

1999 DRAFTING REQUEST**Bill**Received: **04/8/99**Received By: **malaigm**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**By/Representing: **Doug Nelson**This file may be shown to any legislator: **NO**Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - delinquency**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Possession of controlled substances or drug paraphernalia by a minor;penalties

Instructions:

Redraft as a separate bill the provisions of -2465/2 relating to controlled substances and drug paraphernalia

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>
/?	malaigm 04/9/99	wjackson 04/9/99		_____			
/1			martykr 04/13/99	_____	lrb_docadmin 04/13/99	lrb_docadmin 04/15/99	

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **04/8/99**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing: **Doug Nelson**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - delinquency**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Possession of controlled substances or drug paraphernalia by a minor;penalties

Instructions:

Redraft as a separate bill the provisions of -2465/2 relating to controlled substances and drug paraphernalia

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>
/?	malaigm 04/9/99	wjackson 04/9/99		_____			
/1			martykr 04/13/99	_____	lrb_docadmin 04/13/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **04/8/99**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing: **Doug Nelson**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - delinquency**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Possession of controlled substances or drug paraphernalia by a minor;penalties

Instructions:

Redraft as a separate bill the provisions of -2465/2 relating to controlled substances and drug paraphernalia

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>
1?	malaigm	1 WLj 4/9	km 4/13	km 4/13			

FE Sent For:

<END>

1999 BILL

Repeal

Repeal

1 AN ACT *to repeal* 778.25 (1) (a) 4.; *to amend* 778.25 (1) (a) 1., 895.035 (6), 938.17
2 (2) (c), 938.17 (2) (d), 938.17 (2) (e), 938.34 (14s) (a) 1., 938.34 (14s) (a) 2., 938.34
3 (14s) (a) 3., 938.34 (14s) (am) 1., 938.34 (14s) (am) 2., 938.34 (14s) (am) 3.,
4 938.344 (title), 938.344 (2e) (a) 1., 938.344 (2e) (a) 2., 938.344 (2e) (a) 3., 938.344
5 (2r) (a), 938.344 (3), 938.45 (1r) (b) and 938.983 (2r) (a); *to repeal and recreate*
6 938.17 (2) (d); and *to create* 938.344 (2r), 938.983 (2r), 938.983 (2t) and 938.983
7 (2v) of the statutes; **relating to:** ~~the amount of a forfeiture that may be imposed~~
8 ~~on a person under 18 years of age who possesses cigarettes or tobacco products,~~
9 the amount of a forfeiture that may be imposed on a juvenile who possesses a
10 controlled substance, a controlled substance analog or drug paraphernalia and
11 providing penalties. ✓

Analysis by the Legislative Reference Bureau

~~Under current law, no person under 18 years of age may buy or attempt to buy any tobacco product, falsely represent his or her age for the purpose of receiving any tobacco product or possess any tobacco product. Currently, a person under 18 years of age who commits any of those acts may be ordered to pay a forfeiture of not more~~

BILL

~~than \$50, placed in a teen court program, ordered to participate in a supervised work program or other community service work or ordered to undergo any combination of those dispositions. In addition, the parent of such a person may also be ordered to pay the forfeiture. This bill increases the maximum amount of a forfeiture that may be imposed on a person under 18 years of age who commits any of these acts and on the parent of such a person to \$200.~~

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 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

BILL

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:

~~SECTION 1. 778.25 (1) (a) 1. of the statutes is amended to read:~~

~~778.25 (1) (a) 1. Under s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 938.983, 961.573 (2), 961.574 (2) or 961.575 (2) or under a local ordinance strictly conforming to one of those statutes brought against an adult in circuit court or against a minor in the court assigned to exercise jurisdiction under chs. 48 and 938.~~

~~SECTION 2. 778.25 (1) (a) 4. of the statutes is repealed.~~

~~SECTION 3. 895.035 (6) of the statutes is amended to read:~~

~~895.035 (6) Any recovery of restitution under this section shall be reduced by the amount recovered as restitution for the same act under s. 938.245, 938.32, 938.34 (5), 938.343 (4) or 938.45 (1r) (a). Any recovery of a forfeiture under this section shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.34 (8), 938.343 (2), 938.344 (2r) (a) or 938.45 (1r) (b). Any recovery of a surcharge under this section shall be reduced by the amount recovered as a surcharge under s. 938.34 (8d).~~

