

State of Wisconsin



1999 Assembly Bill 704

Date of enactment: **May 9, 2000**
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1999 WISCONSIN ACT 129

AN ACT *to amend* 961.573 (1), 961.573 (2), 961.574 (1), 961.574 (2) and 961.575 (1); and *to create* 961.437, 961.573 (3), 961.574 (3) and 961.575 (3) of the statutes; **relating to:** possession and disposal of waste produced by the illegal manufacture of the controlled substance methamphetamine, possession of paraphernalia used in the manufacture of the controlled substance methamphetamine and providing penalties.

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

SECTION 1. 961.437 of the statutes is created to read:

961.437 Possession and disposal of waste from manufacture of methamphetamine. (1) In this section:

(a) "Dispose of" means discharge, deposit, inject, dump, spill, leak or place methamphetamine manufacturing waste into or on any land or water in a manner that may permit the waste to be emitted into the air, to be discharged into any waters of the state or otherwise to enter the environment.

(b) "Intentionally" has the meaning given in s. 939.23 (3).

(c) "Methamphetamine manufacturing waste" means any solid, semisolid, liquid or contained gaseous material or article that results from or is produced by the manufacture of methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter.

(2) No person may do any of the following:

(a) Knowingly possess methamphetamine manufacturing waste.

(b) Intentionally dispose of methamphetamine manufacturing waste.

(3) Subsection (2) does not apply to a person who possesses or disposes of methamphetamine manufacturing waste under all of the following circumstances:

(a) The person is storing, treating or disposing of the methamphetamine manufacturing waste in compliance with chs. 287, 289, 291 and 292 or the person has notified a law enforcement agency of the existence of the methamphetamine manufacturing waste.

(b) The methamphetamine manufacturing waste had previously been possessed or disposed of by another person in violation of sub. (2).

(4) A person who violates sub. (2) is subject to the following penalties:

(a) For a first offense, the person shall be fined not less than \$1,000 nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both.

(b) For a 2nd or subsequent offense, the person shall be fined not less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years or both.

(5) Each day of a continuing violation of sub. (2) (a) or (b) constitutes a separate offense.

SECTION 2. 961.573 (1) of the statutes is amended to read:

961.573 (1) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound,

* Section 991.11, WISCONSIN STATUTES 1997-98: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this ~~section~~ subsection may be fined not more than \$500 or imprisoned for not more than 30 days or both.

SECTION 3. 961.573 (2) of the statutes is amended to read:

961.573 (2) Any person who violates ~~this section~~ sub. (1) who is under 17 years of age is subject to a disposition under s. 938.344 (2e).

SECTION 4. 961.573 (3) of the statutes is created to read:

961.573 (3) No person may use, or possess with the primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter. Any person who violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

SECTION 5. 961.574 (1) of the statutes is amended to read:

961.574 (1) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this ~~section~~ subsection may be fined not

more than \$1,000 or imprisoned for not more than 90 days or both.

SECTION 6. 961.574 (2) of the statutes is amended to read:

961.574 (2) Any person who violates ~~this section~~ sub. (1) who is under 17 years of age is subject to a disposition under s. 938.344 (2e).

SECTION 7. 961.574 (3) of the statutes is created to read:

961.574 (3) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter. Any person who violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

SECTION 8. 961.575 (1) of the statutes is amended to read:

961.575 (1) Any person 17 years of age or over who violates s. 961.574 (1) by delivering drug paraphernalia to a person 17 years of age or under who is at least 3 years younger than the violator may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 9. 961.575 (3) of the statutes is created to read:

961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by delivering drug paraphernalia to a person 17 years of age or under may be fined not more than \$50,000 or imprisoned for not more than 10 years or both.