

1999 ASSEMBLY BILL 346

May 17, 1999 – Introduced by Representatives PETTIS, SUDER, LADWIG, MUSSER, AINSWORTH, OWENS, KELSO, SERATTI, BRANDEMUEHL, GRONEMUS, FREESE, KREIBICH, GOETSCH and SYKORA, cosponsored by Senators DARLING, SCHULTZ and ZIEN. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 938.34 (14s) (a) 1., 938.34 (14s) (a) 2., 938.34 (14s) (a) 3., 938.34
2 (14s) (am) 1., 938.34 (14s) (am) 2., 938.34 (14s) (am) 3., 938.344 (2e) (a) 1.,
3 938.344 (2e) (a) 2. and 938.344 (2e) (a) 3. of the statutes; **relating to:** the
4 amount of a forfeiture that may be imposed on a juvenile who possesses a
5 controlled substance, a controlled substance analog or drug paraphernalia and
6 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, a juvenile who possesses a controlled substance or a controlled substance analog, in addition to any other disposition that may be imposed under the juvenile justice code, is subject to a forfeiture of not more than \$50 for a first violation, a forfeiture of not more than \$100 for a violation committed within 12 months of a previous violation and a forfeiture of not more than \$500 for a violation committed within 12 months of two or more previous violations. A juvenile who manufactures, distributes or delivers, or who possesses with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog, in addition to any other disposition that may be imposed under the juvenile justice code, is subject to a forfeiture of not less than \$250 nor more than \$500 for a first violation, a forfeiture of not less than \$300 for a violation committed within 12 months of a previous violation and a forfeiture of \$500 for a violation committed within 12 months of two or more previous violations. A juvenile who uses or

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possesses with the primary intent to use, or who delivers, possesses with intent to deliver or manufactures with intent to deliver, drug paraphernalia is subject to suspension or revocation of the juvenile's operating privilege for not less than six months nor more than five years and to a forfeiture of not more than \$50 or participation in a supervised work program, or both, for a first violation, a forfeiture of not more than \$100 or participation in a supervised work program, or both, for a violation committed within 12 months of a previous violation and a forfeiture of not more than \$500 or participation in a supervised work program, or both, for a violation committed within 12 months of two or more previous violations.

This bill increases the maximum amount of a forfeiture that may be imposed on a juvenile who possesses a controlled substance or a controlled substance analog to \$200 for a first violation, \$400 for a violation committed within 12 months of a previous violation and \$2,000 for a violation committed within 12 months of two or more previous violations. The bill also increases the forfeitures that may be imposed on a juvenile who manufactures, distributes or delivers, or who possesses with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog to not less than \$1,000 nor more than \$2,000 for a first violation, not less than \$1,200 for a violation committed within 12 months of a previous violation and \$2,000 for a violation committed within 12 months of two or more previous violations. Finally, the bill increases the maximum amount of a forfeiture that may be imposed on a juvenile who uses or possesses with the primary intent to use, or who delivers, possesses with intent to deliver or manufactures with intent to deliver, drug paraphernalia to \$200 for a first violation, \$400 for a violation committed within 12 months of a previous violation and \$2,000 for a violation committed within 12 months of two or more previous violations.

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

- 1 **SECTION 1.** 938.34 (14s) (a) 1. of the statutes is amended to read:
2 938.34 (**14s**) (a) 1. For a first violation, a forfeiture of not more than ~~\$50~~ \$200.
- 3 **SECTION 2.** 938.34 (14s) (a) 2. of the statutes is amended to read:
4 938.34 (**14s**) (a) 2. For a violation committed within 12 months of a previous
5 violation, a forfeiture of not more than ~~\$100~~ \$400.
- 6 **SECTION 3.** 938.34 (14s) (a) 3. of the statutes is amended to read:
7 938.34 (**14s**) (a) 3. For a violation committed within 12 months of 2 or more
8 previous violations, a forfeiture of not more than ~~\$500~~ \$2,000.

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1 **SECTION 4.** 938.34 (14s) (am) 1. of the statutes is amended to read:

2 938.34 (**14s**) (am) 1. For a first violation, a forfeiture of not less than \$250
3 \$1,000 nor more than \$500 \$2,000.

4 **SECTION 5.** 938.34 (14s) (am) 2. of the statutes is amended to read:

5 938.34 (**14s**) (am) 2. For a violation committed within 12 months of a previous
6 violation, a forfeiture of not less than \$300 \$1,200.

7 **SECTION 6.** 938.34 (14s) (am) 3. of the statutes is amended to read:

8 938.34 (**14s**) (am) 3. For a violation committed within 12 months of 2 or more
9 previous violations, a forfeiture of \$500 \$2,000.

10 **SECTION 7.** 938.344 (2e) (a) 1. of the statutes is amended to read:

11 938.344 (**2e**) (a) 1. For a first violation, a forfeiture of not more than \$50 \$200
12 or the juvenile's participation in a supervised work program or other community
13 service work under s. 938.34 (5g) or both.

14 **SECTION 8.** 938.344 (2e) (a) 2. of the statutes is amended to read:

15 938.344 (**2e**) (a) 2. For a violation committed within 12 months of a previous
16 violation, a forfeiture of not more than \$100 \$400 or the juvenile's participation in
17 a supervised work program or other community service work under s. 938.34 (5g) or
18 both.

19 **SECTION 9.** 938.344 (2e) (a) 3. of the statutes is amended to read:

20 938.344 (**2e**) (a) 3. For a violation committed within 12 months of 2 or more
21 previous violations, a forfeiture of not more than \$500 \$2,000 or the juvenile's
22 participation in a supervised work program or other community service work under
23 s. 938.34 (5g) or both.

24 **SECTION 10. Initial applicability.**