~~SECTION 4. 938.17 (2) (c) of the statutes is amended to read:~~

~~938.17 (2) (c) The citation procedures described in ch. 800 shall govern proceedings involving juveniles in municipal court, except that this chapter shall govern the taking and holding of a juvenile in custody and par. (cg) shall govern the issuing of a summons to the juvenile's parent, guardian or legal custodian. When a juvenile is before the court assigned to exercise jurisdiction under this chapter and ch. 48 upon a citation alleging the juvenile to have violated a civil law or municipal~~

BILL**SECTION 4**

1 ordinance, the procedures specified in s. 938.237 shall apply. If a citation is issued
2 to a juvenile, the issuing agency shall notify the juvenile's parent, guardian and legal
3 custodian within 7 days. The agency issuing a citation to a juvenile who is 12 to 15
4 years of age for a violation of s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 938.983,
5 961.573 (2), 961.574 (2) or 961.575 (2) or an ordinance conforming to one of those
6 statutes shall send a copy to an intake worker under s. 938.24 for informational
7 purposes only.

8 **SECTION 5.** 938.17 (2) (d) of the statutes is amended to read:

9 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
10 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
11 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 938.983, 961.573 (2),
12 961.574 (2) or 961.575 (2), the court shall enter any of the dispositional orders
13 permitted under s. 938.343 that are authorized under par. (cm). If a juvenile fails
14 to pay the forfeiture imposed by the municipal court, the court may not impose a jail
15 sentence but may suspend any license issued under ch. 29 for not less than 30 days
16 nor more than 5 years, or suspend the juvenile's operating privilege, as defined in s.
17 340.01 (40), for not less than 30 days nor more than 5 years. If a court suspends a
18 license or privilege under this section, the court shall immediately take possession
19 of the applicable license and forward it to the department that issued the license,
20 together with the notice of suspension clearly stating that the suspension is for
21 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the
22 period of suspension, the court shall immediately notify the department, which shall
23 thereupon return the license to the person.

24 **SECTION 6.** 938.17 (2) (d) of the statutes, as affected by 1999 Wisconsin Act
25 (this act), is repealed and recreated to read:

BILL

1 ~~938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal~~
 2 ~~ordinance other than an ordinance enacted under s. 118.163 or an ordinance that~~
 3 ~~conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 938.983, 961.573 (2),~~
 4 ~~961.574 (2) or 961.575 (2), the court shall enter any of the dispositional orders~~
 5 ~~permitted under s. 938.343 that are authorized under par. (cm). If a juvenile fails~~
 6 ~~to pay the forfeiture imposed by the municipal court, the court may not impose a jail~~
 7 ~~sentence but may suspend any license issued under ch. 29 for not more than 2 years,~~
 8 ~~or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less~~
 9 ~~than 30 days nor more than 5 years. If a court suspends a license or privilege under~~
 10 ~~this section, the court shall immediately take possession of the applicable license and~~
 11 ~~forward it to the department that issued the license, together with the notice of~~
 12 ~~suspension clearly stating that the suspension is for failure to pay a forfeiture~~
 13 ~~imposed by the court. If the forfeiture is paid during the period of suspension, the~~
 14 ~~court shall immediately notify the department, which shall thereupon return the~~
 15 ~~license to the person.~~

16 **SECTION 7.** 938.17 (2) (e) of the statutes is amended to read:

17 938.17 (2) (e) If a municipal court finds that a juvenile violated a municipal
 18 ordinance that conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), ~~938.983,~~
 19 ~~961.573 (2), 961.574 (2) or 961.575 (2), the court shall enter a dispositional order~~
 20 ~~under s. 938.344 that is authorized under par. (cm).~~

21 **SECTION 8.** 938.34 (14s) (a) 1. of the statutes is amended to read:

22 938.34 (14s) (a) 1. For a first violation, a forfeiture of not more than \$50 \$200.

23 **SECTION 9.** 938.34 (14s) (a) 2. of the statutes is amended to read:

24 938.34 (14s) (a) 2. For a violation committed within 12 months of a previous
 25 violation, a forfeiture of not more than \$100 \$400.

BILL

1 SECTION 10. 938.34 (14s) (a) 3. of the statutes is amended to read:

2 938.34 (14s) (a) 3. For a violation committed within 12 months of 2 or more
3 previous violations, a forfeiture of not more than ~~\$500~~ \$2,000.

