty of a Class ~~E~~ I felony.

3 **SECTION 601.** 948.02 (2) of the statutes is amended to read:

4 948.02 (2) SECOND DEGREE SEXUAL ASSAULT. Whoever has sexual contact or
5 sexual intercourse with a person who has not attained the age of 16 years is guilty
6 of a Class ~~BC~~ C felony.

7 **SECTION 602.** 948.02 (3) of the statutes is amended to read:

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

17 **SECTION 603.** 948.02 (3m) of the statutes is repealed.

18 **SECTION 604.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
19 amended to read:

20 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
21 or (2) within a specified period of time involving the same child is guilty of -a-:

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

23 **SECTION 605.** 948.025 (1) (b) of the statutes is created to read:

24 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
25 of s. 948.02 (1).

1 **SECTION 606.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
2 amended to read:

3 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
4 the defendant guilty the members of the jury must unanimously agree that at least
5 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
6 under sub. (1) of time but need not agree on which acts constitute the requisite
7 number and need not agree on whether a particular violation was a violation of s.
8 948.02 (1) or (2).

9 **SECTION 607.** 948.025 (2) (a) of the statutes is created to read:

10 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
11 the defendant guilty the members of the jury must unanimously agree that at least
12 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
13 agree on which acts constitute the requisite number.

14 **SECTION 608.** 948.025 (2m) of the statutes is repealed.

15 **SECTION 609.** 948.03 (2) (a) of the statutes is amended to read:

16 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
17 guilty of a Class C E felony.

18 **SECTION 610.** 948.03 (2) (b) of the statutes is amended to read:

19 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
20 a Class D H felony.

21 **SECTION 611.** 948.03 (2) (c) of the statutes is amended to read:

22 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
23 which creates a high probability of great bodily harm is guilty of a Class C F felony.

24 **SECTION 612.** 948.03 (3) (a) of the statutes is amended to read:

1 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
2 of a Class D G felony.

3 **SECTION 613.** 948.03 (3) (b) of the statutes is amended to read:

4 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
5 Class E I felony.

6 **SECTION 614.** 948.03 (3) (c) of the statutes is amended to read:

7 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
8 which creates a high probability of great bodily harm is guilty of a Class D H felony.

9 **SECTION 615.** 948.03 (4) (a) of the statutes is amended to read:

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

17 **SECTION 616.** 948.03 (4) (b) of the statutes is amended to read:

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

25 **SECTION 617.** 948.03 (5) of the statutes is repealed.

1 **SECTION 618.** 948.04 (1) of the statutes is amended to read:

2 948.04 (1) Whoever is exercising temporary or permanent control of a child and
3 causes mental harm to that child by conduct which demonstrates substantial
4 disregard for the mental well-being of the child is guilty of a Class C F felony.

5 **SECTION 619.** 948.04 (2) of the statutes is amended to read:

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

12 **SECTION 620.** 948.05 (1) (intro.) of the statutes is amended to read:

13 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
14 character and content of the sexually explicit conduct involving the child is guilty of
15 a Class C F felony:

16 **SECTION 621.** 948.05 (1m) of the statutes, as affected by 2001 Wisconsin Act 16,
17 is amended to read:

18 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
19 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
20 sell or distribute, any recording of a child engaging in sexually explicit conduct is
21 guilty of a Class C F felony if the person knows the character and content of the
22 sexually explicit conduct involving the child and if the person knows or reasonably
23 should know that the child engaging in the sexually explicit conduct has not attained
24 the age of 18 years.

25 **SECTION 622.** 948.05 (2) of the statutes is amended to read:

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

4 **SECTION 623.** 948.055 (2) (a) of the statutes is amended to read:

5 948.055 (2) (a) A Class ~~C~~ F felony if the child has not attained the age of 13
6 years.

7 **SECTION 624.** 948.055 (2) (b) of the statutes is amended to read:

8 948.055 (2) (b) A Class ~~D~~ H felony if the child has attained the age of 13 years
9 but has not attained the age of 18 years.

10 **SECTION 625.** 948.06 (intro.) of the statutes is amended to read:

11 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
12 guilty of a Class ~~BC~~ C felony:

13 **SECTION 626.** 948.07 (intro.) of the statutes is amended to read:

14 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
15 following acts, causes or attempts to cause any child who has not attained the age
16 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
17 ~~BC~~ D felony:

18 **SECTION 627.** 948.08 of the statutes is amended to read:

19 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
20 or causes any child to practice prostitution or establishes any child in a place of
21 prostitution is guilty of a Class ~~BC~~ D felony.

