LRB-3908/1 CMH:ahe

2015 ASSEMBLY BILL 945

February 23, 2016 – Introduced by Representatives Sargent, Ohnstad, Johnson, Zepnick, C. Taylor, Kahl, Considine, Spreitzer, Berceau, Pope, Brostoff and Kessler, cosponsored by Senators Miller, Risser and C. Larson. Referred to Committee on Criminal Justice and Public Safety.

- 1 **AN ACT** to renumber and amend 961.41 (3g) (e); and to create 961.41 (3g) (e)
- 1. a. and b. of the statutes; **relating to:** repeat offenses of possession of marijuana.

Analysis by the Legislative Reference Bureau

Under this bill, the penalty for the possession of marijuana following a conviction for a violation of the Uniform Controlled Substances Act is reduced from a Class I felony to a fine of no more than \$1,000 or imprisonment for not more than six months, or both, which is the same penalty as for the first offense of possession of marijuana. The penalty, however, remains a Class I felony if the repeat offense occurred on the grounds of a school or if, during the course of the repeat offense, the person carried a dangerous weapon, the person used force against another person, or a person died or suffered great bodily harm.

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

- SECTION 1. 961.41 (3g) (e) of the statutes is renumbered 961.41 (3g) (e) 1. (intro.) and amended to read:
- 961.41 **(3g)** (e) 1. (intro.) If a person possesses or attempts to possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled substance

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analog of tetrahydrocannabinols, the person may be fined not more than \$1,000 or
imprisoned for not more than 6 months or both upon a first conviction and \underline{or} is guilty
of a Class I felony for if the offense is a 2nd or subsequent offense, and any of the
following applies:

- 2. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.
 - **SECTION 2.** 961.41 (3g) (e) 1. a. and b. of the statutes are created to read:
- 961.41 (3g) (e) 1. a. The offense occurred on the grounds of a school, as defined in s. 948.61 (1) (b).
 - b. During the course of the offense, the person carried, possessed, or used a dangerous weapon, as defined in s. 939.22 (10); the person used force against another person; or a person died or suffered great bodily harm, as defined in s. 939.22 (14).

17 (END)