4 SECTION 11. 938.34 (14s) (am) 1. of the statutes is amended to read:

5 938.34 (14s) (am) 1. For a first violation, a forfeiture of not less than ~~\$250~~
6 \$1,000 nor more than ~~\$500~~ \$2,000.

7 SECTION 12. 938.34 (14s) (am) 2. of the statutes is amended to read:

8 938.34 (14s) (am) 2. For a violation committed within 12 months of a previous
9 violation, a forfeiture of not less than ~~\$300~~ \$1,200.

10 SECTION 13. 938.34 (14s) (am) 3. of the statutes is amended to read:

11 938.34 (14s) (am) 3. For a violation committed within 12 months of 2 or more
12 previous violations, a forfeiture of ~~\$500~~ \$2,000.

13 SECTION 14. 938.344 (title) of the statutes is amended to read:

14 **938.344 (title) Disposition; certain intoxicating liquor, beer, tobacco**
15 **and drug violations.**

16 SECTION 15. 938.344 (2e) (a) 1. of the statutes is amended to read:

17 938.344 (2e) (a) 1. For a first violation, a forfeiture of not more than ~~\$50~~ \$200
18 or the juvenile's participation in a supervised work program or other community
19 service work under s. 938.34 (5g) or both.

20 SECTION 16. 938.344 (2e) (a) 2. of the statutes is amended to read:

21 938.344 (2e) (a) 2. For a violation committed within 12 months of a previous
22 violation, a forfeiture of not more than ~~\$100~~ \$400 or the juvenile's participation in
23 a supervised work program or other community service work under s. 938.34 (5g) or
24 both.

25 SECTION 17. 938.344 (2e) (a) 3. of the statutes is amended to read:

BILL

1 938.344 (2e) (a) 3. For a violation committed within 12 months of 2 or more
2 previous violations, a forfeiture of not more than \$500 \$2,000 or the juvenile's
3 participation in a supervised work program or other community service work under
4 s. 938.34 (5g) or both.

5 ~~SECTION 18. 938.344 (2r) of the statutes is created to read:~~

6 938.344 (2r) If a court finds that a juvenile has committed a violation of s.
7 938.983 (2) or a local ordinance enacted under s. 938.983 (5), the court, in addition
8 to counseling the person and his or her parent or guardian, shall order the person to
9 do any one or more of the following:

10 (a) Pay a forfeiture not to exceed \$200. Any such order shall include a finding
11 that the person alone is financially able to pay and shall allow up to 12 months for
12 the payment. If a person fails to pay the forfeiture, the court may suspend any license
13 issued under ch. 29 or suspend the person's operating privilege, as defined in s.
14 340.01 (40), for not less than 30 days nor more than 5 years. The court shall
15 immediately take possession of the suspended license and forward it to the
16 department that issued the license, together with the notice of suspension clearly
17 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
18 the forfeiture is paid during the period of suspension, the court shall immediately
19 notify the department, which will thereupon return the license to the person. Any
20 recovery under this subsection shall be reduced by the amount recovered as a
21 forfeiture under s. 938.45 (1r) (b).

22 (b) Participate in a teen court program if all of the following conditions apply:

23 1. The chief judge of the judicial administrative district has approved a teen
24 court program established in the person's county of residence and the judge

BILL

SECTION 18

1 determines that participation in the teen court program will likely benefit the person,
2 and the community.

3 2. The person admits or pleads no contest in open court, with the person's
4 parent, guardian or legal custodian present, to the allegations that the person
5 violated s. 938.983 (2) or the ordinance enacted under s. 938.983 (5).

6 3. The person has not successfully completed participation in a teen court
7 program during the 2 years before the date of the alleged violation of s. 938.983 (2)
8 or the ordinance enacted under s. 938.983 (5).

9 (c) Participate in a supervised work program or other community service work
10 under s. 938.983 (2t).

11 **SECTION 19.** 938.344 (2r) (a) of the statutes, as created by 1999 Wisconsin Act
12 (this act), is amended to read:

13 938.344 (2r) (a) Pay a forfeiture not to exceed \$200. Any such order shall
14 include a finding that the person alone is financially able to pay and shall allow up
15 to 12 months for the payment. If a person fails to pay the forfeiture, the court may
16 suspend any license issued under ch. 29 or suspend the person's operating privilege,
17 as defined in s. 340.01 (40), for not less than 30 days nor more than 5 2 years. The
18 court shall immediately take possession of the suspended license and forward it to
19 the department that issued the license, together with the notice of suspension clearly
20 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
21 the forfeiture is paid during the period of suspension, the court shall immediately
22 notify the department, which will thereupon return the license to the person. Any
23 recovery under this subsection shall be reduced by the amount recovered as a
24 forfeiture under s. 938.45 (1r) (b).

25 **SECTION 20.** 938.344 (3) of the statutes is amended to read:

BILL

1 938.344 (3) If ~~the~~ a juvenile who is alleged to have committed the a violation
2 of s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2) or 938.983, or of a local ordinance
3 that strictly conforms to one of those statutes, is within 3 months of his or her 17th
4 birthday, the court assigned to exercise jurisdiction under this chapter and ch. 48
5 may, at the request of the district attorney or on its own motion, dismiss the citation
6 without prejudice and refer the matter to the district attorney for prosecution under
7 s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2) or 938.983, or a local ordinance that
8 strictly conforms to one of those statutes. The juvenile is entitled to a hearing only
9 on the issue of his or her age. This subsection does not apply to violations under s.
10 961.573 (2), 961.574 (2) or 961.575 (2) or a local ordinance that strictly conforms to
11 one of those statutes.

12 **SECTION 21.** 938.45 (1r) (b) of the statutes is amended to read:

13 938.45 (1r) (b) In a proceeding in which the court has determined under s.
14 938.34 (8) ~~or~~, 938.343 (2) or 938.344 (2r) (a) that the imposition of a forfeiture would
15 be in the best interest of the juvenile and in aid of rehabilitation, the court may order
16 a parent who has custody, as defined in s. 895.035 (1), of the juvenile to pay the
17 forfeiture. The amount of any forfeiture ordered under this paragraph may not
18 exceed the amount specified in s. 799.01 (1) (d). Any order under this paragraph shall
19 include a finding that the parent who has custody of the juvenile is financially able
20 to pay the amount ordered and shall allow up to 12 months after the date of the order
21 for the payment. Any recovery under this paragraph shall be reduced by the amount
22 recovered as a forfeiture for the same act under s. 938.34 (8) ~~or~~, 938.343 (2) or 938.344
23 (2r) (a).

24 **SECTION 22.** 938.983 (2r) of the statutes is created to read:

BILL

1 938.983 (2r) Subject to sub. (2v), any person who violates sub. (2) is subject to
2 counseling by the court and to any one or more of the following dispositions:

3 (a) A forfeiture not to exceed \$200. Any such order shall include a finding that
4 the person alone is financially able to pay and shall allow up to 12 months for the
5 payment. If a person fails to pay the forfeiture, the court may suspend any license
6 issued under ch. 29 or suspend the person's operating privilege, as defined in s.
7 340.01 (40), for not less than 30 days nor more than 5 years. The court shall
8 immediately take possession of the suspended license and forward it to the
9 department that issued the license, together with the notice of suspension clearly
10 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
11 the forfeiture is paid during the period of suspension, the court shall immediately
12 notify the department, which will thereupon return the license to the person. Any
13 recovery under this paragraph shall be reduced by the amount recovered as a
14 forfeiture under s. 938.45 (1r) (b).

15 (b) Placement in a teen court program if all of the following conditions apply:

16 1. The chief judge of the judicial administrative district has approved a teen
17 court program established in the person's county of residence and the judge
18 determines that participation in the teen court program will likely benefit the person
19 and the community.

20 2. The person admits or pleads no contest in open court, with the person's
21 parent, guardian or legal custodian present, to the allegations that the person
22 violated sub. (2) or the ordinance enacted under sub. (5).

23 3. The person has not successfully completed participation in a teen court
24 program during the 2 years before the date of the alleged violation of sub. (2) or the
25 ordinance enacted under sub. (5).

BILL

1 (c) Participation in a supervised work program administered by the county
2 department or a community agency approved by the court or other community
3 service work administered by a public agency or nonprofit charitable organization
4 approved by the court as described in sub. (2t).

5 **SECTION 23.** 938.983 (2r) (a) of the statutes, as created by 1999 Wisconsin Act
6 (this act), is amended to read:

7 938.983 (2r) (a) A forfeiture not to exceed \$200. Any such order shall include
8 a finding that the person alone is financially able to pay and shall allow up to 12
9 months for the payment. If a person fails to pay the forfeiture, the court may suspend
10 any license issued under ch. 29 or suspend the person's operating privilege, as
11 defined in s. 340.01 (40), for not less than 30 days nor more than 5 2 years. The court
12 shall immediately take possession of the suspended license and forward it to the
13 department that issued the license, together with the notice of suspension clearly
14 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
15 the forfeiture is paid during the period of suspension, the court shall immediately
16 notify the department, which will thereupon return the license to the person. Any
17 recovery under this paragraph shall be reduced by the amount recovered as a
18 forfeiture under s. 938.45 (1r) (b).

19 **SECTION 24.** 938.983 (2t) of the statutes is created to read:

20 938.983 (2t) (a) The court shall set standards for the supervised work program
21 under sub. (2r) (c) within the budgetary limits established by the county board of
22 supervisors. The supervised work program may provide the person with reasonable
23 compensation reflecting a reasonable market value of the work performed or it may
24 consist of uncompensated community service work. The court may use any available

BILL

1 resources, including any community service work program, in ordering the person
2 to perform community service work under sub. (2r).

3 (b) The supervised work program or other community service work shall be of
4 a constructive nature designed to promote the person's rehabilitation, shall be
5 appropriate to the person's age level and physical ability and shall be combined with
6 counseling from a member of the staff of the county department, community agency,
7 public agency or nonprofit charitable organization or other qualified person. The
8 supervised work program or other community service work may not conflict with the
9 person's regular attendance at school. The amount of work required shall be
10 reasonably related to the seriousness of the person's offense.

11 **SECTION 25.** 938.983 (2v) of the statutes is created to read:

12 938.983 (2v) A person who is under 17 years of age on the date of disposition
13 is subject to s. 938.344 unless proceedings have been instituted against the person
14 in a court of civil or criminal jurisdiction after dismissal of the citation under s.
15 938.344 (3).

16 **SECTION 26. Initial applicability.**

17 (1) POSSESSION OF CIGARETTES OR TOBACCO PRODUCTS. (a) The treatment of
18 sections 778.25 (1) (a) 1 and 4., 895.035 (6), 938.17 (2) (c) and (e), 938.344 (title) and
19 (3), 938.45 (1r) (b) and 938.983 (2t) and (2v) of the statutes, the amendment of section
20 938.17 (2) (d) of the statutes and the creation of sections 938.344 (2r) and 938.983 (2r)
21 of the statutes first apply to a violation of section 938.983 (2) of the statutes occurring
22 on the effective date this paragraph.

23 (b) The amendment of sections 938.344 (2r) (a) and 938.983 (2r) (a) of the
24 statutes and the repeal and recreation of section 938.17 (2) (d) of the statutes first

BILL

(1)

1 ~~apply to a violation of section 938.983 (2) of the statutes occurring on the effective~~
2 ~~date of this paragraph.~~

3 (2) POSSESSION OF CONTROLLED SUBSTANCES, CONTROLLED SUBSTANCE ANALOGS OR
4 DRUG PARAPHERNALIA. The treatment of sections 938.34 (14s) (a) 1., 2. and 3. and (am)
5 1., 2. and 3. and 938.344 (2e) (a) 1., 2. and 3. of the statutes first applies to a violation
6 of section 961.41 (1), (1m) or (3g), 961.573 (2), 961.574 (2) or 961.575 (2) of the
7 statutes occurring on the effective date of this subsection, but does not preclude the
8 counting of other violations as prior violations for purposes of imposing a disposition
9 on a juvenile.

10 **SECTION 27. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) POSSESSION OF CIGARETTES OR TOBACCO PRODUCTS. The amendment of sections
13 938.344 (2r) (a) and 938.983 (2r) (a) of the statutes, the repeal and recreation of
14 section 938.17 (2) (d) of the statutes and SECTION 26 (1) (b) of this act take effect on
15 May 1, 2000, or on the date stated in the notice published by the secretary of
16 transportation in the Wisconsin Administrative Register under section 85.515 of the
17 statutes, whichever is earlier.

18 (END)

**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: 4/13/99

To: Representative Pettis

Relating to LRB drafting number: LRB-2876

Topic

Possession of controlled substances or drug paraphernalia by a minor; penalties

Subject(s)

Children - delinquency

1. **JACKET** the draft for introduction _____
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.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738