22 **SECTION 628.** 948.095 (2) (intro.) of the statutes is amended to read:

23 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
24 child who has attained the age of 16 years and who is not the defendant's spouse is
25 guilty of a Class ~~D~~ H felony if all of the following apply:

1 **SECTION 629.** 948.11 (2) (a) (intro.) of the statutes, as affected by 2001
2 Wisconsin Act 16, is amended to read:

3 948.11 (2) (a) (intro.) Whoever, with knowledge of the character and content of
4 the material, sells, rents, exhibits, plays, distributes, or loans to a child any harmful
5 material, with or without monetary consideration, is guilty of a Class ~~E~~ I felony if any
6 of the following applies:

7 **SECTION 630.** 948.11 (2) (am) (intro.) of the statutes, as affected by 2001
8 Wisconsin Act 16, is amended to read:

9 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
10 knowledge of the character and content of the description or narrative account,
11 verbally communicates, by any means, a harmful description or narrative account
12 to a child, with or without monetary consideration, is guilty of a Class ~~E~~ I felony if
13 any of the following applies:

14 **SECTION 631.** 948.12 (1m) (intro.) of the statutes, as affected by 2001 Wisconsin
15 Act 16, is amended to read:

16 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic
17 negative, photograph, motion picture, videotape, or other recording of a child
18 engaged in sexually explicit conduct under all of the following circumstances is guilty
19 of a Class ~~E~~ I felony:

20 **SECTION 632.** 948.12 (2m) (intro.) of the statutes, as created by 2001 Wisconsin
21 Act 16, is amended to read:

22 948.12 (2m) (intro.) Whoever exhibits or plays a recording of a child engaged
23 in sexually explicit conduct, if all of the following apply, is guilty of a Class ~~E~~ I felony:

24 **SECTION 633.** 948.13 (2) of the statutes is amended to read:

1 948.13 (2) Whoever has been convicted of a serious child sex offense and
2 subsequently engages in an occupation or participates in a volunteer position that
3 requires him or her to work or interact primarily and directly with children under
4 16 years of age is guilty of a Class C F felony. This subsection does not apply to a
5 person who is exempt under a court order issued under sub. (2m).

6 **SECTION 634.** 948.20 of the statutes is amended to read:

7 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
8 leaves any child in a place where the child may suffer because of neglect is guilty of
9 a Class D G felony.

10 **SECTION 635.** 948.21 (1) of the statutes is amended to read:

11 948.21 (1) Any person who is responsible for a child's welfare who, through his
12 or her actions or failure to take action, intentionally contributes to the neglect of the
13 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
14 felony.

15 **SECTION 636.** 948.22 (2) of the statutes is amended to read:

16 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
17 to provide spousal, grandchild or child support which the person knows or reasonably
18 should know the person is legally obligated to provide is guilty of a Class E I felony.
19 A prosecutor may charge a person with multiple counts for a violation under this
20 subsection if each count covers a period of at least 120 consecutive days and there is
21 no overlap between periods.

22 **SECTION 637.** 948.23 of the statutes is amended to read:

23 **948.23 Concealing death of child.** Any person who conceals the corpse of
24 any issue of a woman's body with intent to prevent a determination of whether it was
25 born dead or alive is guilty of a Class E I felony.

1 **SECTION 638.** 948.24 (1) (intro.) of the statutes is amended to read:

2 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
3 felony:

4 **SECTION 639.** 948.30 (1) (intro.) of the statutes is amended to read:

5 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
6 following is guilty of a Class C E felony:

7 **SECTION 640.** 948.30 (2) (intro.) of the statutes is amended to read:

8 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
9 following is guilty of a Class B C felony:

10 **SECTION 641.** 948.31 (1) (b) of the statutes is amended to read:

11 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
12 causes a child to leave, takes a child away or withholds a child for more than 12 hours
13 beyond the court-approved period of physical placement or visitation period from a
14 legal custodian with intent to deprive the custodian of his or her custody rights
15 without the consent of the custodian is guilty of a Class C F felony. This paragraph
16 is not applicable if the court has entered an order authorizing the person to so take
17 or withhold the child. The fact that joint legal custody has been awarded to both
18 parents by a court does not preclude a court from finding that one parent has
19 committed a violation of this paragraph.

20 **SECTION 642.** 948.31 (2) of the statutes is amended to read:

21 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
22 child for more than 12 hours from the child's parents or, in the case of a nonmarital
23 child whose parents do not subsequently intermarry under s. 767.60, from the child's
24 mother or, if he has been granted legal custody, the child's father, without the consent
25 of the parents, the mother or the father with legal custody, is guilty of a Class E I

1 felony. This subsection is not applicable if legal custody has been granted by court
2 order to the person taking or withholding the child.

