

1999 DRAFTING REQUEST

Bill

Received: **02/22/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 2674158**

By/Representing: **Jolene**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Drug paraphernalia

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	olsenje 02/22/99	wjackson 02/23/99		_____			
/1			jfrantze 02/23/99	_____	lrb-docadmin 02/23/99	lrb-docadmin 03/8/99	

FE Sent For:

Not Needed

<END>

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Received: 02/22/99

Received By: olsenje

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For: Mark Gundrum (608) 267-5158

By/Representing: Jolene

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/?	olsenje 02/22/99	wjackson 02123199		_____			
/1			jfrantze 02123199	_____	lrb_docadmin 02/23/99		

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/?	olsenje	/ I	Wlj 2/23		<i>[Signature]</i> 2/23						

FE Sent For:

<END>

2303

Rep. Gundrum

Jelene

1714/1 for the assembly

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D-Note

2303/1

1999 BILL

Reger

1 AN ACT *to amend* 961.571 (1) (b) (intro.) of the statutes; **relating to:** drug
2 paraphernalia.

Analysis by the Legislative Reference Bureau

Current law prohibits the possession, use, manufacture and delivery of drug paraphernalia and provides various penalties for violations of this prohibition. Drug paraphernalia includes any object or item that is used, designed for use or primarily intended for use in unlawfully injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance (dangerous drug). However, drug paraphernalia does not include any of the following: 1) hypodermic syringes, needles or other objects used or intended for use in parenterally injecting substances into the human body; and 2) any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products. Hypodermic syringes, needles or other similar objects and items designed or primarily intended for use with tobacco products are not drug paraphernalia even if they have been used to unlawfully inject, ingest, inhale or otherwise introduce a controlled substance into the human body. *State v. Martinez*, 210 Wis. 2d 397 (Ct. App. 1997).

This bill provides that a hypodermic syringe, needle or other similar object or an item designed or primarily intended for use with tobacco products is an object or item of drug paraphernalia if it contains a controlled substance or has on it any residue of a controlled substance. Thus, the current prohibitions and penalties

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1714/1dn
JEO:wlj&jlg:jf

~~January 27, 1999~~

2303/1dn

This is a redraft of 1997 Senate Bill 286.

Note that, as drafted, the interaction of this proposal with s. 961.574 (1),¹ stats., may imperil needle exchange programs (such as those run by HIV/AIDS prevention organizations) if instead of destroying the collected needles the programs sterilize and "recycle" them.

Jefren E. Olsen
Legislative Attorney
26643906

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2303/1dn
JEO:wlj&jlg:jf

February 23, 1999

This is a redraft of 1997 Senate Bill 286.

Note that, as drafted, the interaction of this proposal with s. 961.574 (1), stats., may imperil needle exchange programs (such as those run by HIV/AIDS prevention organizations) if instead of destroying the collected needles the programs sterilize and "recycle" them.

Jefren E. Olsen
Legislative Attorney
26643906

**SUBMITTAL
'FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/23/99

To: Representative Gundrum

Relating to LRB drafting number: LRB-2303

Topic

Drug paraphernalia

Subject(s)

Criminal Law - drugs

1. **JACKET** the draft for introduction by Rep. Mark D. Gundrum
in the Senate or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906



STATE REPRESENTATIVE
Mark D. Gundrum

March 5, 1999

Dear Jefren:

LRB 2303, the Assembly version of SB 58 is ready to be jacketed as a co-sponsorship memo was distributed last week.

What would you advise as far as obtaining a fiscal estimate? I spoke with Senator Drzewiecki's office and they said that this bill might not need one.

If I can provide you with any more information or answer any questions, please call me at 267-5158. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jolene Churchill".

Jolene Rose Churchill
Legislative Assistant

Attachment

**13.0. Box 8952, Madison, WI 53708
(608) 267-5158 ✉ 1-888-534-0084**
