

# State of Wisconsin



January 2017 Special Session  
Assembly Bill 3

Date of enactment: July 17, 2017  
Date of publication\*: July 18, 2017

## 2017 WISCONSIN ACT 33

AN ACT *to repeal* 961.443 (2) (b); *to renumber and amend* 961.443 (2) and 961.443 (2) (a); *to amend* 961.443 (1) (a), (b) and (c) and 961.443 (2) (title); and *to create* 961.443 (2) (b) of the statutes; **relating to:** immunity from revocation of probation, parole, or extended supervision for certain controlled substance offenses.

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

**SECTION 1c.** 961.443 (1) (a), (b) and (c) of the statutes are amended to read:

961.443 (1) (a) Brings another person to an emergency room, hospital, fire station, or other health care facility and makes contact with an individual who staffs the emergency room, hospital, fire station, or other health care facility if the other person is, or ~~the~~ if a reasonable person believes would believe him or her to be, suffering from an overdose of, or other adverse reaction to, any controlled substance or controlled substance analog.

(b) Summons and makes contact with a law enforcement officer, ambulance, emergency medical technician, or other health care provider, in order to assist another person if the other person is, or the if a reasonable person believes would believe him or her to be, suffering from an overdose of, or other adverse reaction to, any controlled substance or controlled substance analog.

(c) ~~Dials~~ Calls the telephone number "911" or, in an area in which the telephone number "911" is not available, the number for an emergency medical service provider, and makes contact with an individual answering the number with the intent to obtain assistance for another person if the other person is, or ~~the~~ if a reasonable person believes would believe him or her to be, suffering

from an overdose of, or other adverse reaction to, any controlled substance or controlled substance analog.

**SECTION 1e.** 961.443 (2) (title) of the statutes is amended to read:

961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF PAROLE, PROBATION, OR EXTENDED SUPERVISION.

**SECTION 1em.** 961.443 (2) (title) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is amended to read:

961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION ~~AND REVOCATION OF PAROLE, PROBATION, OR EXTENDED SUPERVISION.~~

**SECTION 1g.** 961.443 (2) of the statutes is renumbered 961.443 (2) (a) and amended to read:

961.443 (2) (a) ~~An~~ No aider may have his or her parole, probation, or extended supervision revoked, and an aider is immune from prosecution under s. 961.573 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a controlled substance or a controlled substance analog, and under s. 961.69 (2) for possession of a masking agent, under the circumstances surrounding or leading to his or her commission of an act described in sub. (1) if the aider's attempt to obtain assistance occurs immediately after the aider believes the other person is suffering from the overdose or other adverse reaction.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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**SECTION 1gm.** 961.443 (2) (a) of the statutes, as affected by 2017 Wisconsin Act .... (this act), is renumbered 961.443 (2) and amended to read:

961.443 (2) ~~No aider may have his or her parole, probation, or extended supervision revoked, and an An aider is immune from prosecution under s. 961.573 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a controlled substance or a controlled substance analog, and under s. 961.69 (2) for possession of a masking agent, under the circumstances surrounding or leading to his or her commission of an act described in sub. (1) if the aider's attempt to obtain assistance occurs immediately after the aider believes the other person is suffering from the overdose or other adverse reaction.~~

**SECTION 1i.** 961.443 (2) (b) of the statutes is created to read:

961.443 (2) (b) 1. No aided person may have his or her parole, probation, or extended supervision revoked under the circumstances surrounding or leading to an aider's commission of an act described in sub. (1) if the aided person completes a treatment program as a condition of his or her parole, probation, or extended supervision or, if a treatment program is unavailable or would be

prohibitive financially, agrees to be imprisoned in the county jail for not less than 15 days.

2. If an aided person is subject to prosecution under s. 961.573 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a controlled substance or a controlled substance analog, or under s. 961.69 (2) for possession of a masking agent under the circumstances surrounding or leading to an aider's commission of an act described in sub. (1), the district attorney shall offer the aided person a deferred prosecution agreement that includes the completion of a treatment program. This subdivision does not apply to an aided person who is on parole, probation, or extended supervision and fails to meet a condition under subd. 1.

**SECTION 1im.** 961.443 (2) (b) of the statutes, as created by 2017 Wisconsin Act .... (this act), is repealed.

**SECTION 1y. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) SUNSET FOR EVALUATION OF LEGISLATION. The treatment of section 961.443 (2) (title) (by SECTION 1em), (a) (by SECTION 1gm), and (b) (by SECTION 1im) of the statutes takes effect on the first day of the 37th month beginning after publication.