3 **SECTION 643.** 948.31 (3) (intro.) of the statutes is amended to read:

4 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
5 the parent, who does any of the following is guilty of a Class C F felony:

6 **SECTION 644.** 948.35 of the statutes is repealed.

7 **SECTION 645.** 948.36 of the statutes is repealed.

8 **SECTION 646.** 948.40 (4) (a) of the statutes is amended to read:

9 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
10 felony; or

11 **SECTION 647.** 948.40 (4) (b) of the statutes is amended to read:

12 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
13 violation of a state or federal criminal law which is punishable as a felony, the person
14 is guilty of a Class D H felony.

15 **SECTION 648.** 948.51 (3) (b) of the statutes is amended to read:

16 948.51 (3) (b) A Class E H felony if the act results in great bodily harm ~~or death~~
17 to another.

18 **SECTION 649.** 948.51 (3) (c) of the statutes is created to read:

19 948.51 (3) (c) A Class G felony if the act results in the death of another.

20 **SECTION 650.** 948.60 (2) (b) of the statutes is amended to read:

21 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
22 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
23 Class E I felony.

24 **SECTION 651.** 948.60 (2) (c) of the statutes is amended to read:

1 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
2 person under 18 years of age under par. (b) discharges the firearm and the discharge
3 causes death to himself, herself or another.

4 **SECTION 652.** 948.605 (2) (a) of the statutes is amended to read:

5 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
6 that the individual knows, or has reasonable cause to believe, is a school zone is
7 guilty of a Class ~~A~~ misdemeanor I felony.

8 **SECTION 653.** 948.605 (3) (a) of the statutes is amended to read:

9 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
10 the safety of another, discharges or attempts to discharge a firearm at a place the
11 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

12 **SECTION 654.** 948.605 (4) of the statutes is repealed.

13 **SECTION 655.** 948.61 (2) (b) of the statutes is amended to read:

14 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
15 subsequent violation of this section within a 5-year period, as measured from the
16 dates the violations occurred.

17 **SECTION 656.** 948.62 (1) (a) of the statutes is amended to read:

18 948.62 (1) (a) A Class ~~E~~ felony A misdemeanor, if the value of the property does
19 not exceed \$500.

20 **SECTION 657.** 948.62 (1) (b) of the statutes is amended to read:

21 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
22 does not exceed \$2,500.

23 **SECTION 658.** 948.62 (1) (bm) of the statutes is created to read:

24 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but
25 does not exceed \$5,000.

1 **SECTION 659.** 948.62 (1) (c) of the statutes is amended to read:

2 948.62 (1) (c) A Class C G felony, if the value of the property exceeds \$2,500
3 \$5,000.

4 **SECTION 660.** 949.03 (1) (b) of the statutes is amended to read:

5 949.03 (1) (b) The commission or the attempt to commit any crime specified in
6 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
7 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
8 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
9 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
10 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

11 **SECTION 661.** 950.04 (1v) (g) of the statutes is amended to read:

12 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
13 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
14 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

15 **SECTION 662.** 950.04 (1v) (nt) of the statutes is created to read:

16 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
17 bifurcated sentence and provide a statement concerning modification of the
18 bifurcated sentence, as provided under s. 302.113 (9g) (d).

19 **SECTION 663.** 951.18 (1) of the statutes is amended to read:

20 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
21 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
22 Class C forfeiture. Any person who violates any of these provisions within 3 years
23 after a humane officer issues an abatement order under s. 173.11 prohibiting the
24 violation of that provision is subject to a Class A forfeiture. Any person who
25 intentionally or negligently violates any of those sections is guilty of a Class A

1 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
2 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any
3 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
4 is the victim is used by a law enforcement agency to perform agency functions or
5 duties and causing injury to the animal, is guilty of a Class ~~E~~ I felony.

6 **SECTION 664.** 951.18 (2) of the statutes is amended to read:

7 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
8 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I
9 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or
10 subsequent violation.

11 **SECTION 665.** 951.18 (2m) of the statutes is amended to read:

12 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
13 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
14 that the animal that is the victim is used by a law enforcement agency or fire
15 department to perform agency or department functions or duties, is guilty of a Class
16 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
17 animal that is the victim is used by a law enforcement agency or fire department to
18 perform agency or department functions or duties and causing injury to the animal,
19 is guilty of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.095,
20 knowing that the animal that is the victim is used by a law enforcement agency or
21 fire department to perform agency or department functions or duties and causing
22 death to the animal, is guilty of a Class ~~D~~ H felony.

23 **SECTION 666.** 961.41 (1) (intro.) of the statutes is amended to read:

24 961.41 (1) **MANUFACTURE, DISTRIBUTION OR DELIVERY.** (intro.) Except as
25 authorized by this chapter, it is unlawful for any person to manufacture, distribute

1 or deliver a controlled substance or controlled substance analog. Any person who
2 violates this subsection ~~with respect to~~ is subject to the following penalties:

3 **SECTION 667.** 961.41 (1) (a) of the statutes is amended to read:

4 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
5 in par. (d), if a person violates this subsection with respect to a controlled substance
6 included in schedule I or II which is a narcotic drug, or a controlled substance analog
7 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
8 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
9 ~~months or both~~ the person is guilty of a Class E felony.

10 **SECTION 668.** 961.41 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
11 16, is amended to read:

12 961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
13 provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect
14 to any other controlled substance included in schedule I, II, or III, or a controlled
15 substance analog of any other controlled substance included in schedule I or II, may
16 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
17 or both the person is guilty of a Class H felony.

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

19 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
20 this subsection with respect to cocaine or cocaine base, or a controlled substance
21 analog of cocaine or cocaine base, is subject to the following penalties if and the
22 amount manufactured, distributed, or delivered is:

23 **SECTION 670.** 961.41 (1) (cm) 1. of the statutes is renumbered 961.41 (1) (cm)
24 1r. and amended to read:

1 961.41 (1) (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 671.** 961.41 (1) (cm) 1g. of the statutes is created to read:

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

6 **SECTION 672.** 961.41 (1) (cm) 2. of the statutes is amended to read:

7 961.41 (1) (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 673.** 961.41 (1) (cm) 3. of the statutes is amended to read:

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

14 **SECTION 674.** 961.41 (1) (cm) 4. of the statutes is amended to read:

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

18 **SECTION 675.** 961.41 (1) (cm) 5. of the statutes is repealed.

19 **SECTION 676.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

20 961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the 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 manufactured, distributed or delivered is:

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

1 961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than
2 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years
3 and 6 months is guilty of a Class F felony.

4 **SECTION 678.** 961.41 (1) (d) 2. of the statutes is amended to read:

5 961.41 (1) (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 \$250,000 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 679.** 961.41 (1) (d) 3. of the statutes is amended to read:

10 961.41 (1) (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 680.** 961.41 (1) (d) 4. of the statutes is amended to read:

15 961.41 (1) (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 681.** 961.41 (1) (d) 5. of the statutes is repealed.

20 **SECTION 682.** 961.41 (1) (d) 6. of the statutes is repealed.

21 **SECTION 683.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

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

1 methcathinone, ~~is subject to the following penalties if~~ and the amount
2 manufactured, distributed, or delivered is:

3 **SECTION 684.** 961.41 (1) (e) 1. of the statutes is amended to read:

4 961.41 (1) (e) 1. ~~Three grams or less, the person shall be fined not less than~~
5 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
6 ~~6 months~~ is guilty of a Class F felony.

7 **SECTION 685.** 961.41 (1) (e) 2. of the statutes is amended to read:

8 961.41 (1) (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 \$250,000 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 686.** 961.41 (1) (e) 3. of the statutes is amended to read:

13 961.41 (1) (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 687.** 961.41 (1) (e) 4. of the statutes is amended to read:

18 961.41 (1) (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 688.** 961.41 (1) (e) 5. of the statutes is repealed.

23 **SECTION 689.** 961.41 (1) (e) 6. of the statutes is repealed.

24 **SECTION 690.** 961.41 (1) (em) of the statutes is repealed.

25 **SECTION 691.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

1 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the 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 manufactured, distributed, or delivered is:

5 **SECTION 692.** 961.41 (1) (f) 1. of the statutes is amended to read:

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

9 **SECTION 693.** 961.41 (1) (f) 2. of the statutes is amended to read:

10 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall
11 ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not~~
12 ~~less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class F felony.

13 **SECTION 694.** 961.41 (1) (f) 3. of the statutes is amended to read:

14 961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than
15 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
16 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

17 **SECTION 695.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

18 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin If the person violates
19 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
20 of psilocin or psilocybin, is subject to the following penalties if and the amount
21 manufactured, distributed or delivered is:

22 **SECTION 696.** 961.41 (1) (g) 1. of the statutes is amended to read:

23 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
24 ~~than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~
25 ~~years and 6 months~~ is guilty of a Class G felony.

1 **SECTION 697.** 961.41 (1) (g) 2. of the statutes is amended to read:

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

6 **SECTION 698.** 961.41 (1) (g) 3. of the statutes is amended to read:

7 961.41 (1) (g) 3. More than 500 grams, the person ~~shall be fined not less than~~
8 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
9 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

10 **SECTION 699.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

11 961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the
12 person violates this subsection with respect to tetrahydrocannabinols, included
13 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
14 subject to the following penalties if and the amount manufactured, distributed or
15 delivered is:

16 **SECTION 700.** 961.41 (1) (h) 1. of the statutes is amended to read:

17 961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
18 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
19 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
20 is guilty of a Class I felony.

21 **SECTION 701.** 961.41 (1) (h) 2. of the statutes is amended to read:

22 961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
23 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
24 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~

1 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
2 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

3 **SECTION 702.** 961.41 (1) (h) 3. of the statutes is amended to read:

4 961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
5 or more than ~~50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50~~
6 ~~plants containing tetrahydrocannabinols,~~ the person shall be fined not less than
7 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
8 ~~nor more than 15 years~~ is guilty of a Class G felony.

9 **SECTION 703.** 961.41 (1) (h) 4. of the statutes is created to read:

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

13 **SECTION 704.** 961.41 (1) (h) 5. of the statutes is created to read:

14 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
15 tetrahydrocannabinols, the person is guilty of a Class E felony.

16 **SECTION 705.** 961.41 (1) (hm) (intro.) of the statutes, as affected by 2001
17 Wisconsin Act 16, is amended to read:

18 961.41 (1) (hm) Certain other schedule I controlled substances and ketamine.
19 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect
20 to ~~gamma-hydroxybutyric~~ acid, gamma-butyrolactone,
21 3,4-methylenedioxyamphetamine,
22 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
23 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
24 gamma-butyrolactone, 3,4-methylenedioxyamphetamine,
25 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is

1 subject to the following penalties if and the amount manufactured, distributed, or
2 delivered is:

3 **SECTION 706.** 961.41 (1) (hm) 1. of the statutes, as created by 2001 Wisconsin
4 Act 16, is amended to read:

5 961.41 (1) (hm) 1. Three grams or less, the person shall be fined not less than
6 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
7 6 months is guilty of a Class F felony.

8 **SECTION 707.** 961.41 (1) (hm) 2. of the statutes, as created by 2001 Wisconsin
9 Act 16, is amended to read:

10 961.41 (1) (hm) 2. More than 3 grams but not more than 10 grams, the person
11 shall be fined not less than \$1,000 nor more than \$250,000 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 E felony.

14 **SECTION 708.** 961.41 (1) (hm) 3. of the statutes, as created by 2001 Wisconsin
15 Act 16, is amended to read:

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

20 **SECTION 709.** 961.41 (1) (hm) 4. of the statutes, as created by 2001 Wisconsin
21 Act 16, is amended to read:

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

1 **SECTION 710.** 961.41 (1) (hm) 5. of the statutes, as created by 2001 Wisconsin
2 Act 16, is repealed.

3 **SECTION 711.** 961.41 (1) (hm) 6. of the statutes, as created by 2001 Wisconsin
4 Act 16, is repealed.

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

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

10 **SECTION 713.** 961.41 (1) (im) (intro.) of the statutes, as affected by 2001
11 Wisconsin Act 16, is amended to read:

12 961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~
13 ~~following penalties if~~ If a person violates this subsection with respect to
14 flunitrazepam and the amount manufactured, distributed, or delivered is:

15 **SECTION 714.** 961.41 (1) (im) 1. of the statutes, as created by 2001 Wisconsin
16 Act 16, is amended to read:

17 961.41 (1) (im) 1. ~~Three grams or less, the person shall be fined not less than~~
18 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
19 ~~6 months~~ is guilty of a Class F felony.

20 **SECTION 715.** 961.41 (1) (im) 2. of the statutes, as created by 2001 Wisconsin
21 Act 16, is amended to read:

22 961.41 (1) (im) 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.

1 **SECTION 716.** 961.41 (1) (im) 3. of the statutes, as created by 2001 Wisconsin
2 Act 16, is amended to read:

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

7 **SECTION 717.** 961.41 (1) (im) 4. of the statutes, as created by 2001 Wisconsin
8 Act 16, is amended to read:

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

13 **SECTION 718.** 961.41 (1) (im) 5. of the statutes, as created by 2001 Wisconsin
14 Act 16, is repealed.

15 **SECTION 719.** 961.41 (1) (im) 6. of the statutes, as created by 2001 Wisconsin
16 Act 16, is repealed.

17 **SECTION 720.** 961.41 (1) (j) of the statutes is amended to read:

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

21 **SECTION 721.** 961.41 (1m) (intro.) of the statutes is amended to read:

22 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
23 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
24 with intent to manufacture, distribute or deliver, a controlled substance or a
25 controlled substance analog. Intent under this subsection may be demonstrated by,

1 without limitation because of enumeration, evidence of the quantity and monetary
2 value of the substances possessed, the possession of manufacturing implements or
3 paraphernalia, and the activities or statements of the person in possession of the
4 controlled substance or a controlled substance analog prior to and after the alleged
5 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
6 following penalties:

7 **SECTION 722.** 961.41 (1m) (a) of the statutes is amended to read:

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

14 **SECTION 723.** 961.41 (1m) (b) of the statutes, as affected by 2001 Wisconsin Act
15 16, is amended to read:

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

22 **SECTION 724.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

23 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
24 this subsection with respect to cocaine or cocaine base, or a controlled substance

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

3 **SECTION 725.** 961.41 (1m) (cm) 1. of the statutes is renumbered 961.41 (1m)
4 (cm) 1r. and amended to read:

5 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
6 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
7 for not more than 15 years is guilty of a Class F felony.

8 **SECTION 726.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

9 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

10 **SECTION 727.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

11 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
12 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
13 year nor more than 22 years and 6 months is guilty of a Class E felony.

14 **SECTION 728.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

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

18 **SECTION 729.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

19 961.41 (1m) (cm) 4. More than 40 grams but not more than 100 grams, the
20 person shall be fined not more than \$500,000 and shall be imprisoned for not less
21 than 5 years nor more than 45 years is guilty of a Class C felony.

22 **SECTION 730.** 961.41 (1m) (cm) 5. of the statutes is repealed.

23 **SECTION 731.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

24 961.41 (1m) (d) Heroin. (intro.) Heroin If a person violates this subsection with
25 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~

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

3 **SECTION 732.** 961.41 (1m) (d) 1. of the statutes is amended to read:

4 961.41 (1m) (d) 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 22 years~~
6 ~~and 6 months~~ is guilty of a Class F felony.

7 **SECTION 733.** 961.41 (1m) (d) 2. of the statutes is amended to read:

8 961.41 (1m) (d) 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 22 years and 6 months~~ is guilty of a Class
11 E felony.

12 **SECTION 734.** 961.41 (1m) (d) 3. of the statutes is amended to read:

13 961.41 (1m) (d) 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 735.** 961.41 (1m) (d) 4. of the statutes is amended to read:

18 961.41 (1m) (d) 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 736.** 961.41 (1m) (d) 5. of the statutes is repealed.

23 **SECTION 737.** 961.41 (1m) (d) 6. of the statutes is repealed.

24 **SECTION 738.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

1 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and
2 methcathinone. (intro.) Phencyclidine If a person violates this subsection with
3 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
4 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
5 methcathinone, is subject to the following penalties if and the amount possessed,
6 with intent to manufacture, distribute, or deliver, is:

7 **SECTION 739.** 961.41 (1m) (e) 1. of the statutes is amended to read:

8 961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than
9 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and
10 6 months is guilty of a Class F felony.

11 **SECTION 740.** 961.41 (1m) (e) 2. of the statutes is amended to read:

12 961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person
13 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
14 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
15 E felony.

16 **SECTION 741.** 961.41 (1m) (e) 3. of the statutes is amended to read:

17 961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person
18 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
19 for not less than one year nor more than 22 years and 6 months is guilty of a Class
20 D felony.

21 **SECTION 742.** 961.41 (1m) (e) 4. of the statutes is amended to read:

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

1 SECTION 743. 961.41 (1m) (e) 5. of the statutes is repealed.

2 SECTION 744. 961.41 (1m) (e) 6. of the statutes is repealed.

3 SECTION 745. 961.41 (1m) (em) of the statutes is repealed.

4 SECTION 746. 961.41 (1m) (f) (intro.) of the statutes is amended to read:

5 961.41 (1m) (f) *Lysergic acid diethylamide.* (intro.) Lysergie If a person violates
6 this subsection with respect to lysergic acid diethylamide or a controlled substance
7 analog of lysergic acid diethylamide is subject to the following penalties if and the
8 amount possessed, with intent to manufacture, distribute or deliver, is:

9 SECTION 747. 961.41 (1m) (f) 1. of the statutes is amended to read:

10 961.41 (1m) (f) 1. One gram or less, the person ~~shall be fined not less than~~
11 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
12 ~~6 months~~ is guilty of a Class G felony.

13 SECTION 748. 961.41 (1m) (f) 2. of the statutes is amended to read:

14 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
15 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
16 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
17 F felony.

18 SECTION 749. 961.41 (1m) (f) 3. of the statutes is amended to read:

19 961.41 (1m) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
20 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
21 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

22 SECTION 750. 961.41 (1m) (g) (intro.) of the statutes is amended to read:

23 961.41 (1m) (g) *Psilocin and psilocybin.* (intro.) Psilocin If a person violates
24 this subsection with respect to psilocin or psilocybin, or a controlled substance analog

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

3 **SECTION 751.** 961.41 (1m) (g) 1. of the statutes is amended to read:

4 961.41 (1m) (g) 1. One hundred grams or less, the person shall be ~~fin~~ed not less
5 than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7
6 years and 6 months is guilty of a Class G felony.

7 **SECTION 752.** 961.41 (1m) (g) 2. of the statutes is amended to read:

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

12 **SECTION 753.** 961.41 (1m) (g) 3. of the statutes is amended to read:

13 961.41 (1m) (g) 3. More than 500 grams, the person shall be ~~fin~~ed not less than
14 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
15 nor more than 22 years and 6 months is guilty of a Class E felony.

16 **SECTION 754.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

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

22 **SECTION 755.** 961.41 (1m) (h) 1. of the statutes is amended to read:

23 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
24 containing tetrahydrocannabinols, the person shall be ~~fin~~ed not less than \$500 nor

1 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months
2 is guilty of a Class I felony.

3 **SECTION 756.** 961.41 (1m) (h) 2. of the statutes is amended to read:

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

9 **SECTION 757.** 961.41 (1m) (h) 3. of the statutes is amended to read:

10 961.41 (1m) (h) 3. More than 2,500 1,000 grams but not more than 2,500 grams,
11 or more than 50 20 plants containing tetrahydrocannabinols but not more than 50
12 plants containing tetrahydrocannabinols, the person shall be fined not less than
13 \$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year
14 nor more than 15 years is guilty of a Class G felony.

15 **SECTION 758.** 961.41 (1m) (h) 4. of the statutes is created to read:

16 961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
17 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
18 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

19 **SECTION 759.** 961.41 (1m) (h) 5. of the statutes is created to read:

20 961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing
21 tetrahydrocannabinols, the person is guilty of a Class E felony.

22 **SECTION 760.** 961.41 (1m) (hm) (intro.) of the statutes, as created by 2001
23 Wisconsin Act 16, is amended to read:

24 961.41 (1m) (hm) Certain other schedule I controlled substances and ketamine.
25 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect

1 to gamma-hydroxybutyric acid, gamma-butyrolactone,
3,4-methylenedioxymethamphetamine
2 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
4 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
5 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine
6 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
7 subject to the following penalties if the amount possessed, with intent to
8 manufacture, distribute, or deliver is:

9 **SECTION 761.** 961.41 (1m) (hm) 1. of the statutes, as created by 2001 Wisconsin
10 Act 16, is amended to read:

11 961.41 (1m) (hm) 1. Three grams or less, the person shall be fined not less than
12 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
13 6 months is guilty of a Class F felony.

14 **SECTION 762.** 961.41 (1m) (hm) 2. of the statutes, as created by 2001 Wisconsin
15 Act 16, is amended to read:

16 961.41 (1m) (hm) 2. More than 3 grams but not more than 10 grams, the person
17 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
18 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
19 E felony.

20 **SECTION 763.** 961.41 (1m) (hm) 3. of the statutes, as created by 2001 Wisconsin
21 Act 16, is amended to read:

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

1 **SECTION 764.** 961.41 (1m) (hm) 4. of the statutes, as created by 2001 Wisconsin
2 Act 16, is amended to read:

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

7 **SECTION 765.** 961.41 (1m) (hm) 5. of the statutes, as created by 2001 Wisconsin
8 Act 16, is repealed.

9 **SECTION 766.** 961.41 (1m) (hm) 6. of the statutes, as created by 2001 Wisconsin
10 Act 16, is repealed.

11 **SECTION 767.** 961.41 (1m) (i) of the statutes is amended to read:

12 961.41 (1m) (i) Schedule IV drugs generally. Except as provided in par. (im),
13 if a person violates this subsection with respect to a substance included in schedule
14 IV, may be fined not more than \$10,000 or imprisoned for not more than 4 years and
15 6 months or both the person is guilty of a Class H felony.

16 **SECTION 768.** 961.41 (1m) (im) (intro.) of the statutes, as affected by 2001
17 Wisconsin Act 16, is amended to read:

18 961.41 (1m) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~
19 ~~following penalties if~~ If a person violates this subsection with respect to
20 flunitrazepam and the amount possessed, with intent to manufacture, distribute, or
21 deliver, is:

22 **SECTION 769.** 961.41 (1m) (im) 1. of the statutes, as created by 2001 Wisconsin
23 Act 16, is amended to read:

1 961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than
2 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
3 6 months is guilty of a Class F felony.

4 **SECTION 770.** 961.41 (1m) (im) 2. of the statutes, as created by 2001 Wisconsin
5 Act 16, is amended to read:

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

10 **SECTION 771.** 961.41 (1m) (im) 3. of the statutes, as created by 2001 Wisconsin
11 Act 16, is amended to read:

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

16 **SECTION 772.** 961.41 (1m) (im) 4. of the statutes, as created by 2001 Wisconsin
17 Act 16, is amended to read:

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

22 **SECTION 773.** 961.41 (1m) (im) 5. of the statutes, as created by 2001 Wisconsin
23 Act 16, is repealed.

24 **SECTION 774.** 961.41 (1m) (im) 6. of the statutes, as created by 2001 Wisconsin
25 Act 16, is repealed.

1 **SECTION 775.** 961.41 (1m) (j) of the statutes is amended to read:

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

5 **SECTION 776.** 961.41 (1n) (c) of the statutes is amended to read:

6 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
7 \$250,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

8 **SECTION 777.** 961.41 (1q) of the statutes is amended to read:

9 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
10 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2),~~ if
11 different penalty provisions apply to a person depending on whether the weight of
12 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
13 considered, the greater penalty provision applies.

14 **SECTION 778.** 961.41 (1r) of the statutes is amended to read:

15 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
16 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) ~~and s. 961.49 (2) (b),~~ an amount
17 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
18 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
19 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
20 of these substances together with any compound, mixture, diluent, plant material
21 or other substance mixed or combined with the controlled substance or controlled
22 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)
23 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
24 (4) (t) and includes the weight of any marijuana.

25 **SECTION 779.** 961.41 (2) (intro.) of the statutes is amended to read:

1 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
2 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
3 possess with intent to distribute or deliver, a counterfeit substance. Any person who
4 violates this subsection ~~with respect to~~ is subject to the following penalties:

5 **SECTION 780.** 961.41 (2) (a) of the statutes is amended to read:

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

11 **SECTION 781.** 961.41 (2) (b) of the statutes, as affected by 2001 Wisconsin Act
12 16, is amended to read:

13 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Except as provided
14 in pars. (a) and (bm), and (cm), if a person violates this subsection with respect to any
15 other counterfeit substance included in schedule I, II or, III, may be fined not more
16 than \$15,000 or imprisoned for not more than 7 years and 6 months or both or IV, the
17 person is guilty of a Class H felony.

18 **SECTION 782.** 961.41 (2) (c) of the statutes is repealed.

19 **SECTION 783.** 961.41 (2) (cm) (title) of the statutes is created to read:

20 961.41 (2) (cm) (title) *Counterfeit flunitrazepam.*

21 **SECTION 784.** 961.41 (2) (d) of the statutes is amended to read:

22 961.41 (2) (d) Counterfeit schedule V drugs. ~~A- If a person violates this~~
23 subsection with respect to a counterfeit substance included in schedule V, may be
24 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person
25 is guilty of a Class I felony.

1 **SECTION 785.** 961.41 (3g) (a) 1. of the statutes is renumbered 961.41 (3g) (am)
2 and amended to read:

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

11 **SECTION 786.** 961.41 (3g) (a) 2. of the statutes is repealed.

12 **SECTION 787.** 961.41 (3g) (a) 3. of the statutes is repealed.

13 **SECTION 788.** 961.41 (3g) (b) of the statutes is amended to read:

14 961.41 (3g) (b) Other drugs generally. ~~Except as provided in pars. (c), (d), (dm),~~
15 (e) and (f), if the person possesses or attempts to possess a controlled substance or
16 controlled substance analog, other than a controlled substance included in schedule
17 I or II that is a narcotic drug or a controlled substance analog of a controlled
18 substance included in schedule I or II that is a narcotic drug, the person is guilty of
19 a misdemeanor, punishable under s. 939.61.

20 **SECTION 789.** 961.41 (3g) (c) of the statutes is amended to read:

21 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
22 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
23 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
24 more than one year in the county jail upon a first conviction and is guilty of a Class
25 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense