

PRELIMINARY **DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** to amend 301.035 (2), 301.035 (4), 302.113 (9), 302.114 (6) (b), 302.114  
2 (6) (c), 302.114 (9), 303.065 (1) (b) 1. and 801.50 (5); and to create 302.113 (9)  
3 (am), 302.113 (9) (d), 302.114 (9) (d) and 801.50 (5c) of the statutes; **relating to:**  
4 revocation of extended supervision.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft prepared for the Criminal Penalties Study Committee's extended supervision revocation subcommittee. An analysis will be provided in a later draft.

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

5 **SECTION 1.** 301.035 (2) of the statutes is amended to read:  
6 301.035 (2) Assign hearing examiners from the division to preside over  
7 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10  
8 (2) and ch. 304.  
9 **SECTION 2.** 301.035 (4) of the statutes is amended to read:

1           30 1.035 (4) Supervise employes in the conduct of the activities of the division  
2 and be the administrative reviewing authority for decisions of the division under ss.  
3 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and  
4 ch. 304.

5           **SECTION 3.** 302.113 (9) of the statutes is amended to read:

6           302.113 (9) (a) If a person released to extended supervision under this section  
7 violates a condition of extended supervision, the division of hearings and appeals in  
8 the department of administration, upon proper notice and hearing, or the  
9 department of corrections, if the person on extended supervision waives a hearing,  
10 may revoke the extended supervision of the person ~~and return the person to prison.~~  
11 If the extended supervision of the person is revoked, the person shall be returned to  
12 the court that sentenced the person and the court shall order the person to be  
13 returned to prison, he or she shall be returned to prison for any specified period of  
14 time that does not exceed the time remaining on the bifurcated sentence. The time  
15 remaining on the bifurcated sentence is the total length of the bifurcated sentence,  
16 less time served by the person in custody before release to extended supervision  
17 under sub. (2) and less any time served in custody for a previous revocation of  
18 extended supervision. The revocation court order returning a person to prison under  
19 this paragraph shall provide the person on whose extended supervision was revoked  
20 with credit in accordance with ss. 304.072 and 973.155.

21           (b) A person who is returned to prison after revocation of extended supervision  
22 shall be incarcerated for the entire period of time specified by the ~~department of~~  
23 ~~corrections in the case of a waiver or by the division of hearings and appeals in the~~  
24 ~~department of adminis~~ ~~in the case of a hearing court~~ under par. (a). The period  
25 of time specified under par. (a) may be extended in accordance with sub. (3). If

1 person is returned to prison under Dar. (a) for a period of time that is less than the  
2 time remaining on the bifurcated sentence. the person shall be released to extended  
3 supervision after he or she has served the period of time specified by the court under  
4 par. (a), including any periods of extension imposed in accordance with sub. (3).

5 (c) A person who is subsequently released to extended supervision after service  
6 of the period of time specified by ~~the department of corrections in the case of a waiver~~  
7 ~~or by the division of hearings and appeals in the department of administration in the~~  
8 ~~case of a hearing court~~ under par. (a) is subject to all conditions and rules under sub.  
9 (7) until the expiration of the ~~term of remaining~~ extended supervision portion of the  
10 bifurcated sentence. The remaining extended supervision portion of the bifurcated  
11 sentence is the total length of the bifurcated sentence, less the time served by the  
12 person in custody before release to extended supervision under sub. (2) and less the  
13 period of time specified by the court under par. (a), including any period of extension  
14 imposed in accordance with sub. (3).

15 **SECTION 4.** 302.113 (9) (am) of the statutes is created to read:

16 302.113 (9) (am) When a person is returned to the sentencing court under par.  
17 (a) after revocation of extended supervision, the division of hearings and appeals in  
18 the department of administration, in the case of a hearing, or the department of  
19 corrections, in the case of a waiver, shall make a recommendation to the sentencing  
20 court concerning the period of time for which the person should be returned to prison.  
21 The recommended time period may not exceed the time remaining on the bifurcated  
22 sentence, as calculated under par. (a).

23 **SECTION 5.** 302.113 (9) (d) of the statutes is created to read:

24 302.113 (9) (d) In any case in which there is a hearing before the division of  
25 hearings and appeals in the department of administration concerning whether to

1 revoke of a person's extended supervision, the person on extended supervision may  
2 seek review of a decision to revoke extended supervision and the department of  
3 corrections may seek review of a decision to not revoke extended supervision. Review  
4 of a decision under this paragraph may be sought only by an action for certiorari.

5 **SECTION 6.** 302.114 (6) (b) of the statutes is amended to read:

6 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for  
7 release to extended supervision under this section, the clerk of the circuit court in  
8 which the petition is filed shall send a copy of the petition and, if a hearing is  
9 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if  
10 the victim has submitted a card under par. (e) requesting notification.

11 **SECTION 7.** 302.114 (6) (c) of the statutes is amended to read:

12 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she  
13 may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled,  
14 and shall inform the victim of the manner in which he or she may provide written  
15 statements concerning the inmate's petition for release to extended supervision.

16 **SECTION 8.** 302.114 (9) of the statutes is amended to read:

17 302.114 (9) (a) If a person released to extended supervision under this section  
18 violates a condition of extended supervision, the division of hearings and appeals in  
19 the department of administration, upon proper notice and hearing, or the  
20 department of corrections, if the person on extended supervision waives a hearing,  
21 may revoke the extended supervision of the person ~~and re- the person to prison.~~  
22 If the extended supervision of the person is revoked, the person shall be returned to  
23 the court that sentenced the person and the court shall order the person to be  
24 r e t u r n e d t o p r i s o n ) for a specified period of time,  
25 ~~as provided under par. (b) before he or she is eligible for being released again to~~

1 extended supervision. The Period of time specified under this paragraph may not be  
2 less than 5 years and may be extended in accordance with sub. (3).

3 (b) ~~If~~ When a person is returned to ~~prison~~ the sentencing court under par. (a)  
4 after revocation of extended supervision, the department of corrections, in the case  
5 of a waiver, or the division of hearings and appeals in the department of  
6 administration, in the case of a hearing ~~under par. (a)~~, shall ~~specify a~~ make a  
7 recommendation to the sentencing: court concerning: the period of time for which the  
8 person ~~shall be incarcerated~~ should be returned to Drison before being eligible for  
9 release to extended supervision. The period of time ~~specified~~ recommended under  
10 this paragraph may not be less than 5 years ~~and may be extended in accordance with~~  
11 ~~sub. (3).~~

12 (bm) A person who is returned to prison under par. (a) after revocation of  
13 extended supervision may, upon petition to the sentencing court, be released to  
14 extended supervision after he or she has served the entire period of time specified  
15 ~~in~~ by the court under par. ~~(b)~~ (a), including any periods of extension imposed under  
16 sub. (3). A person may not file a petition under this paragraph earlier than 90 days  
17 before the date on which he or she is eligible to be released to extended supervision.  
18 If a person files a petition for release to extended supervision under this paragraph  
19 at any time earlier than 90 days before the date on which he or she is eligible to be  
20 released to extended supervision, the court shall deny the petition without a hearing.  
21 The procedures specified in sub. (5) (am) to (f) apply to a petition filed under this  
22 paragraph.

23 (c) A person who is subsequently released to extended supervision under par.  
24 ~~(b)~~ (bm) is subject to all conditions and rules under sub. (8) until the expiration of the  
25 sentence.

1           **SECTION 9.** 302.114 (9) (d) of the statutes is created to read:

2           302.114 (9) (d) In any case in which there is a hearing before the division of  
3 hearings and appeals in the department of administration concerning whether to  
4 revoke a person's extended supervision, the person on extended supervision may  
5 seek review of a decision to revoke extended supervision and the department of  
6 corrections may seek review of a decision to not revoke extended supervision. Review  
7 of a decision under this paragraph may be sought only by an action for certiorari.

8           **SECTION 10.** 303.065 (1) (b) 1. of the statutes is amended to read:

9           303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence  
10 specified in subd. 2., may be considered for work release only after he or she has  
11 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever  
12 is applicable, or he or she has reached his or her extended supervision eligibility date  
13 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (lg) (a) 1. or 2., whichever is applicable.

14           **SECTION 11.** 801.50 (5) of the statutes is amended to read:

15           801.50 (5) Venue of an action for certiorari to review a probation, extended  
16 supervision or parole revocation or a refusal of parole ~~by certiorari~~ shall be the county  
17 in which the relator was last convicted of an offense for which the relator was on  
18 probation, extended supervision or parole or for which the relator is currently  
19 incarcerated.

20           **SECTION 12.** 801.50 (5c) of the statutes is created to read:

21           801.50 **(5c)** Venue of an action for certiorari brought by the department of .  
22 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke  
23 extended supervision shall be in the county in which the person on extended

1 supervision was convicted of the offense for which he or she is on extended  
2 supervision.

3 (END)

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**AN ACT** for (p) 961.41, 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (lm) (cm) 5., 961.41 (lm) (d) 5., 961.41 (lm) (d) 6., 961.41 (lm) (e) 5., 961.41 (lm) (e) 6., 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48 (4), 961.49 (2), 961.49 (3) and 961.492; **to renumber and amend 961.49 (1); to renumber and amend 939.50 (3) (c), 961.41 (1) (cm) 1., 961.41 (lm) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1) and 961.48 (1); to amend 100.26 (7), 302.11 (lp), 304.06 (1) (b), 304.071 (2), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (lm) (a), 961.41 (lm) (b), 961.41 (lm) (cm) (intro.), 961.41**



1 (1m) (cm) 2., 961.41 (lm) (cm) 3., 961.41 (lm) (cm) 4., 961.41 (lm) (d) (intro.),  
 2 961.41 (lm) (d) 1., 961.41 (lm) (d) 2., 961.41 (lm) (d) 3., 961.41 (lm) (d) 4.,  
 3 961.41 (1m) (e) (intro.), 961.41 (lm) (e) 1., 961.41 (lm) (e) 2., 961.41 (lm) (e) 3.,  
 4 961.41 (lm) (e) 4., 961.41 (lm) (f) (**intro.**), 961.41 (lm) (f) 1., 961.41 (1m) (f) 2.,  
 5 961.41 (lm) (f) 3., 961.41 (lm) (g) (intro.), 961.41 (lm) (g) 1., 961.41 (lm) (g) 2.,  
 6 961.41 (lm) (g) 3., 961.41 (lm) (h) (intro.), 961.41 (lm) (h) 1., 961.41 (lm) (h) 2.,  
 7 961.41 (1m) (h) 3., 961.41 (lm) (i), 961.41 (lm) (j), 961.41 (1n) (c), 961.41 (lq),  
 8 961.41 (1r), 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (d), 961.41  
 9 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42  
 10 (2), 961.43 (2), 961.455 (l), 961.472 (2), 961.48 (2m) (a), 961.48 (3), 971.365 (1)  
 11 (c) and 971.365 (2); and **to create 939.50 (3) (c)** 2., 961.41 (1) (cm) lg., 961.41  
 12 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (lm) (cm) lg., 961.41 (lm) (h) 4., 961.41 (lm)  
 13 (h) 5., 961.41 (3g) (b) (title) and 961.48 (1) (a) and (b) of the statutes; **relating**  
 14 **to:** penalties for felony controlled substances offenses.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version of the draft.

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

15 **SECTION 1.** 100.26 (7) of the statutes, as affected by 1997 Wisconsin Act 283,  
 16 is amended to read:

17 100.26 (7) Any person violating s. 100.182 ~~shall be fined not less than \$500 nor~~  
 18 ~~more than \$5,000 or imprisoned for not more than 2 years or both for each offense~~  
 19 is guilty of a Class I felony. Each unlawful advertisement published, printed or

1 mailed on separate days or in separate publications, hand bills or direct mailings is  
2 a separate violation of this section.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

3 SECTION 2. 302.11 (lp) of the statutes is amended to read:

4 302.11 (lp) An inmate serving a term subject to s. 961.49 (2), 1997 stats., for  
5 a crime committed before December 31, 1999, is entitled to mandatory release,  
6 except the inmate may not be released before he or she has complied with s. 96 1.49  
7 (2), 1997 stats.

8 SECTION 3. 304.06 (1) (b) of the statutes is amended to read:

9 304.06 (1) (b) Except as provided in s. 961.49 (2), 1997 stats., sub. (lm) or s.  
10 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an  
11 inmate of the Wisconsin state prisons or any felon or any person serving at least one  
12 year or more in a county house of correction or a county reforestation camp organized  
13 under s. 303.07, when he or she has served 25% of the sentence imposed for the  
14 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)  
15 or 973.014 (1) (b) or (c), (lg) or (2), the parole commission may parole an inmate  
16 serving a life term when he or she has served 20 years, as modified by the formula  
17 under s. 302.11 (1) and subject to extension under s. 302.11 (lq) and (2), if applicable.  
18 The person serving the life term shall be given credit for time served prior to  
19 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary  
20 may grant special action parole releases under s. 304.02. The department or the  
21 parole commission shall not provide any convicted offender or other person  
22 sentenced to the department's custody any parole eligibility or evaluation until the  
23 person has been confined at least 60 days following sentencing.

1           **SECTION 4.** 304.071 (2) of the statutes is amended to read:

2           304.07 1 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1997 stats.,  
3 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (lg) or 973.032 (5), he  
4 or she is not eligible for parole under this section.

5           **SECTION 5.** 939.50 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
6 is renumbered 939.50 (3) (c) 1. and amended to read:

7           939.50 (3) (c) 1. ~~For~~ Except as provided in subd. 2., for a Class C felony, a fine  
8 not to exceed ~~\$10,000~~ \$50,000 or imprisonment not to exceed ~~15~~ 25 years, or both.

      \*\*\*\*NOTE: In the first compile, check for cross-references to s. 939.50 (3) (c) that  
make exceptions to the fine amount so that they can be changed to refer specifically to  
subd. 1.

9           **SECTION 6.** 939.50 (3) (c) 2. of the statutes is created to read:

10           939.50 (3) (c) 2. For a Class C felony under ch. 96 1, a fine not to exceed \$100,000  
11 or imprisonment not to exceed 25 years, or both.

12           **SECTION 7.** 961.41 (1) (intro.) of the statutes is amended to read:

13           961.41 (1) MANUFACTURE. DISTRIBUTION OR DELIVERY. (intro.) Except as  
14 authorized by this chapter, it is unlawful for any person to manufacture, distribute  
15 or deliver a controlled substance or controlled substance analog. Any person who  
16 violates this subsection ~~with respect to~~ is subject to the following penalties:

17           **SECTION 8.** 96 1.4 1 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,  
18 is amended to read:

19           **96 1.41 (1) (a)** **Schedule I and II narcotic drug generally.** Except as provided  
20 in par. (d), if a person violates this subsection with respect to a controlled substance  
21 included in schedule I or II which is a narcotic drug, or a controlled substance analog  
22 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~

1 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~  
2 ~~months or both~~ the person is ailty of a Class E felony.

3 SECTION 9. 96 1.4 1 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,  
4 is amended to read:

5 96 1.4 1 (1) (b) **Schedule I, II and III nonnarcotic drugs generally**. Except as  
6 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect  
7 to any other controlled substance included in schedule I, II or III, or a controlled  
8 substance analog of any other controlled substance included in schedule I or II, may  
9 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~  
10 ~~or both~~ the person is ailty of a Class H felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

11 SECTION 10. 961.41 (1) (cm) (intro.) of the statutes is amended to read:

12 961.41 (1) (cm) **Cocaine and cocaine base.** (intro.) ~~Cocaine~~ If the person violates  
13 this subsection with respect to cocaine or cocaine base, or a controlled substance  
14 analog of cocaine or cocaine base, ~~is subject to the following penalties if and~~ the  
15 amount manufactured, distributed or delivered is:

16 SECTION 11. 961.41 (1) (cm) 1. of the statutes, as affected by 1997 Wisconsin Act  
17 283, is renumbered 961.41 (1) (cm) 1r. and amended to read:

18 96 1.4 1 (1) (cm) 1 r. ~~Five grams or less~~ More than one gram but not more than  
19 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~  
20 ~~for not more than 15 years~~ is guilty of a Class F felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

21 SECTION 12. 96 1.4 1 (1) (cm) lg. of the statutes is created to read:

22 961.41 (1) (cm) lg. One gram or less, the person is guilty of a Class G felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

1           **SECTION 13.** 961.4 1 (1) (cm) 2. of the statutes, as affected by 1997 Wisconsin  
2 Act 283, is amended to read:

3           961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person  
4 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~  
5 ~~year nor more than 37 years and 6 months~~ is guilty of a Class E felony.

6           **SECTION 14.** 961.41 (1) (cm) 3. of the statutes, as affected by 1997 Wisconsin  
7 Act 283, is amended to read:

8           961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person  
9 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than 3~~  
10 ~~years nor more than 30 years~~ is guilty of a Class D felony.

11           **SECTION 15.** 961.41 (1) (cm) 4. of the statutes, as affected by 1997 Wisconsin  
12 Act 283, is amended to read:

13           96 1.4 1 (1) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the person  
14 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than 5~~  
15 ~~years nor more than 45 years~~ is guilty of a Class C felony.

16           **SECTION 16.** 961.4 1 (1) (cm) 5. of the statutes, as affected by 1997 Wisconsin  
17 Act 283, is repealed.

18           **SECTION 17.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

19           961.41 (1) (d) **Heroin.** (intro.) ~~Heroin~~ If the person violates this subsection with  
20 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~  
21 ~~penalties if and~~ the amount manufactured, distributed or delivered is:

22           **SECTION 18.** 961.4 1 (1) (d) 1. of the statutes, as affected by 1997 Wisconsin Act  
23 283, is amended to read:

1           961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~  
2           \$1,000 ~~nor more than \$200,000 and may be imprisoned for not more than 22 years~~  
3           ~~and 6 months~~ is guilty of a Class F felony.

      \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

4           **SECTION 19.** 961.41 (1) (d) 2. of the statutes, as affected by 1997 Wisconsin Act  
5           283, is amended to read:

6           961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person  
7           ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~  
8           ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class  
9           E felony.

10          **SECTION 20.** 961.41 (1) (d) 3. of the statutes, as affected by 1997 Wisconsin Act  
11          283, is amended to read:

12          961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person  
13          ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~  
14          ~~for not less than one year nor more than 33 years and 6 months~~ is guilty of a Class  
15          D felony.

16          **SECTION 21.** 961.4 1 (1) (d) 4. of the statutes, as affected by 1997 Wisconsin Act  
17          283, is amended to read:

18          961.41 (1) (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person  
19          ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~  
20          ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C  
21          felony.

22          **SECTION 22.** 961.41 (1) (d) 5. of the statutes, as affected by 1997 Wisconsin Act  
23          283, is repealed.

1           **SECTION 23.** 961.41 (1) (d) 6. of the statutes, as affected by 1997 Wisconsin Act  
2 283, is repealed.

3           **SECTION 24.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

4           961.41 (1) (e)    **Phencyclidine, amphetamine, methamphetamine and**  
5 **methcathinone.** (intro.) ~~Phencyclidine~~ If the person violates this subsection with  
6 respect to ~~nhencyclidine~~, amphetamine, methamphetamine or methcathinone, or a  
7 controlled substance analog of phencyclidine, amphetamine, methamphetamine or  
8 methcathinone, ~~is subject to the following penalties if and~~ the amount  
9 manufactured, distributed or delivered is:

10           **SECTION 25.** 961.4 1 (1) (e) 1. of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12           9 6 1 . 4 1 ( 1 ) ( e ) 1. Three grams or less, the person d  
13 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~  
14 ~~6 months~~ is guilty of a Class F felony.

      \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

15           **SECTION 26.** 961.4 1 (1) (e) 2. of the statutes, as affected by 1997 Wisconsin Act  
16 283, is amended to read:

17           961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person  
18 ~~shall be fined not less than cl 000 nor more than \$250,000 and shall be imprisoned~~  
19 ~~for not less than 6 months nor~~ in 7 years and 6 months is guilty of a Class  
20 E felony.

21           **SECTION 27.** 961.4 1 (1) (e) 3. of the statutes, as affected by 1997 Wisconsin Act  
22 283, is amended to read:

1           961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for ~~not less than one year nor more than 22 years and 6 months~~ is guilty of a Class  
4 D felony.

5           **SECTION 28.** 961.4 1 (1) (e) 4. of the statutes, as affected by 1997 Wisconsin Act  
6 283, is amended to read:

7           961.41 (1) (e) 4. More than 50 grams ~~but not more than 200 grams~~, the person  
8 shall be fined not less than \$1,000 ~~nor more than \$500,000 and shall be imprisoned~~  
9 ~~for not less than 3 years nor more than 7 7 years and 6 months~~ is guilty of a Class C  
10 felony.

11           **SECTION 29.** 961.4 1 (1) (e) 5. of the statutes, as affected by 1997 Wisconsin Act  
12 283, is repealed.

13           **SECTION 30.** 96 1.4 1 (1) (e) 6. of the statutes, as affected by 1997 Wisconsin Act  
14 283, is repealed.

15           **SECTION 31.** 96 1.41 (1) (f) (intro.) of the statutes is amended to read:

16           **96 1.4 1 (1) (f).** Lysergic acid diethylamide. (intro.) Lysergic If the person violates  
17 this subsection with respect to lysergic acid diethylamide or a controlled substance  
18 analog of lysergic acid diethylamide is subject to the following penalties if and the  
19 amount manufactured, distributed or delivered is:

20           **SECTION 32.** 961.41 (1) (f) 1. of the statutes, as affected by 1997 Wisconsin Act  
21 283, is amended to read:

22           961.41 (1) (f) 1. One gram or less, the person ~~shall be fined not less than \$1,000~~  
23 ~~nor more than \$200,000 and may be imprisoned for not more than 7 years and 6~~  
24 ~~months~~ is guilty of a Class G felony.



\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

1           **SECTION 33.** 961.41 (1) (f) 2. of the statutes, as affected by 1997 Wisconsin Act  
2 283, is amended to read:

3           96 1.4 1(1) (f) 2. More than one gram but not more than 5 grams, the person shall  
4 be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not  
5 less than ~~6 months nor more than 7 years and 6 months~~ is guilty of a Class F felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

6           **SECTION 34.** 961.4 1 (1) (f) 3. of the statutes, as affected by 1997 Wisconsin Act  
7 283, is amended to read:

8           961.41 (1) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~  
9 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~  
10 ~~nor more than 7 7 years and 6 months~~ is guilty of a Class E felony.

11           **SECTION 35.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

12           961.41 (1) (g) **Psilocin and psilocybin.** (intro.) ~~Psilocin~~ If the person violates  
13 this subsection with respect to psilocin or psilocybin, or a controlled substance analog  
14 of psilocin or psilocybin, is subject to the following penalties if and the amount  
15 manufactured, distributed or delivered is:

16           **SECTION 36.** 96 1.4 1 (1) (g) 1. of the statutes, as affected by 1997 Wisconsin Act  
17 283, is amended to read:

18           96 1.4 1 (1) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~  
19 ~~than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~  
20 ~~years and 6 months~~ is guilty of a Class G felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

1           SECTION 37. 961.41 (1) (g) 2. of the statutes, as affected by 1997 Wisconsin Act  
2 283, is amended to read:

3           96 1.4 1 (1) (g) 2. More than 100 grams not more than 500 grams, the person  
4 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
5 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class  
6 F felony.

      \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

7           SECTION 38. 961.4 1 (1) (g) 3. of the statutes, as affected by 1997 Wisconsin Act  
8 283, is amended to read:

9           961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than  
10 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
11 nor more than 22 years and 6 months is guilty of a Class E felony.

12           SECTION 39. 961.41 (1) (h) (intro.) of the statutes is amended to read:

13           961.41 (1) (h) **Tetrahydrocannabinols.** (intro.) ~~Tetrahydrocannabinols~~ If the  
14 person violates this subsection with respect to tetrahydrocannabinols, included  
15 under s. 96 1.14 (4) (t) , or a controlled substance analog of tetrahydrocannabinols, is  
16 subject to the following penalties if and the amount manufactured, distributed or  
17 delivered is:

18           SECTION 40. 961.41 (1) (h) 1. of the statutes, as affected by 1997 Wisconsin Act  
19 283, is amended to read:

20           961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or 1-0 ~~4~~ or fewer plants  
21 containing tetrahydrocannabinols, ~~the person shall be L~~  
22 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~  
23 is guilty of a Class I felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

1           **SECTION 41.** 96 1.4 1 (1) (h) 2. of the statutes, as affected by 1997 Wisconsin Act  
2 283, is amended to read:

3           96 1.4 1 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,  
4 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20  
5 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~  
6 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~  
7 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

8           **SECTION 42.** 961.41 (1) (h) 3. of the statutes, as affected by 1997 Wisconsin Act  
9 283, is amended to read:

10           961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,  
11 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50  
12 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~  
13 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~  
14 ~~nor more than 15 years~~ is guilty of a Class G felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

15           **SECTION 43.** 961.41 (1) (h) 4. of the statutes is created to read:

16           961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or  
17 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants  
18 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

19           **SECTION 44.** 961.4 1 (1) (h) 5. of the statutes is created to read:

1           961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing  
2 tetrahydrocannabinols, the person is guilty of a Class E felony.

3           **SECTION 45.** 96 1.4 1 (1) (i) of the statutes, as affected by 1997 Wisconsin Act 283,  
4 is amended to read:

5           961.41 (1) (i) **Schedule IV drug.** ~~A- If a person violates this subsection with~~  
6 ~~respect to a substance included in schedule IV, may be fined not more than \$10,000~~  
7 ~~or imprisoned for not more than 4 years and 6 months or both the person is guilty~~  
8 ~~of a Class H felony.~~

      \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

9           **SECTION 46.** 96 1.4 1 (1) (j) of the statutes, as affected by 1997 Wisconsin Act 283,  
10 is amended to read:

11           961.41 (1) (j) **Schedule V drugs.** ~~A- If a person violates this subsection with~~  
12 ~~respect to a substance included in schedule V, may be fined not more than \$5,000 or~~  
13 ~~imprisoned for not more than 2 years or both the person is guilty of a Class I felony.~~

      \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

14           **SECTION 47.** 961.41 (1m) (intro.) of the statutes is amended to read:

15           961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.  
16 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,  
17 with intent to manufacture, distribute or deliver, a controlled substance or a  
18 controlled substance analog. Intent under this subsection may be demonstrated by,  
19 without limitation because of enumeration, evidence of the quantity and monetary  
20 value of the substances possessed, the possession of manufacturing implements or  
21 paraphernalia, and the activities or statements of the person in possession of the  
22 controlled substance or a controlled substance analog prior to and after the alleged

1 violation. Any person who violates this subsection ~~with respect to~~ is subject to the  
2 following penalties:

3 SECTION 48. 96 1.4 1 (lm) (a) of the statutes, as affected by 1997 Wisconsin Act  
4 283, is amended to read:

5 **96 1.4 1 (lm) (a)** *Schedule I and II narcotic drugs generally*. Except as provided  
6 in par. (d) , if a person violates this subsection with respect to a controlled substance  
7 included in schedule I or II which is a narcotic drug or a controlled substance analog  
8 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~  
9 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~  
10 ~~months or both~~ the Derson is nuiltv of a Class E felony.

11 SECTION 49. 961.41 (lm) (b) of the statutes, as affected by 1997 Wisconsin Act  
12 283, is amended to read:

13 **96 1.4 1 (lm) (b)** *Schedule I, II and III nonnarcotic drugs generally*. Except as  
14 provided in pars. (cm) and (e) to (h), if a Derson violates this subsection with respect  
15 to any other controlled substance included in schedule I, II or III, or a controlled  
16 substance analog of any other controlled substance included in schedule I or II, ~~may~~  
17 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~  
18 ~~or both~~ the Derson is aultyv of a Class H felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

19 SECTION 50. 961.4 1 (lm) (cm) (intro.) of the statutes is amended to read:

20 **96 1.4 1 (lm) (cm)** *Cocaine and cocaine base.* (intro.) ~~Cocaine~~ If a Derson violates  
21 this subsection with respect to cocaine or cocaine base, or a controlled substance  
22 analog of cocaine or cocaine base, ~~is subject to the following penalties if and~~  
23 amount possessed, with intent to manufacture, distribute or deliver, is:

1           **SECTION 5 1. 96 1.4 1 (lm) (cm) 1.** of the statutes, as affected by 1997 Wisconsin  
2 Act 283, is renumbered 961.4 1 (lm) (cm) 1r. and amended to read:

3           961.4 1 **(lm)** (cm) 1r. ~~Five grams or less~~ More than one gram but not more than  
4 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~  
5 ~~for not more than 15 years~~ is guilty of a Class F felony.

          \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

6           **SECTION 52. 961.4 1 (lm) (cm) 1g.** of the statutes is created to read:

7           961.41 **(lm)** (cm) 1g. One gram or less, the person is guilty of a Class G felony

          \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

8           **SECTION 53. 961.4 1 (lm) (cm) 2.** of the statutes, as affected by 1997 Wisconsin  
9 Act 283, is amended to read:

10          961.41 **(lm)** (cm) 2. More than 5 grams but not more than 15 grams, the person  
11 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~  
12 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

13          **SECTION 54. 961.41 (lm) (cm) 3.** of the statutes, as affected by 1997 Wisconsin  
14 Act 283, is amended to read:

15          961.41 **(lm)** (cm) 3. More than 15 grams but not more than 40 grams, the  
16 person ~~shall be fined not more than \$500,000 and shall be imprisoned for not less~~  
17 ~~than 2 years nor more than 20 years~~ is guilty of a Class D felony.

18          **SECTION 55. 961.41 (lm) (cm) 4.** of the statutes, as affected by 1997 Wisconsin  
19 Act 283, is amended to read:

20          961.41 **(lm)** (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the  
21 person ~~shall be fined not more than \$500,000 and shall be imprisoned for not less~~  
22 ~~than 5 years nor more than 45 years~~ is guilty of a Class C felony.

1           **SECTION 56.** 96 1.4 1 (lm) (cm) 5. of the statutes, as affected by 1997 Wisconsin  
2 Act 283, is repealed.

3           **SECTION 57.** 961.4 1 (lm) (d) (intro.) of the statutes is amended to read:

4           961.4 1 **(lm)** (d) Heroin. (intro.) ~~Heroin~~ If a person violates this subsection with  
5 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~  
6 ~~penalties if~~ and the amount possessed, with intent to manufacture, distribute or  
7 deliver, is:

8           **SECTION 58.** 961.4 1 (lm) (d) 1. of the statutes, as affected by 1997 Wisconsin  
9 Act 283, is amended to read:

10           961.41 **(lm)** (d) 1. Three grams or less, the person ~~shall be fined not less than~~  
11 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 33 years~~  
12 ~~and 6 months~~ is guilty of a Class F felony.

      \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

13           **SECTION 59.** 961.4 1 (lm) (d) 2. of the statutes, as affected by 1997 Wisconsin  
14 Act 283, is amended to read:

15           961.41 **(lm)** (d) 2. More than 3 grams but not more than 10 grams, the person  
16 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~  
17 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class  
18 E felony.

19           **SECTION 60.** 961.41 (lm) (d) 3. of the statutes, as affected by 1997 Wisconsin  
20 Act 283, is amended to read:

21           96 1.4 1 **(lm)** (d) 3. More than 10 grams not more than 50 grams, the person  
22 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~

1 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class  
2 D felony.

3 SECTION 61. 96 1.41 (lm) (d) 4. of the statutes, as affected by 1997 Wisconsin  
4 Act 283, is amended to read:

5 96 1.41 (lm) (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person  
6 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~  
7 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C  
8 felony.

9 SECTION 62. 961.41 (lm) (d) 5. of the statutes, as affected by 1997 Wisconsin  
10 Act 283, is repealed.

11 SECTION 63. 961.41 (lm) (d) 6. of the statutes, as affected by 1997 Wisconsin  
12 Act 283, is repealed.

13 SECTION 64. 961.4 1 (lm) (e) (intro.) of the statutes is amended to read:

14 961.41 (lm) (e) ***Phencyclidine, amphetamine, methamphetamine and***  
15 ***methcathinone.*** (intro.) ~~Phencyclidine~~ If a person violates this subsection with  
16 respect to ~~Dhencyclidine~~, amphetamine, methamphetamine or methcathinone, or a  
17 controlled substance analog of phencyclidine, amphetamine, methamphetamine or  
18 methcathinone, is subject to the following penalties if and the amount possessed,  
19 with intent to manufacture, distribute or deliver, is:

20 SECTION 65. 961.4 1 (lm) (e) 1. of the statutes, as affected by 1997 Wisconsin  
21 Act 283, is amended to read:

22 961.41 (lm) (e) 1. Three grams or less, the person ~~shall be fined not less than~~  
23 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~  
24 ~~6 months~~ is guilty of a Class F felony.



\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

1           **SECTION 66.** 961.41 (lm) (e) 2. of the statutes, as affected by 1997 Wisconsin  
2 Act 283, is amended to read:

3           961.41 **(lm)** (e) 2. More than 3 grams but not more than 10 grams, the person  
4 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~  
5 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class  
6 E felony.

7           **SECTION 67.** 961.41 (lm) (e) 3. of the statutes, as affected by 1997 Wisconsin  
8 Act 283, is amended to read:

9           961.41 **(lm)** (e) 3. More than 10 grams but not more than 50 grams, the person  
10 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~  
11 ~~for not less than one year nor more than 33 years and 6 months~~ is guilty of a Class  
12 D felony.

13           **SECTION 68.** 961.41 (lm) (e) 4. of the statutes, as affected by 1997 Wisconsin  
14 Act 283, is amended to read:

15           961.41 **(lm)** (e) 4. More than 50 grams ~~but not more than 200 grams~~, the person  
16 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~  
17 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C  
18 felony.

19           **SECTION 69.** 961.4 1 (lm) (e) 5. of the statutes, as affected by 1997 Wisconsin  
20 Act 283, is repealed.

21           **SECTION 70.** 961.41 (lm) (e) 6. of the statutes, as affected by 1997 Wisconsin  
22 Act 283, is repealed.

23           **SECTION 71.** 961.4 1 (1 m) (f) (intro.) of the statutes is amended to read:

1           96 1.4 1 (Im) (f) Lysergic acid diethylamide. (intro.) ~~Lysergie~~ If a person violates  
2 this subsection with respect to lysergic acid diethylamide or a controlled substance  
3 analog of lysergic acid diethylamide ~~is subject to the following penalties if and~~ the  
4 amount possessed, with intent to manufacture, distribute or deliver, is:

5           **SECTION 72.** 961.4 1 (Im) (f) 1. of the statutes, as affected by 1997 Wisconsin Act  
6 283, is amended to read:

7           961.41 (Im) (f) 1. One gram or less, the person ~~shall be fi~~ ~~less than~~  
8 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~  
9 ~~6 months~~ is ailty of a Class G felony.

          \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

10           **SECTION 73.** 961.41 (Im) (f) 2. of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12           961.41 (Im) (f) 2. More than one gram but not more than 5 grams, the person  
13 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~  
14 ~~for not less than 6 months nor more th~~ ~~s and 6 months~~ is guilty of a Class  
15 F felony.

          \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

16           **SECTION 74.** 961.41 (Im) (f) 3. of the statutes, as affected by 1997 Wisconsin Act  
17 283, is amended to read:

18           961.41 (Im) (f) 3. More than 5 gramsthø person ~~shall be fined not less than~~  
19 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~  
20 ~~nor more than~~ <sup>37</sup> ~~years and 6 months~~ is guilty of a Class E felony.

21           **SECTION 75.** 961.4 1 (Im) (g) (intro.) of the statutes is amended to read:

1           961.4 1 (lm) (g) Psilocin and psilocybin. (intro.) ~~Psilocin~~ If a person violates  
2 this subsection with respect to psilocin or psilocybin, or a controlled substance analog  
3 of psilocin or psilocybin, is subject to the following penalties if and the amount  
4 possessed, with intent to manufacture, distribute or deliver, is:

5           **SECTION 76.** 96 1.4 1 (lm) (g) 1. of the statutes, as affected by 1997 Wisconsin  
6 Act 283, is amended to read:

7           961.4 1 (lm) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~  
8 ~~than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~  
9 ~~years and 6 months~~ is guilty of a Class G felony.

      \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

10          **SECTION 77.** 96 1.4 1 (lm) (g) 2. of the statutes, as affected by 1997 Wisconsin  
11 Act 283, is amended to read:

12          961.4 1 (lm) (g) 2. More than 100 grams but not more than 500 grams, the  
13 person ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~  
14 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months~~ is suilty  
15 of a Class F felony.

      \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

16          **SECTION 78.** 961.41 (lm) (g) 3. of the statutes, as affected by 1997 Wisconsin  
17 Act 283, is amended to read:

18          961.41 (lm) (g) 3. More than 5 grams, tperson ~~shall be fined not less than~~  
19 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~  
20 ~~nor more than 37 years and 6 months~~ is guilty of a Class E felony.

21          **SECTION 79.** 961.41 (lm) (h) (intro.) of the statutes is amended to read:

1           961.41 (Im) (h) **Tetrahydrocannabinols.** (intro.) ~~Tetrahydrocannabinols~~ If  
2 person violates this subsection with respect to tetrahydrocannabinols, included  
3 under s. 96 1.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is  
4 ~~subject to the following penalties if~~ and the amount possessed, with intent to  
5 manufacture, distribute or deliver, is:

6           **SECTION 80.** 96 1.4 1 (Im) (h) 1. of the statutes, as affected by 1997 Wisconsin  
7 Act 283, is amended to read:

8           96 1.4 1 (Im) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants  
9 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~  
10 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~  
11 is guilty of a Class I felony.

      \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

12           **SECTION 81.** 961.41 (Im) (h) 2. of the statutes, as affected by 1997 Wisconsin  
13 Act 283, is amended to read:

14           961.41 (Im) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000  
15 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than  
16 ~~50~~ 20 plants containing tetrahydrocannabinols, the person ~~shall be fined not less~~  
17 ~~than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3~~  
18 ~~months nor more than 7 years and 6 months~~ is guilty of a Class H felony.

      \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

19           **SECTION 82.** 961.4 1 (Im) (h) 3. of the statutes, as affected by 1997 Wisconsin  
20 Act 283, is amended to read:

21           961.41 (Im) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,  
22 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50

1 ~~plants containing tetrahydrocannabinols, the person shall be fined not less than~~  
2 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~  
3 ~~nor more than 15 years~~ is guilty of a Class G felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

4 SECTION 83. 961.41 (lm) (h) 4. of the statutes is created to read:

5 961.41 (lm) (h) 4. More than 2,500 grams but not more than 10,000 grams, or  
6 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants  
7 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

8 SECTION 84. 961.4 1 (lm) (h) 5. of the statutes is created to read:

9 961.41 (lm) (h) 5. More than 10,000 grams, or more than 200 plants containing  
10 tetrahydrocannabinols, the person is guilty of a Class E felony

11 SECTION 85. 961.41 (lm) (i) of the statutes, as affected by 1997 Wisconsin Act  
12 283. is amended to read:

13 96 1.4 1 (lm) (i) Schedule IV drugs. ~~A~~ If a person violates this subsection with  
14 respect to a substance included in schedule IV, may be fined not more than \$10,000  
15 ~~or imprisoned for not more than 4 years and 6 months or both~~ the person is guilty  
16 of a Class H felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

17 SECTION 86. 961.4 1 (lm) (j) of the statutes, as affected by 1997 Wisconsin Act  
18 283, is amended to read:

19 96 1.41 (lm) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with  
20 respect to a substance included in schedule V, may be fined not more than \$5,000 or  
21 ~~imprisoned for not more than 2 years or both~~ the person is guilty of a Class I felony.

\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

1           **SECTION 87.** 961.41 (1n) (c) of the statutes, as affected by 1997 Wisconsin Act  
2 283, is amended to read:

3           961.41 **(1n)** (c) A person who violates par. (a) or (b) ~~may be fined not more than~~  
4 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590, with which this draft will ultimately be compiled.

5           **SECTION 88.** 961.41 (1q) of the statutes is amended to read:

6           961.41 **(1q)** **PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.**  
7 Under s. 961.49 (2), 1997 stats., and subs. (1) (h) and (lm) (h) ~~and s. 961.49 (2)~~, if  
8 different penalty provisions apply to a person depending on whether the weight of  
9 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is  
10 considered, the greater penalty provision applies.

11           **SECTION 89.** 961.41 (1r) of the statutes is amended to read:

12           96 1.4 1 **(1r)** **DETERMINING WEIGHT OF SUBSTANCE.** In determining amounts under  
13 s. 961.49 (2) (b), 1997 stats., and subs. (1) and (lm) ~~and s. 961.49 (2) (b)~~, an amount  
14 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid  
15 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,  
16 methcathinone or tetrahydrocannabinols or any controlled substance analog of any  
17 of these substances together with any compound, mixture, diluent, plant material  
18 or other substance mixed or combined with the controlled substance or controlled  
19 substance analog. In addition, in determining amounts under subs. (1) (h) and (lm)  
20 (h) , the amount of tetrahydrocannabinols means anything included under s. 96 1.14  
21 (4) (t) and includes the weight of any marijuana.

22           **SECTION 90.** 96 1.4 1 (2) (intro.) of the statutes is amended to read:

1           96 1.41 (2) **COUNTERFEIT** SUBSTANCES. (intro.) Except as authorized by this  
2 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or  
3 possess with intent to distribute or deliver, a counterfeit substance. Any person who  
4 violates this subsection ~~with respect to~~ is subject to the following penalties:

5           **SECTION 91.** 961.41 (2) (a) of the statutes, as affected by 1997 Wisconsin Act  
6 283, is amended to read:

7           961.41 (2) (a) **Counterfeit schedule I and II narcotic drug.** ~~-A- If a person~~  
8 ~~violates this subsection with respect to a~~ counterfeit substance included in schedule  
9 I or II which is a narcotic drug, ~~may be fined not more than \$15,000 or imprisoned~~  
10 ~~for not more than 33 years and 6 months or both~~ the person is guilty of a Class E  
11 felony.

12           **SECTION 92.** 961.41 (2) (b) of the statutes, as affected by 1997 Wisconsin Act  
13 283, is amended to read:

14           961.41 (2) (b) **Counterfeit schedule I, II, III and IV drug.** ~~-Any~~ If a person  
15 violates this subsection with respect to any other counterfeit substance included in  
16 schedule I, II ~~or, III or IV,~~ ~~may be fined not more than \$15,000 or imprisoned for not~~  
17 ~~more than 7 years~~ ~~6 months or both~~ the person is guilty of a Class H felony.

          \*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

18           **SECTION 93.** 96 1.4 1 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
19 is repealed.

20           **SECTION 94.** 961.41 (2) (d) of the statutes, as affected by 1997 Wisconsin Act  
21 283, is amended to read:

22           961.41 (2) (d) **Counterfeit schedule V drug.** ~~-A-~~ If a person violates this  
23 subsection with respect to a counterfeit substance included in schedule V, ~~may be~~

1 ~~fin~~ ~~ed not more than \$5,000 or imprisoned for not more than 2 years or both~~ the person  
2 is guilty of a Class I felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

3 SECTION 95. 961.4 1 (3g) (a) 1. of the statutes, as affected by 1999 Wisconsin Act  
4 283, is renumbered 961.41 (3g) (am) and amended to read:

5 ~~96~~ 1.4 1 (3g) (am) **Schedule I and II narcotic drug.** ~~Except as provided in subd.~~  
6 ~~2., if the~~ If person possesses a controlled substance included in schedule I or II  
7 which is a narcotic drug, or possesses a controlled substance analog of a controlled  
8 substance included in schedule I or II which is a narcotic drug, the person ~~may, upon~~  
9 ~~a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2~~  
10 ~~or both, and for a 2nd or subsequent offense, the person may be fined not more than~~  
11 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

12 SECTION 96. 961.41 (3g) (a) 2. of the statutes, as affected by 1997 Wisconsin Act  
13 283, is repealed.

14 SECTION 97. 961.41 (3g) (a) 3. of the statutes is repealed.

15 SECTION 98. 961.41 (3g) (b) (title) of the statutes is created to read:

16 961.41 (3g) (b) (title) ***Other drugs generally***

17 SECTION 99. 961.41 (3g) (c) of the statutes is amended to read:

18 ~~96~~ 1.41 (3g) (c) **Cocaine and cocaine base.** If a person possess or attempts to  
19 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine  
20 base, the person shall be fined not more than \$5,000 and may be imprisoned for not  
21 more than one year in the county jail upon a first conviction and is guilty of a Class  
22 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense



1 is considered a 2nd or subseautent offense if. nrrior to the offender's conviction of the  
2 offense. the offender has at any time been convicted of any felony or misdemeanor  
3 under this chanter or under anv statute of the United States or of anv state relating  
4 to controlled substances. controlled substance analogs. narcotic drugs. marijuana or  
5 depressant. stimulant or hallucinogenic drugs.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

6 **SECTION 100. 96 1.4 1 (3g) (d)** of the statutes is amended to read:

7 961.41 (3g) (d) ***Certain hallucinogenic and stimulant drugs.*** If a person  
8 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,  
9 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a  
10 controlled substance analog of lysergic acid diethylamide, phencyclidine,  
11 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person  
12 may be fined not more than \$5,000 or imprisoned for not more than one year in the  
13 county jail or both upon a first conviction and is aultyv of a Class I felonv for a 2nd  
14 or subseautent offense. For purposes of this paragraph, an offense is considered a 2nd  
15 or subseautent offense if. nrrior to the offender's conviction of the offense. the offender  
16 has at any time been convicted of any felony or misdemeanor under this chapter or  
17 under anv statute of the United States or of anv state relating to controlled  
18 substances. controlled substance analogs. narcotic drugs. mariiuana or depressant.  
19 stimulant or hallucinogenic drugs.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

20 **SECTION 101 . 961.4 1 (3g) (e)** of the statutes is amended to read:

21 **96 1.4 1 (3g) (e) *Tetrahydrocannabinols.*** If a person possesses or attempts to  
22 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled

1 substance analog of tetrahydrocannabinols, the person may be fined not more than  
2 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and  
3 is guilty of a Class I felony for a 2nd or subseauent offense. For purposes of this  
4 paragraph, an offense is considered a 2nd or subseauent offense if, prior to the  
5 offender's conviction of the offense, the offender has at any time been convicted of any  
6 felony or misdemeanor under this chapter or under any statute of the United States  
7 or of any state relating: to controlled substances, controlled substance analogs,  
8 narcotic drugs, mariiuana or depressant, stimulant or hallucinogenic drugs.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

9 **SECTION 102.** 961.41 (3g) (f) of the statutes is amended to read:

10 961.41 (3g) (f) ***Gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone,***  
11 ***ketamine and flunitrazepam.*** If a person possesses or attempts to possess  
12 gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone, ketamine or  
13 flunitrazepam, the person ~~may be fined not more than \$5,000 or imprisoned for not~~  
14 ~~more than 2 years or both~~ is guilty of a Class H felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

15 **SECTION 103.** 961.41 (4) (am) 3. of the statutes, as affected by 1997 Wisconsin  
16 Act 283, is amended to read:

17 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph  
18 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~  
19 is guilty of a Class I felony.

\*\*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

20 **SECTION 104.** 96 1.42 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
21 is amended to read:

1           961.42 (2) Any person who violates this section ~~may be fined not more than~~  
2 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

      \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

3           **SECTION 105.** 961.43 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
4 is amended to read:

5           961.43 (2) Any person who violates this section ~~may be fined not more than~~  
6 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

      \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled.

7           **SECTION 106.** 96 1.438 of the statutes is repealed.

8           **SECTION 107.** 961.455 (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
9 is amended to read:

10           961.455 (1) Any person who has attained the age of 17 years who knowingly  
11 solicits, hires, directs, employs or uses a person who is under the age of 17 years of  
12 ~~age or under~~ for the purpose of violating s. 961.4 1 (1) ~~may be fined not more than~~  
13 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is ailty of a Class F felony.

      \*\*\*NOTE: The class of felony referred to in this provision is created in LRB-0590,  
with which this draft will ultimately be compiled. In the first compile, compare the  
penalty here to the penalties under ss. 939.30 and 948.35.

14           **SECTION 108.** 961.46 (1) of the statutes is renumbered 961.46 and amended to  
15 read:

16           **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~  
17 ~~(3), any~~ If person 17 years of age or over ~~who~~ violates s. 96 1.4 1 (1) by distributing  
18 or delivering a controlled substance ~~included in schedule I or II which is a narcotic~~  
19 ~~drug or a controlled substance analog of a controlled substance included in~~ ~~chedule~~  
20 ~~I or II which is a narcotic drug~~ to a person 17 years of age or under who is at least  
21 3 years his or her junior ~~is punishable by the fine authorized by s. 961.41(1)(a) or~~

1 ~~a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the~~  
2 ~~applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the~~  
3 ~~offense may be increased by not more than 5 years.~~

4 **SECTION 109.** 961.46 (2) of the statutes is repealed.

5 **SECTION 110.** 961.46 (3) of the statutes is repealed.

6 **SECTION 111.** 961.465 of the statutes is repealed.

\*\*\*\*NOTE: This is a penalty enhancer for distribution of controlled substances to prisoners. These provisions should be included in the sentencing factor statute that will be created in LRB-0590.

7 **SECTION 112.** 961.472 (2) of the statutes is amended to read:

8 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found  
9 guilty of possession or attempted possession of a controlled substance or controlled  
10 substance analog under s. 961.41 (3g) ~~(a) 2-~~ (am), (c) or (d), the court shall order the  
11 person to comply with an assessment of the person's use of controlled substances.  
12 The court's order shall designate a facility that is operated by or pursuant to a  
13 contract with the county department established under s. 5 1.42 and that is certified  
14 by the department of health and family services to provide assessment services to  
15 perform the assessment and, if appropriate, to develop a proposed treatment plan.  
16 The court shall notify the person that noncompliance with the order limits the court's  
17 ability to determine whether the treatment option under s. 961.475 is appropriate.  
18 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

19 **SECTION 113.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and  
20 amended to read:

21 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who  
22 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or  
23 subsequent offense as provided under this chapter sub. (3) and the person is

1 convicted of that 2nd or subsequent offense ~~may be fined an amount up to twice that~~  
2 ~~otherwise authorized or imprisoned for a term up to twice the term otherwise~~  
3 ~~authorized or both. the maximum term of imprisonment for the offense may be~~  
4 increased as follows:

5 **SECTION 114.** 961.48 (1) (a) and (b) of the statutes are created to read:

6 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

7 (b) By not more than 4 years, if the offense is a Class E, F, G, H or I felony.

\*\*\*\*NOTE: Class F, G, H and I felonies are created in LRB-0590, with which this draft will ultimately be compiled.

8 **SECTION 115.** 961.48 (2) of the statutes is repealed.

9 **SECTION 116.** 961.48 (2m) (a) of the statutes is amended to read:

10 96 1.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this  
11 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is  
12 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior  
13 convictions are alleged in the complaint, indictment or information or in an amended  
14 complaint, indictment or information that is filed under par. (b) 1. A person is not  
15 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of  
16 applicable prior convictions is withdrawn by an amended complaint filed under par.  
17 (b) 2.

18 **SECTION 117.** 961.48 (3) of the statutes is amended to read:

19 961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter  
20 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the  
21 offense, the offender has at any time been convicted of any felony or misdemeanor  
22 offense under this chapter or under any statute of the United States or of any state

1 relating to controlled substances or controlled substance analogs, narcotic drugs,  
2 marijuana or depressant, stimulant or hallucinogenic drugs.

3 **SECTION 118.** 961.48 (4) of the statutes is repealed.

4 **SECTION 119.** 961.49 (1) of the statutes is renumbered 961.49.

5 **SECTION 120.** 961.49 (2) of the statutes is repealed.

6 **SECTION 121.** 96 1.49 (3) of the statutes is repealed.

7 **SECTION 122.** 961.492 of the statutes is repealed.

\*\*\*\*NOTE: This is a penalty enhancer for distribution of controlled substances on public transit vehicles. These provisions should be included in the sentencing factor statute that will be created in LRB-0590.

8 **SECTION 123.** 97 1.365 (1) (c) of the statutes is amended to read:

9 97 1.365 (1) (c) In any case under s. 96 1.4 1 (3g) ~~(a) 2- (am)~~, (c), (d) or (e) involving  
10 more than one violation, all violations may be prosecuted as a single crime if the  
11 violations were pursuant to a single intent and design.

12 **SECTION 124.** 971.365 (2) of the statutes is amended to read:

13 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent  
14 prosecution for any acts in violation of s. 961.41 (1) (cm), (cl), (e) , (f) , (g) or (h), (1m)  
15 (cm), (d), (e), (f), (g) or (h) or (3g) ~~(a) 2- (am)~~, (c), (d) or (e) on which no evidence was  
16 received at the trial on the original charge.

17 **SECTION 125. Effective date.**

18 (1) This act takes effect on December 31, 1999, or on the day after publication,  
19 whichever is later.

20 **(END)**

PRELIMINARY DRAFT - NOT READY **FOR** INTRODUCTION

1       **AN ACT** *to renumber and amend 49.95* (1) and 125.075 (2); *to* amend 6.18,  
2           11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg),  
3           26.14 (8), 29.971 (1) (c), 29.971 (lm) (c), 29.971 (llm) (a), 29.971 (11p) (a), 30.80  
4           (2g) (b), **30.80 (2g)** (c), **30.80 (2g)** (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d),  
5           49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b),  
6           49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b) l., 49.49 (2) (a), 49.49  
7           (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12), 55.06 (11) (am), 66.4025  
8           (1) (b), 66.4025 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4),  
9           97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5),  
10          100.26 (7), 101.143 (10) (b), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3),  
11          **108.225** (11), 108.225 (18), 114.20 (18) (c), 125.085 (3) (a) 2., 125.105 (2) (b),  
12          125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2),  
13          134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (l), 139.44  
14          (1m), 139.44 (2), 139.44 (8) (c), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5),  
15          146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9)

1 (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6)  
2 (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2),  
3 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.),  
4 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 302.095 (2), 341.605 (3), 342.06 (2),  
5 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.44  
6 (2) (b) (intro.), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3)  
7 (d), 346.65 (2) (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11  
8 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1),  
9 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4),  
10 641.19 (4) (a), 641.19 (4) (b), 765.30 (1) (intro.), 765.30 (2) (intro.), 768.07,  
11 783.07, 946.85 (1), 968.31 (1) (intro.), 968.34 (3), 968.43 (3) and 977.06 (2) (b);  
12 and **to create** 125.075 (2) (b) of the statutes; **relating to:** classification of felony  
13 offenses and providing penalties.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.

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

14 **SECTION 1.** 6.18 of the statutes is amended to read:

15 **6.18 Former residents.** If ineligible to qualify as an elector in the state to  
16 which the elector has moved, any former qualified Wisconsin elector may vote an  
17 absentee ballot in the ward of the elector's prior residence in any presidential election  
18 occurring within 24 months after leaving Wisconsin by requesting an application  
19 form and returning it, properly executed, to the municipal clerk of the elector's prior  
20 Wisconsin residence. When requesting an application form for an absentee ballot,



1 the applicant shall specify the applicant's eligibility for only the presidential ballot.  
2 The application form shall require the following information and be in substantially  
3 the following form:

4 This blank shall be returned to the municipal clerk's office. Application must  
5 be received in sufficient time for ballots to be mailed and returned prior to any  
6 presidential election at which applicant wishes to vote. Complete all statements in  
7 full.

8 APPLICATION FOR PRESIDENTIAL  
9 ELECTOR'S ABSENT BALLOT.

10 (To be voted at the Presidential Election  
11 on November . . . . . (year)

12 I,.... hereby swear or affirm that I am a citizen of the United States, formerly  
13 residing at . . . . in the . . . . ward . . . . aldermanic district (city, town, village) of. . . . , County  
14 of . . . . for 10 days prior to leaving the State of Wisconsin. I, .... do solemnly swear or  
15 affirm that I do not qualify to register or vote under the laws of the State of . . . .(State  
16 you now reside in) where I am presently residing. A citizen must be a resident of:  
17 State . . . . (Insert time) County . . . . (Insert time) City, Town or Village . . . . (Insert time),  
18 in order to be eligible to register or vote therein. I further swear or affirm that my  
19 legal residence was established in the State of . . . . (the State where you now reside)  
20 on . . . . Month . . . . Day . . . . Year.

21 Signed . . . .

22 Address . . . .(Present address)

23 . . . . (City) . . . . (State)

24 Subscribed and sworn to before me this . . . . day of . . . . . (year)

25 . . . .(Notary Public, or other officer authorized to administer oaths.)

1 . . .(County)

2 My Commission expires

3 MAIL BALLOT TO:

4 NAME . . . .

5 ADDRESS . . . .

6 CITY . . . . STATE . . . . ZIP CODE . . . .

7 **Penalties for violations.** Whoever swears falsely to any absent elector affidavit  
8 under this section may be fined not more than \$1,000 or imprisoned for not more than  
9 6 months, or both. Whoever intentionally votes more than once in an election may  
10 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months  
11 or both.

12 . . . . (Municipal Clerk)

13 . . . . (Municipality)

14 **SECTION 2.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,  
15 is amended to read:

16 11.61 (1) (a) Whoever intentionally violates s. 11.05 (l), (2), (2g) or (2r), 11.07  
17 (1) or (5), 11.10 (l), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~  
18 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I  
19 felony.

20 **SECTION 3.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,  
21 is amended to read:

22 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (l), 11.30 (1)  
23 or 11.38 where is guilty of a Class I felony if the intentional violation does not involve  
24 a specific figure, or ~~where~~ if the intentional violation concerns a figure which exceeds

1 \$100 in amount or value may be fined ~~more than \$10,000 or imprisoned for not~~  
2 ~~more than 4 years and 6 months or both~~

3 **SECTION 4.** 12.60 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,  
4 is amended to read:

5 12.60 **(1)** (a) Whoever violates s. 12.09, 12.11 or 12.13 (l), (2) or (3) (a), (e), (f),  
6 (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not~~  
7 ~~more than 4 years and 6 months or both~~ is guilty of a Class I felony.

8 **SECTION 5.** 13.05 of the statutes, as affected by 1997 Wisconsin Act 283, is  
9 amended to read:

10 **13.05 Logrolling prohibited.** Any member of the legislature who gives,  
11 offers or promises to give his or her vote or influence in favor of or against any  
12 measure or proposition pending or proposed to be introduced, in the legislature in  
13 consideration or upon condition that any other person elected to the same legislature  
14 will give or will promise or agree to give his or her vote or influence in favor of or  
15 against any other measure or proposition pending or proposed to be introduced in  
16 such legislature, or who gives, offers or promises to give his or her vote or influence  
17 for or against any measure on condition that any other member will give his or her  
18 vote or influence in favor of any change in any other bill pending or proposed to be  
19 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~  
20 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~  
21 is guilty of a Class I felony.

22 **SECTION 6.** 13.06 of the statutes, as affected by 1997 Wisconsin Act 283, is  
23 amended to read:

24 **13.06 Executive favor.** Any member of the legislature who gives, offers or  
25 promises to give his or her vote or influence in favor of or against any measure or

1 proposition pending or proposed to be introduced in the legislature, or that has  
2 already been passed by either house of the legislature, in consideration of or on  
3 condition that the governor approve, disapprove, veto or sign, or agree to approve,  
4 disapprove, veto or sign, any other measure or proposition pending or proposed to be  
5 introduced in the legislature or that has already been passed by the legislature, or  
6 either house thereof, or in consideration or upon condition that the governor  
7 nominate for appointment or appoint or remove any person to or from any office or  
8 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~  
9 ~~\$1,000 or imprisoned for not less than one year nor more than 9 years or both~~ is guilty  
10 of a Class I felony.

11 SECTION 7. 13.69 (6m) of the statutes, as affected by 1997 Wisconsin Act 283,  
12 is amended to read:

13 13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a  
14 principal who files a statement under s. 13.63 (l), 13.64, 13.65, 13.67 or 13.68 which  
15 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~  
16 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
17 felony.

18 SECTION 8. 23.33 (13) (cg) of the statutes, as affected by 1997 Wisconsin Act 283,  
19 is amended to read:

20 23.33 (13) (cg) ***Penalties related to causing death or injury; interference with***  
21 ***signs and standards.*** A person who violates sub. (8) (f) 1. ~~shall be fined not more than~~  
22 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony  
23 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another  
24 person.

1           **SECTION 9.** 26.14 (8) of the statutes, as affected by 1997 Wisconsin Act 283, is  
2 amended to read:

3           26.14 **(8)** Any person who intentionally sets fire to the land of another or to a  
4 marsh ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years~~  
5 ~~and 6 months or both~~ is guilty of a Class H felony.

6           **SECTION 10.** 29.971 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
7 is amended to read:

8           29.971 **(1)** (c) ~~For A person~~ having fish in his or her possession in violation of  
9 this chapter and is guilty of a Class I felony if the value of the fish under par. (d)  
10 exceeds \$ 1,000, ~~by a fine of not more than \$10,000 or imprisonment for not more than~~

11 - -  
12           **SECTION 11.** 29.97 1 (1 m) (c) of the statutes, as affected by 1997 Wisconsin Act  
13 283, is amended to read:

14           29.971 **(1m)** (c) ~~For A person~~ possessing clams in violation of s. 29.537, is guilty  
15 of a Class I felony if the value of the clams under par. (d) exceeds \$1 ,000, ~~by a fine~~  
16 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both~~

17           **SECTION 12.** 29.971 (1lm) (a) of the statutes, as affected by 1997 Wisconsin Act  
18 283, is amended to read:

19           29.971 **(1lm)** (a) For shooting, shooting at, killing, taking, catching or  
20 possessing a bear without a valid Class A bear license, or for possessing a bear which  
21 does not have a carcass tag attached or possessing a bear during the closed season,  
22 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not  
23 more than 6 months or both for the first violation, or by a fine of not more than ~~\$5,000~~  
24 \$10,000 or imprisonment for not more than ~~2 years~~ 9 months or both for any  
25 subsequent violation, and, in addition, the court shall revoke all hunting approvals

1 issued to the person under this chapter and shall prohibit the issuance of 'any new  
2 hunting approval under this chapter to the person for 3 years.

3 **SECTION 13.** 29.971 (11p) (a) of the statutes, as affected by 1997 Wisconsin Act  
4 283, is amended to read:

5 29.971 **(11p)** (a) For entering the den of a hibernating black bear and harming  
6 the bear, by a fine of not more than \$10,000 or imprisonment for not more than 2  
7 ~~years~~ 9 months or both.

8 **SECTION 14.** 30.80 (2g) (b) of the statutes, as affected by 1997 Wisconsin Act  
9 283, is amended to read:

10 30.80 **(2g)** (b) Shall be fined not ~~less than \$300 nor~~ more than ~~\$5,000~~ \$10,000  
11 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved  
12 injury to a person but the person did not suffer great bodily harm.

13 **SECTION 15.** 30.80 (2g) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
14 is amended to read:

15 30.80 **(2g)** (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~  
16 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a  
17 person and the person suffered great bodily harm.

18 **SECTION 16.** 30.80 (2g) (d) of the statutes, as affected by 1997 Wisconsin Act  
19 283, is amended to read:

20 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~  
21 ~~than 7 years or both~~ 16 months or both Is guilty of a Class H felony if the accident involved  
22 death to a person.

23 **SECTION 17.** 30.80 (3m) of the statutes, as affected by 1997 Wisconsin Act 283,  
24 is amended to read:

1           30.80 (3m) Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~  
2 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of  
3 a Class H felony.

4           **SECTION 18.** 36.25 (6) (d) of the statutes, as affected by 1997 Wisconsin Act 283,  
5 is amended to read:

6           36.25 (6) (d) Any officer, agent, clerk or employe of the survey or department  
7 of revenue who makes known to any person except the officers of the survey or  
8 department of revenue, in any manner, any information given to such person in the  
9 discharge of such person's duties under par. (c) , which information was given to such  
10 person with the request that it not be made known, ~~upon el~~ ~~ction thereof, shall be~~  
11 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~  
12 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent  
13 the use for assessment purposes of any information obtained under this subsection.

14           **SECTION 19.** 47.03 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 283,  
15 is amended to read:

16           47.03 (3) (d) Any person who violates this subsection shall be fined not more  
17 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

18           **SECTION 20.** 49.127 (8) (a) 2. of the statutes, as affected by 1997 Wisconsin Act  
19 283, is amended to read:

20           49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than  
21 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~  
22 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

23           **SECTION 21.** 49.127 (8) (b) 2. of the statutes, as affected by 1997 Wisconsin Act  
24 283, is amended to read:

1           49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than  
2           **\$5,000, a person who violates this section** ~~may be fined not more than \$10,000 or~~  
3           ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
4           felony.

5           **SECTION 22.** 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
6           is amended to read:

7           **49.127 (8) (c)** For any offense under this section, if the value of the food coupons  
8           is \$5,000 or more, a person who violates this section ~~may be fined not more than~~  
9           ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

10          **SECTION 23.** 49.141 (7) (a) of the statutes, as affected by 1997 Wisconsin Act  
11          283, is amended to read:

12          49.14 1 (7) (a) A person who is convicted of violating sub. (6) in connection with  
13          the furnishing by that person of items or services for which payment is or may be  
14          made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~  
15          ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

16          **SECTION 24.** 49.14 1 (7) (b) of the statutes, as affected by 1997 Wisconsin Act  
17          283, is amended to read:

18          49.141 (7) (b) A person, other than a person under par. (a), who is convicted of  
19          violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than  
20          ~~2 years~~ 9 months or both.

21          **SECTION 25.** 49.141 (9) (a) of the statutes, as affected by 1997 Wisconsin Act  
22          283, is amended to read:

23          49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,  
24          in return for referring an individual to a person for the furnishing or arranging for  
25          the furnishing of any item or service for which payment may be made in whole or in



1 part under Wisconsin works, or in return for purchasing, leasing, ordering, or  
2 arranging for or recommending purchasing, leasing, or ordering any good, facility,  
3 service, or item for which payment may be made in whole or in part under Wisconsin  
4 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine  
5 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or  
6 ~~imprisoned for not more than 7 years and 6 months or both.~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

7 SECTION 26. 49.141 (9) (b) of the statutes, as affected by 1997 Wisconsin Act  
8 283, is amended to read:

9 49.14 1 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to  
10 any person to induce the person to refer an individual to a person for the furnishing  
11 or arranging for the furnishing of any item or service for which payment may be made  
12 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange  
13 for or recommend purchasing, leasing, or ordering any good, facility, service or item  
14 for which payment may be made in whole or in part under any provision of Wisconsin  
15 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine  
16 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or  
17 ~~imprisoned for not more than 7 years and 6 months or both.~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

18 SECTION 27. 49.141 (10) (b) of the statutes, as affected by 1997 Wisconsin Act  
19 283, is amended to read:

20 49.141 (10) (b) A person who violates this subsection is guilty of a Class H  
21 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),

1 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~  
2 ~~years and 6 months or both.~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

3 SECTION 28. 49.49 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act  
4 283, is amended to read:

5 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,  
6 failure, or conversion by any person in connection with the furnishing by that person  
7 of items or services for which medical assistance is or may be made, a person  
8 ~~convicted of violating this subsection is guilty of a Class H felony, except that,~~  
9 notwithstanding: the maximum fine specified in s. 939.50 (3) (h), the person may be  
10 fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months  
11 or both.

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

12 SECTION 29. 49.49 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 283,  
13 is amended to read:

14 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits  
15 or receives any remuneration, including any kickback, bribe, or rebate, directly or  
16 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual  
17 to a person for the furnishing or arranging for the furnishing of any item or service  
18 for which payment may be made in whole or in part under a medical assistance  
19 program, or in return for purchasing, leasing, ordering, or arranging for or  
20 recommending purchasing, leasing, or ordering any good, facility, service, or item for  
21 which payment may be made in whole or in part under a medical assistance program,  
22 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified

1 ~~in s. 939.50 (3) (h), the person~~ may be fined not more than \$25,000 ~~or imprisoned for~~  
2 ~~not more than 7 years and 6 months or both~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

3 **SECTION 30.** 49.49 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,  
4 is amended to read:

5 *49.49 (2) (b) Offer or payment of remuneration.* Whoever offers or pays any  
6 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly  
7 or covertly, in cash or in kind to any person to induce such person to refer an  
8 individual to a person for the furnishing or arranging for the furnishing of any item  
9 or service for which payment may be made in whole or in part under a medical  
10 assistance program, or to purchase, lease, order, or arrange for or recommend  
11 purchasing, leasing, or ordering any good, facility, service or item for which payment  
12 may be made in whole or in part under a medical assistance program, is guilty of a  
13 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50  
14 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more~~  
15 ~~than 7 years and 6 months or both~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

16 **SECTION 31.** 49.49 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
17 is amended to read:

18 49.49 (3) FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly  
19 and wilfully make or cause to be made, or induce or seek to induce the making of, any  
20 false statement or representation of a material fact with respect to the conditions or  
21 operation of any institution or facility in order that such institution or facility may  
22 qualify either upon initial certification or upon recertification as a hospital, skilled

1 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~  
2 **person who violates this subsection is guilty of a Class H felony, except that,**  
3 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be  
4 fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months  
5 or both.

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

6 **SECTION 32.** 49.49 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act  
7 283, is amended to read:

8 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H  
9 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),  
10 the person may be fined not more than \$25,000 or imprisoned for not more than 7  
11 years and 6 months or both.

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

12 **SECTION 33.** 49.49 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 283,  
13 is amended to read:

14 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony  
15 except that, notwithstanding: the maximum fine specified in s. 939.50 (3) (h), the  
16 person may be fined not more than \$25,000 or imprisoned for not more than 7 years  
17 and 6 months or both.

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in CRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

18 **SECTION 34.** 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
19 is renumbered 49.95 (1) (intro.) and amended to read:

1           49.95 (1) (intro.) Any person who, with intent to secure public assistance under  
2 this chapter, whether for himself or herself or for some other person, wilfully makes  
3 any false representations ~~may, if~~ is subject to the following penalties:

4           (a) the value of the assistance so secured does not exceed \$300, the person  
5 may be required to forfeit not more than \$1,000; if,

6           (b) the value of the assistance exceeds \$300 but does not exceed \$1,000, the  
7 person may be fined not more than \$250 or imprisoned for not more than 6 months  
8 or both; if,

9           (c) the value of the assistance exceeds \$1,000 but does not exceed \$2,500, be  
10 fined not more than \$500 or imprisoned for not more than 7 years and 6 months or  
11 both; and if the person is guilty of a Class H felony.

12           (d) the value of the assistance exceeds \$2,500, be punished as prescribed  
13 under T-P a43.20 (3) (c) the person is guilty of a Class ?? felony.

\*\*\*\*NOTE: The penalty for an offense involving more than \$2,500 is still under review by the subcommittee.

14           **SECTION 35.** 51.15 (12) of the statutes, as affected by 1997 Wisconsin Act 283,  
15 is amended to read:

16           5 1.15 **(12)** PENALTY. Whoever signs a statement under sub. (4), (5) or (10)  
17 knowing the information contained therein to be false ~~may be fined not more than~~  
18 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a  
19 Class H felony.

20           **SECTION 36.** 55.06 (11) (am) of the statutes, as affected by 1997 Wisconsin Act  
21 283, is amended to read:

22           55.06 **(11)** (am) Whoever signs a statement under par. (a) knowing the  
23 information contained therein to be false ~~may be fined not more than \$5,000 or~~

1 ~~imprisoned for not more than 7 years and 6 months or both is guilty of a Class H~~  
2 ~~felony.~~

3 SECTION 37. 66.4025 (1) (b) of the statutes, as affected by 1997 Wisconsin Act  
4 283, is amended to read:

5 66.4025 (1) (b) Any person who secures or assists in securing dwelling  
6 accommodations under s. 66.402 by intentionally making false representations in  
7 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for  
8 which the person would not otherwise be entitled ~~shall be fined not more than~~  
9 ~~\$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.~~

10 SECTION 38. 66.4025 (1) (c) of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12 66.4025 (1) (c) Any person who secures or assists in securing dwelling  
13 accommodations under s. 66.402 by intentionally making false representations in  
14 order to receive more than \$25,000 in financial assistance for which the person would  
15 not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not~~  
16 ~~more than 7 years and 6 months or both is guilty of a Class H felony.~~

17 SECTION 39. 69.24 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act  
18 283, is amended to read:

19 69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not~~  
20 ~~more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class~~  
21 ~~felony:~~

22 SECTION 40. 70.47 (18) (a) of the statutes, as affected by 1997 Wisconsin Act  
23 283, is amended to read:

24 70.47 (18) (a) Whoever with intent to injure or defraud alters, damages,  
25 removes or conceals any of the items specified under subs. (8) (f) and (17) ~~may be fined~~

1 ~~not more than \$1,000 or imprisoned for not more than 3 years or both~~ is guilty of a  
2 Class I felony.

3 **SECTION 41. 71.83 (2) (b)** of the statutes, as affected by 1997 Wisconsin Act 283,  
4 is amended to read:

5 7 1.83 (2) (b) *Felony* 1. 'False income tax return; fraud.' Any person, other than  
6 a corporation or limited liability company, who renders a false or fraudulent income  
7 tax return with intent to defeat or evade any assessment required by this chapter  
8 ~~shall be~~ is guilty of a Class H felony and may be ~~fined not more than \$10,000 or~~  
9 ~~imprisoned for not more than 7 years and 6 months or both,~~ together with assessed  
10 the cost of prosecution. In this subdivision, "return" includes a separate return filed  
11 by a spouse with respect to a taxable year for which a joint return is filed under s.  
12 7 1.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by  
13 the spouses with respect to a taxable year for which a separate return is filed under  
14 s. 7 1.03 (2) (m) after the filing of that joint return.

15 2. 'Officer of a corporation; false franchise or income tax return.' Any officer  
16 of a corporation or manager of a limited liability company required by law to make,  
17 render, sign or verify any franchise or income tax return, who makes any false or  
18 fraudulent franchise or income tax return, with intent to defeat or evade any  
19 assessment required by this chapter ~~shall be~~ is guilty of a Class H felony and may  
20 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
21 ~~or both~~ together with assessed the cost of prosecution.

22 3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,  
23 depositing or concealing any property upon which a levy is authorized with intent  
24 to evade or defeat the assessment or collection of any tax administered by the  
25 department is guilty of a Class I felony and may be ~~fined not more than \$5,000 or~~

1 ~~imprisoned for not more than 4 years and 6 months or both, together with assessed~~  
2 the ~~costs~~ cost of prosecution.

3 4. 'Fraudulent claim for credit.' ~~The A~~ A claimant who ~~filed~~ files a claim for credit  
4 under s. 7 1.07, 7 1.28 or 7 1.47 or subch. VIII or IX that is false or excessive and was  
5 filed with fraudulent intent and any person who ~~assisted, with fraudulent intent,~~  
6 assists in the preparation or filing of the false or excessive claim or supplied  
7 information upon which the false or excessive claim was prepared-  
8 - is guilty of a Class H felony and may be fined not more than \$10,000 or  
9 ~~imprisoned for not more than 7 years and 6 months or both, together with assessed~~  
10 the cost of prosecution.

11 **SECTION 42.** 86.192 (4) of the statutes, as affected by 1997 Wisconsin Act 283,  
12 is amended to read:

13 86.192 (4) Any person who violates this section ~~shall be fined more than~~  
14 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony  
15 if the injury, defacement or removal causes the death of a person.

16 **SECTION 43.** 97.43 (4) of the statutes, as affected by 1997 Wisconsin Act 283,  
17 is amended to read:

18 97.43 (4) Whoever violates this section ~~may be fined not less than \$500 nor~~  
19 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is  
20 guilty of a Class H felony.

21 **SECTION 44.** 97.45 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
22 is amended to read:

23 97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor~~  
24 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is  
25 guilty of a Class H felony.



1           **SECTION 45.** 100.17 1 (7) (b) of the statutes is amended to read:

2           100.17 1 (7) (b) Whoever intentionally violates this section ~~may be fined not~~  
3 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class  
4 A felony intentionally violates this section if the violation occurs after the  
5 department or a district attorney has notified the person by certified mail that the  
6 person is in violation of this section.

7           **SECTION 46.** 100.2095 (6) (d) of the statutes is amended to read:

8           100.2095 (6) (d) A person who violates sub. (3), (4) or (5) ~~may be fined not less~~  
9 ~~than \$100 nor more than \$1,000 or imprisoned for not more than one year or both~~ is  
10 guilty of a Class I felony. Each day of violation constitutes a separate offense.

11           **SECTION 47.** 100.26 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
12 is amended to read:

13           100.26 (2) Any person violating s. 100.02 ~~shall be fined not less than \$50 nor~~  
14 ~~more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and~~  
15 ~~6 months or both~~ is guilty of a Class I felony.

16           **SECTION 48.** 100.26 (5) of the statutes, as affected by 1997 Wisconsin Act 283,  
17 is amended to read:

18           100.26 (5) Any person violating s. 100.06 or any order or regulation of the  
19 department thereunder, or s. 100.18 (9), ~~shall~~ may be fined not ~~less than \$100 nor~~  
20 ~~more than \$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.  
21 Each day of violation constitutes a separate offense.

22           **SECTION 49.** 100.26 (7) of the statutes, as affected by 1997 Wisconsin Act 283,  
23 is amended to read:

24           100.26 (7) Any person violating s. 100.182 ~~shall~~ may be fined not ~~less than \$500~~  
25 ~~nor more than \$5,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or

1 both for each offense. Each unlawful advertisement published, printed or mailed on  
2 separate days or in separate publications, hand bills or direct mailings is a Separate  
3 violation of this section.

4 SECTION 50. 101.143 (10) (b) of the statutes, as affected by 1997 Wisconsin Act  
5 283, is amended to read:

6 101.143 **(10)** (b) Any owner or operator, person owning a home oil tank system  
7 or service provider who intentionally destroys a document that is relevant to a claim  
8 for reimbursement under this section ~~may be fined not more than \$10,000 or~~  
9 ~~imprisoned for not more than 15 years or both~~ is guilty of a Class G felony.

10 SECTION 51. 101.94 (8) (b) of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12 10 1.94 (8) (b) Any individual or a director, officer or agent of a corporation who  
13 knowingly and wilfully violates this subchapter in a manner which threatens the  
14 health or safety of a purchaser ~~shall~~ may be fined not more than ~~\$1,000~~ \$10,000 or  
15 imprisoned for not more than ~~2 years~~ 9 months or both.

16 SECTION 52. 102.835 (11) of the statutes, as affected by 1997 Wisconsin Act 283,  
17 is amended to read:

18 102.835 **(11)** EVASION. Any person who removes, deposits or conceals or aids in  
19 removing, depositing or concealing any property upon which a levy is authorized  
20 under this section with intent to evade or defeat the assessment or collection of any  
21 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~  
22 ~~6 months or both, is guilty of a Class I felony~~ and shall **be** liable to the state for the  
23 costs of prosecution.

24 SECTION 53. 102.835 (18) of the statutes, as affected by 1997 Wisconsin Act 283,  
25 is amended to read:

1           102.835 (18) **RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY.** No  
2 employer may discharge or otherwise discriminate with respect to the terms and  
3 conditions of employment against any employe by reason of the fact that his or her  
4 earnings have been subject to levy for any one levy or because of compliance with any  
5 provision of this section. Whoever wilfully violates this subsection may be fined not  
6 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

7           **SECTION 54.** 102.85 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
8 is amended to read:

9           102.85 (3) An employer who violates an order to cease operations under s.  
10 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3~~  
11 ~~years or both~~ is guilty of a Class I felony.

12           **SECTION 55.** 108.225 (11) of the statutes, as affected by 1997 Wisconsin Act 283,  
13 is amended to read:

14           108.225 (11) **EVASION.** Any person who removes, deposits or conceals or aids in  
15 removing, depositing or concealing any property upon which a levy is authorized  
16 under this section with intent to evade or defeat the assessment or collection of any  
17 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~  
18 ~~6 months or both,~~ is guilty of a Class I felony and shall be liable to the state for the  
19 costs of prosecution.

20           **SECTION 56.** 108.225 (18) of the statutes, as affected by 1997 Wisconsin Act 283,  
21 is amended to read:

22           108.225 (18) **RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY.** No  
23 employer may discharge or otherwise discriminate with respect to the terms and  
24 conditions of employment against any employe by reason of the fact that his or her  
25 earnings have been subject to levy for any one levy or because of compliance with any

1 provision of this section. Whoever wilfully violates this subsection may be fined not  
2 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

3 **SECTION 57.** 114.20 (18) (c) of the statutes, as affected by 1997 Wisconsin Act  
4 283, is amended to read:

5 114.20 (18) (c) Any person who knowingly makes a false statement in any  
6 application or in any other document required to be filed with the department, or who  
7 knowingly foregoes the submission of any application, document, or any registration  
8 certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more~~  
9 ~~than 7 years and 9 months or both~~ is guilty of a Class H felony.

10 **SECTION 58.** 125.075 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
11 is renumbered 125.075 (2) (a) and amended to read:

12 125.075 (2) (a) Whoever violates sub. (1) ~~may be fined not more than \$10,000~~  
13 ~~or imprisoned for not more than 5 years and 6 months or both~~ is guilty of a Class H  
14 felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

15 **SECTION 59.** 125.075 (2) (b) of the statutes is created to read:

16 125.075 (2) (b) Whoever violates sub.- (1) is guilty of a Class G felony if the  
17 underage person dies.

18 **SECTION 60.** 125.085 (3) (a) 2. of the statutes, as affected by 1997 Wisconsin Act  
19 283, is amended to read:

20 125.085 (3) (a) 2. Any person who- violates subd. 1. for money or other  
21 consideration ~~may be fined not more than \$10,000 or imprisoned for not more than~~  
22 ~~3 years or both~~ is guilty of a Class I felony:

23 **SECTION 61.** 125.105 (2) (b) of the statutes, as affected by 1997 Wisconsin Act  
24 283, is amended to read:

1           125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of,  
2 a crime may be ~~fined not more than \$10,000 or imprisoned for not more than 7 years~~  
3 ~~and 6 months or both~~ is guilty of a Class H felony.

4           **SECTION 62.** 125.66 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
5 is amended to read:

6           125.66 (3) Any person manufacturing or rectifying intoxicating liquor without  
7 holding appropriate permits under this chapter, or any person who sells such liquor,  
8 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or~~  
9 ~~both. Second or subsequent convictions shall be punished by both the fine and~~  
10 ~~imprisonment~~ is guilty of a Class F felony.

11           **SECTION 63.** 125.68 (12) (b) of the statutes, as affected by 1997 Wisconsin Act  
12 283, is amended to read:

13           125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor~~  
14 ~~more than \$5,000 or imprisoned for not less than one year nor more than 15 years~~  
15 ~~or both~~ is guilty of a Class F felony.

16           **SECTION 64.** 125.68 (12) (c) of the statutes, as affected by 1997 Wisconsin Act  
17 283, is amended to read:

18           125.68 (12) (c) Any person causing the death of another human being through  
19 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol  
20 or alcohol or alcoholic liquid redistilled from denatured alcohol-  
21 ~~for not more than 15 years~~ is guilty of a Class E felony.

22           **SECTION 65.** 132.20 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
23 is amended to read:

24           132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic  
25 in this state in a counterfeit mark or in any goods or service bearing or provided

1 under a counterfeit mark ~~shall is guilty of a Class H felony. except that,~~  
2 ~~notwithstanding the maximum fine specified in s. 939.50 (3) (h),~~ if the person is an  
3 individual? ~~he or she may be fined not more than \$250,000 or imp~~ ~~ined for not more~~  
4 ~~than 7 years and 6 months or both, or, and~~ if the person is not an individual, ~~the~~  
5 ~~person may be fined not more than \$1 ,000,000.~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

6 **SECTION 66.** 133.03 (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
7 is amended to read:

8 133.03 (1) Every contract, combination in the form of trust or otherwise, or  
9 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any  
10 contract or engages in any combination or conspiracy in restraint of trade or  
11 commerce ~~is guilty of a Class H felony. except that. notwithstanding the maximum~~  
12 ~~fine specified in s. 939.50 (3) (h), the person~~ may be fined not more than \$100,000 if  
13 a corporation, or, if any other person, may be fined not more than \$50,000 ~~or~~  
14 ~~imprisoned for not more than 7 years and 6 months or both.~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

15 **SECTION 67.** 133.03 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
16 is amended to read:

17 133.03 (2) Every person who monopolizes, or attempts to monopolize, or  
18 combines or conspires with any other person or persons to monopolize any part of  
19 trade or commerce ~~is guilty of a Class H felony. except that. notwithstanding the~~  
20 ~~maximum fine specified in s. 939.50 (3) (h). the person~~ may be fined not more than  
21 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000  
22 ~~or imprisoned for not more than 7 years and 6 months or both.~~

\*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

1           **SECTION 68.** 134.05 (4) of the statutes, as affected by 1997 Wisconsin Act 283,  
2 is amended to read:

3           134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~  
4 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~  
5 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than  
6 9 months or both.

7           **SECTION 69.** 134.16 of the statutes, as affected by 1997 Wisconsin Act 283, is  
8 amended to read:

9           **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,  
10 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,  
11 brokerage or deposit company, corporation or institution, or of any person, company  
12 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit  
13 business in any way, or any person engaged in such business in whole or in part, who  
14 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any  
15 money, or any bills, notes or other paper circulating as money, or any notes, drafts,  
16 bills of exchange, bank checks or other commercial paper for safekeeping or for  
17 collection, when he or she knows or has good reason to know that such bank, company  
18 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~  
19 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~  
20 ~~not more than \$10,000~~ is guilty of a Class F felony.

21           **SECTION 70.** 134.20 (1) (intro.) of the statutes, as affected by 1997 Wisconsin  
22 Act 283, is amended to read:

1           134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following  
2 shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6  
3 months or both is guilty of a Class H felony:

4           SECTION 71. 134.205 (4) of the statutes, as affected by 1997 Wisconsin Act 283,  
5 is amended to read:

6           134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt  
7 without entering the same in a register as required by this section ~~shall be fined not~~  
8 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is  
9 guilty of a Class H felony.

10          SECTION 72. 134.58 of the statutes, as affected by 1997 Wisconsin Act 283, is  
11 amended to read:

12          **134.58 Use of unauthorized persons as officers.** Any person who,  
13 individually, in concert with another or as agent or officer of any firm, joint-stock  
14 company or corporation, uses, employs, aids or assists in employing any body of  
15 armed persons to act as militia, police or peace officers for the protection of persons  
16 or property or for the suppression of strikes, not being authorized by the laws of this  
17 state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than~~  
18 ~~one year nor more than 4 years and 6 months or both~~ is guilty of a Class I felony.

19          SECTION 73. 139.44 (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
20 is amended to read:

21          139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits  
22 any stamp or procures or causes the same to be done, or who knowingly utters,  
23 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who  
24 affixes the same to any package or container of cigarettes, or who possesses with the  
25 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps



1 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~  
2 years is guilty of a Class G felony.

3 SECTION 74. 139.44 (lm) of the statutes, as affected by 1997 Wisconsin Act 283,  
4 is amended to read:

5 139.44 (lm) Any person who falsely or fraudulently tampers with a cigarette  
6 meter in order to evade the tax under s. 139.311  
7 ~~one year nor more than 15 years~~ is guilty of a Class G felony.

8 SECTION 75. 139.44 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
9 is amended to read:

10 139.44 (2) Any person who makes or signs any false or fraudulent report or who  
11 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the  
12 evasion or attempted evasion of that tax ~~shall~~ may be fined not less than \$1,000 nor  
13 more than \$5,000 \$10,000 or imprisoned for not less than 90 days nor more than 2  
14 years 9 months or both.

15 SECTION 76. 139.44 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,  
16 is amended to read:

17 139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than~~  
18 ~~\$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a  
19 Class I felony.

20 SECTION 77. 139.95 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
21 is amended to read:

22 139.95 (2) A dealer who possesses a schedule I controlled substance or schedule  
23 II controlled substance that does not bear evidence that the tax under s. 139.88 has  
24 been paid ~~may be fined not more than \$10,000 or imprisoned for not more than 7~~  
25 ~~years. 6 months or both~~ is guilty of a Class H felony.

1           **SECTION 78.** 139.95 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
2 is amended to read:

3           139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits  
4 any stamp or procures or causes the same to be done or who knowingly utters,  
5 publishes, passes or tenders as true any false, altered or counterfeit stamp or who  
6 affixes a counterfeit stamp to a schedule I controlled substance or schedule II  
7 controlled substance or who possesses a schedule I controlled substance or schedule  
8 II controlled substance to which a false, altered or counterfeit stamp is affixed ~~may~~  
9 ~~be fined not more than \$10,000 or imprisoned for not less than one year nor more~~  
10 ~~than 15 years or both~~ is guilty of a Class F felony.

11           **SECTION 79.** 146.345 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
12 is amended to read:

13           146.345 (3) Any person who violates this section is guilty of a Class H felony.  
14 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
15 person may be fined not more than \$50,000 or imprisoned for not more than 7 years  
16 and 6 months or both.

      \*\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will  
eventually be compiled. Double-check the cross-reference in the first compile.

17           **SECTION 80.** 146.35 (5) of the statutes, as affected by 1997 Wisconsin Act 283,  
18 is amended to read:

19           146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~  
20 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
21 felony.

22           **SECTION 81.** 146.60 (9) (am) of the statutes, as affected by 1997 Wisconsin Act  
23 283. is amended to read:

1           146.60 (9) (am) For a 2nd or subsequent violation under par. (ag) , a person ~~shall~~  
2 ~~may~~ be fined not ~~less than \$1,000 nor~~ more than \$50,000 or imprisoned for not more  
3 than ~~2 years~~ 9 months or both.

4           **SECTION 82.** 146.70 (10) (a) of the statutes, as affected by 1997 Wisconsin Act  
5 283, is amended to read:

6           146.70 (10) (a) Any person who intentionally dials the telephone number "911"  
7 to report an emergency, knowing that the fact situation which he or she reports does  
8 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more  
9 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~  
10 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
11 felony for any other offense committed within 4 years after the first offense.

12           **SECTION 83.** 154.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
13 is amended to read:

14           154.15 (2) Any person who, with the intent to cause a withholding or  
15 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of  
16 the declarant, illegally falsifies or forges the declaration of another or conceals a  
17 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally  
18 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~  
19 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F  
20 felony.

21           **SECTION 84.** 154.29 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
22 is amended to read:

23           154.29 (2) Any person who, with the intent to cause the withholding or  
24 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or  
25 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation

1 under s. 154.21 of a do-not-resuscitate order or any responsible person who  
2 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~  
3 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F  
4 felony.

5 **SECTION 85.** 166.20 (11) (b) of the statutes, as affected by 1997 Wisconsin Act  
6 283, is amended to read:

7 166.20 (11) (b) Any person who knowingly and wilfully fails to report the  
8 release of a hazardous substance covered under 42 USC 11004 as required under sub.  
9 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall~~ is subject to the following  
10 penalties:

11 1. For the first offense, ~~the person is guilty of a Class I felony. except that,~~  
12 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be  
13 fined not less than \$100 nor more than \$25,000 or imprisoned for not more than 3  
14 years or both.

15 2. For the 2nd and subsequent offenses, ~~the person is guilty of a Class I felony,~~  
16 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the  
17 person may be fined not less than \$200 nor more than \$50,000 or imprisoned for not  
18 more than 3 years or both.

\*\*\*NOTE: Section 939.50 (3) (i) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

19 **SECTION 86.** 167.10 (9) (g) of the statutes, as affected by 1997 Wisconsin Act  
20 283, is amended to read:

21 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated  
22 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~  
23 ~~than 15 years or both~~ is guilty of a Class G felony.

1           **SECTION 87.** 175.20 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
2 is amended to read:

3           175.20 (3) Any person who violates any of the provisions of this section ~~shall~~  
4 may be fined not ~~less than \$25 nor~~ more than ~~\$1,000 and \$10,000~~ or may be  
5 imprisoned for not ~~less than 30 days nor~~ more than ~~2 years~~ 9 months or both. In  
6 addition, the court may revoke the license or licenses of the person or persons  
7 convicted.

8           **SECTION 88.** 180.0 1.29 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
9 is amended to read:

10           180.0 129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~  
11 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

12           **SECTION 89.** 181.0 129 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
13 is amended to read:

14           181 .0129 (2) **PENALTY.** Whoever violates this section ~~may be fined not more~~  
15 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I  
16 felony.

17           **SECTION 90.** 185.825 of the statutes, as affected by 1997 Wisconsin Act 283, is  
18 amended to read:

19           **185.825 Penalty for false document.** Whoever causes a document to be  
20 filed, knowing it to be false in any material respect, ~~may be fined not more than~~  
21 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a  
22 Class I felony.

23           **SECTION 91.** 200.09 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
24 is amended to read:

1           200.09 (2) Every director, president, secretary or other official or agent of any  
2 public service corporation, who shall practice fraud or knowingly make any false  
3 statement to secure a certificate of authority to issue any security, or issue under a  
4 certificate so obtained and with knowledge of such fraud, or false statement, or  
5 negotiate, or cause to be negotiated, any security, in violation of this chapter, ~~shall~~  
6 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~  
7 ~~15 years or both~~ is guilty of a Class I felony.

8           **SECTION 92.** 214.93 of the statutes, as affected by 1997 Wisconsin Act 283, is  
9 amended to read:

10           **214.93 False statements.** A person may not knowingly make, cause, or allow  
11 another person to make or cause to be made, a false statement, under oath if required  
12 by this chapter or on any report or statement required by the division or by this  
13 chapter. In addition to any forfeiture under s. 2 14.935, a person who violates this  
14 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

15           **SECTION 93.** 215.02 (6) (b) of the statutes, as affected by 1997 Wisconsin Act  
16 283, is amended to read:

17           2 15.02 (6) (b) If any person mentioned in par. (a) discloses the name of any  
18 debtor of any association or any information about the private account or  
19 transactions of such association, discloses any fact obtained in the course of any  
20 examination of any association, or discloses examination or other confidential  
21 **information obtained from any state or federal regulatory authority, including an**  
22 authority of this state or another state, for financial institutions, mortgage bankers,  
23 insurance or securities, except as provided in par. (a), he or she is guilty of a Class  
24 I felony and shall forfeit his or her office or position ~~and may be fined not less than~~

1 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~

2  
3 **SECTION 94.** 215.12 of the statutes, as affected by 1997 Wisconsin Act 283, is  
4 amended to read:

5 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,  
6 director, employe or agent of any association who steals, abstracts, or wilfully  
7 misapplies any property of the association, whether owned by it or held in trust, or  
8 who, without authority, issues or puts forth any certificate of savings accounts,  
9 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry  
10 in any book, record, report or statement of the association with intent to injure or  
11 defraud the association or any person or corporation, or to deceive any officer or  
12 director of the association, or any other person, or any agent appointed to examine  
13 the affairs of such association, or any person who, with like intent, aids or abets any  
14 officer, director, employe or agent in the violation of this section, ~~shall be imprisoned~~  
15 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

16 **SECTION 95.** 2 15.2 1 (2 1) of the statutes, as affected by 1997 Wisconsin Act 283,  
17 is amended to read:

18 215.21 (21) **PENALTY FORGIVING ORACCEPTINGMONEYFORLOANS.** Every officer,  
19 director, employe or agent of any association, or any appraiser making appraisals for  
20 any association, who accepts or receives, or offers or agrees to accept or receive  
21 anything of value in consideration of its loaning any money to any person; or any  
22 person who offers, gives, presents or agrees to give or present anything of value to  
23 any officer, director, employe or agent of any association or to any appraiser making  
24 appraisals for any association in consideration of its loaning money to the person,  
25 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~

1 ~~for not more than 3 years or both~~ is euiltv of a Class I felony. Nothing in this  
2 subsection prohibits an association from employing an officer, employe or agent to  
3 solicit mortgage loans and to pay the officer, employe or agent on a fee basis.

4 **SECTION 96.** 218.21 (7) of the statutes, as affected by 1997 Wisconsin Act 283,  
5 is amended to read:

6 218.21 (7) Any person who knowingly makes a false statement in an  
7 application for a motor vehicle salvage dealer license ~~may be fined not more than~~  
8 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a  
9 Class H felony.

10 **SECTION 97.** 220.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
11 is amended to read:

12 220.06 (2) If any employe in the division or any member of the banking review  
13 board or any employe thereof discloses the name of any debtor of any bank or  
14 licensee, or anything relative to the private account or transactions of such bank or  
15 licensee, or any fact obtained in the course of any examination of any bank or  
16 licensee, except as herein provided, that person is guilty of a Class I felony and shall  
17 be subject, upon conviction, to forfeiture of office or position ~~and may be fined not less~~  
18 ~~than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more~~  
19 ~~than 3 years or both~~.

20 **SECTION 98.** 221.0625 (2) (intro.) of the statutes, as affected by 1997 Wisconsin  
21 Act 283, is amended to read:

22 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation  
23 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~  
24 ~~not more than 15 years~~ is guilty of a Class F felony:



1           **SECTION 99.** 221.0636 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
2 is amended to read:

3           22 1.0636 (2) **PENALTY.** Any person who violates sub. (1) ~~may be imprisoned for~~  
4 ~~not more than 30 years~~ is guilty of a Class H felony.

5           **SECTION 100.** 221.0637 (2) of the statutes, as affected by 1997 Wisconsin Act  
6 283, is amended to read:

7           22 1.0637 (2) **PENALTIES.** Any person who violates sub. (1) ~~may be fined not more~~  
8 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I  
9 felony.

10          **SECTION 101.** 221.1004 (2) of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12          22 1.1004 (2) **PENALTIES.** Any person who violates sub. (1) ~~may be fined not less~~  
13 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~  
14 ~~than 15 years or both~~ is guilty of a Class F felony.

15          **SECTION 102.** 253.06 (4) (b) of the statutes is amended to read:

16          253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~  
17 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both,~~ is guilty  
18 of a Class I felony for the first offense and may be fined not more than \$10,000 or  
19 imprisoned for not more than 7 years and 6 months, or both, is guilty of a Class H  
20 felony for the 2nd or subsequent offense.

21          **SECTION 103.** 285.87 (2) (b) of the statutes, as affected by 1997 Wisconsin Act  
22 283, is amended to read:

23          285.87 (2) (b) If the conviction under par. (a) is for a violation committed after  
24 another conviction under par. (a), the person ~~shall~~ is guilty of a Class I felony, except  
25 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may

1 be fined not more than \$50,000 per day of violation ~~or imprisoned for not more than~~  
2 ~~3 years or both.~~

\*\*\*NOTE: Section 939.50 (3) (i) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

3 SECTION 104. 291.97 (2) (b) (intro.) of the statutes, as affected by 1997  
4 Wisconsin Act 283, is amended to read:

5 291.97 (2) (b) (intro.) Any person who wilfully does any of the following ~~shall~~  
6 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified  
7 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than  
8 \$100,000 ~~or imprisoned for not more than 7 years and 6 months or both:~~

\*\*\*NOTE: Section 939.50 (3) (h) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

9 SECTION 105. 291.97 (2) (c) 1. and 2. of the statutes, as affected by 1997  
10 Wisconsin Act 283, are amended to read:

11 29 1.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person ~~shall~~  
12 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified  
13 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000  
14 ~~or imprisoned for not more than 2 years or both.~~

\*\*\*NOTE: Section 939.50 (3) (i) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

15 2. For a 2nd or subsequent violation under par. (b), a person ~~shall~~ is guilty of  
16 a Class F felony, except that, notwithstanding the maximum fine specified in s.  
17 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000  
18 ~~or imprisoned for not more than 15 years or both.~~

\*\*\*NOTE: Section 939.50 (3) (f) is created in LRB-0590, with which this draft will eventually be compiled. Double-check the cross-reference in the first compile.

19 SECTION 106. 299.53 (4) (c) 2. of the statutes, as affected by 1997 Wisconsin Act  
20 283, is amended to read:

1           299.53 (4) (c) 2. Any person who intentionally makes any false statement or  
2 representation in complying with sub. (2) (a) shall be fined not more than \$25,000  
3 or imprisoned for not more than one year in the county jail or both. For a 2nd or  
4 subsequent violation, the person ~~shall be guilty of a Class I felony. except that,~~  
5 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be  
6 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

      \*\*\*NOTE: Section 939.50 (3) (i) is created in LRB-0590, with which this draft will  
eventually be compiled. Double-check the cross-reference in the first compile.

7           **SECTION 107.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
8 is amended to read:

9           302.095 (2) Any officer or other person who delivers or procures to be delivered  
10 or has in his or her possession with intent to deliver to any inmate confined in a jail  
11 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts  
12 of a jail or prison, or in any vehicle going into the premises belonging to a jail or  
13 prison, any article or thing whatever, with intent that any inmate confined in the jail  
14 or prison shall obtain or receive the same, or who receives from any inmate any  
15 article or thing whatever with intent to convey the same out of a jail or prison,  
16 contrary to the rules or regulations and without the knowledge or permission of the  
17 sheriff or other keeper of the jail, in the case of a jail, or of the warden or  
18 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~  
19 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

20           **SECTION 108.** 341.605 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
21 is amended to read:

1           34 1.605 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~  
2 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~  
3 guilty of a Class H felony.

4           **SECTION 109.** 342.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
5 is amended to read:

6           342.06 (2) Any person who knowingly makes a false statement in an  
7 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~  
8 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

9           **SECTION 110.** 342.065 (4) (b) of the statutes, as affected by 1997 Wisconsin Act  
10 283, is amended to read:

11           342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be~~  
12 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~  
13 ~~or both~~ is guilty of a Class H felony.

14           **SECTION 111.** 342.155 (4) (b) of the statutes, as affected by 1997 Wisconsin Act  
15 283, is amended to read:

16           342.155 (4) (b) Any person who violates this section with intent to defraud may  
17 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months  
18 or both is guilty of Class H felony.

19           **SECTION 112.** 342.156 (6) (b) of the statutes, as affected by 1997 Wisconsin Act  
20 283, is amended to read:

21           342.156 (6) (b) Any person who violates this section with intent to defraud ~~may~~  
22 ~~be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~  
23 ~~or both~~ is aultyv of a Class H felony.

24           **SECTION 113.** 342.30 (3) (a) of the statutes is amended to read:

1           **342.30 (3)** (a) Any person who violates sub. (lg) ~~may be fined not more than~~  
2           ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a  
3           Class H felony.

4           **SECTION 114.** 342.32 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
5           is amended to read:

6           342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~  
7           ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation~~ is  
8           guilty of a Class H felony.

9           **SECTION 115. 343.44** (2) (b) (intro.) of the statutes, as affected by 1997  
10          Wisconsin Act 84, is amended to read:

11          343.44 (2) (b) Except as provided in par. (am), any person who violates sub. (1)  
12          (b), (c) or (d) ~~shall be fined not more than \$2,500 or imprisoned for not more than one~~  
13          ~~year or both~~ is guilty of a Class I felony. In imposing a sentence under this paragraph,  
14          or a local ordinance in conformity with this paragraph, the court shall review the  
15          record and consider the following:

16          **SECTION 116.** 344.48 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
17          is amended to read:

18          344.48 (2) Any person violating this section may be fined not more than ~~\$1,000~~  
19          \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

20          **SECTION 117.** 346.17 (3) (a) of the statutes, as affected by 1997 Wisconsin Act  
21          283, is amended to read:

22          346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.  
23          **346.04 (3)** ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~  
24          ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

1           **SECTION 118.** 346.17 (3) (b) of the statutes, as affected by 1997 Wisconsin Act  
2 283, is amended to read:

3           346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),  
4 to another, or causes damage to the property of another, as defined in s. 939.22 (28),  
5 the person shall be fined not less than \$1,000 nor more than \$10,000 and may be  
6 imprisoned for not more than 3 years is guilty of a Class H felony.

7           **SECTION 119.** 346.17 (3) (c) of the statutes, as affected by 1997 Wisconsin Act  
8 283, is amended to read:

9           346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22  
10 (14), to another, the person shall be fined not less than \$1,100 nor more than \$10,000  
11 ~~and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

12           **SECTION 120.** 346.17 (3) (d) of the statutes, as affected by 1997 Wisconsin Act  
13 283, is amended to read:

14           346.17 (3) (d) If the violation results in the death of another, the person shall  
15 be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not  
16 more than 7 years and 6 months is guilty of a Class E felony.

17           **SECTION 121.** 346.65 (2) (e) of the statutes is amended to read:

18           346.65 (2) (e) Except as provided in par. (f), is guilty of a Class H felony and shall  
19 be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not less than  
20 6 months ~~nor more than 5 years~~ if the total number of suspensions, revocations and  
21 convictions counted under s. 343.307 (1) equals 5 or more, except that suspensions,  
22 revocations or convictions arising out of the same incident or occurrence shall be  
23 counted as one.

24           **SECTION 122.** 346.65 (5) of the statutes, as affected by 1997 Wisconsin Act 283,  
25 is amended to read:

1           346.65. (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)  
2 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for  
3 not less than 90 days nor more than 2 years and 3 months is guilty of a Class I felony.

4           **SECTION 123.** 346.74 (5) (b) of the statutes, as affected by 1997 Wisconsin Act  
5 283, is amended to read:

6           346.74 (5) (b) Shall May be fined not ~~less than \$300 nor~~ more than \$5,000  
7 \$10,000 or imprisoned for not ~~less than 10 days nor~~ more than 2 years 9 months or  
8 both if the accident involved injury to a person but the person did not suffer great  
9 bodily harm.

10           **SECTION 124.** 346.74 (5) (c) of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12           **346.74 (5) (c)** ~~May be fined not more than \$10,000 or imprisoned not more than~~  
13 3 years or both Is guilty of a Class I felony if the accident involved injury to a person  
14 and the person suffered great bodily harm.

15           **SECTION 125.** 346.74 (5) (d) of the statutes, as affected by 1997 Wisconsin Act  
16 283, is amended to read:

17           **346.74 (5) (d)** ~~May be fined not more than \$10,000 or imprisoned not more than~~  
18 7 years and 6 months or both Is guilty of a Class H felony if the accident involved  
19 death to a person.

20           **SECTION 126.** 350.11 (2m) of the statutes, as affected by 1997 Wisconsin Act  
21 283, is amended to read:

22           350.11 (2m) Any person who violates s. 350.135 (1) ~~shall be fined not more than~~  
23 \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class H felony  
24 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another  
25 person.

1           **SECTION 127.** 446.07 of the statutes, as affected by 1997 Wisconsin Act 283, is  
2 amended to read:

3           **446.07 Penalty.** Anyone violating this chapter may be fined not ~~less than \$100~~  
4 ~~nor more than \$500~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or  
5 both.

6           **SECTION 128.** 447.09 of the statutes, as affected by 1997 Wisconsin Act 283, is  
7 amended to read:

8           **447.09 Penalties.** Any person who violates this chapter may be fined not more  
9 than \$1,000 or imprisoned for not more than one year in the county jail or both for  
10 the first offense and ~~may be fined not more than \$2,500 or imprisoned for not more~~  
11 ~~than 3 years or both~~ is guilty of a Class I felony for the 2nd or subsequent conviction  
12 within 5 years.

13           **SECTION 129.** 450.11 (9) (b) of the statutes, as affected by 1997 Wisconsin Act  
14 283, is amended to read:

15           450.11 (9) (b) Any person who delivers, or who possesses with intent to  
16 manufacture or deliver, a prescription drug in violation of this section ~~may be fined~~  
17 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~  
18 is guilty of a Class H felony.

19           **SECTION 130.** 450.14 (5) of the statutes, as affected by 1997 Wisconsin Act 283,  
20 is amended to read:

21           450.14 (5) Any person who violates this section ~~may be fined not less than \$100~~  
22 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~  
23 ~~and 6 months or both~~ is guilty of a Class H felony.

24           **SECTION 131.** 450.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
25 is amended to read:



1           450.15 (2) Any person who violates this section ~~may be fined not less than \$100~~  
2 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~  
3 ~~and 6 months or both~~ is guilty of a Class H felony.

4           **SECTION 132. 55 1.58** (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
5 is amended to read:

6           55 1.58 (1) Any person who wilfully violates any provision of this chapter except  
7 s. 55 1.54, or any rule under this chapter, or any order of which the person has notice,  
8 or who violates s. 551.54 knowing or having reasonable cause to believe that the  
9 statement made was false or misleading in any material respect, ~~may be fined not~~  
10 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is  
11 guilty of a Class H felony. Each of the acts specified shall constitute a separate  
12 offense and a prosecution or conviction for any one of such offenses shall not bar  
13 prosecution or conviction for any other offense.

14           **SECTION 133. 552.19** (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
15 is amended to read:

16           552.19 (1) Any person, including a controlling person of an offeror or target  
17 company, who wilfully violates this chapter or any rule under this chapter, or any  
18 order of which the person has notice, ~~may be fined not more than \$5,000 or~~  
19 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
20 felony. of the acts specified constitutes a separate offense and a prosecution or  
21 conviction for any one of the offenses does not bar prosecution or conviction for any  
22 other offense.

23           **SECTION 134. 553.52** (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
24 is amended to read:

1           553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of  
2 which the person has notice, or who violates s. 553.41 (1) knowing or having  
3 reasonable cause to believe either that the statement made was false or misleading  
4 in any material respect or that the failure to report a material event under s. 553.31  
5 (1) was false or misleading in any material respect, ~~may be fined not more than~~  
6 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a  
7 Class G felony. Each of the acts specified is a separate offense, and a prosecution or  
8 conviction for any one of those offenses does not bar prosecution or conviction for any  
9 other offense.

10           **SECTION 135.** 553.52 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
11 is amended to read:

12           553.52 (2) Any person who employs, directly or indirectly, any device, scheme  
13 or artifice to defraud in connection with the offer or sale of any franchise or engages,  
14 directly or indirectly, in any act, practice, or course of business which operates or  
15 would operate as a fraud or deceit upon any person in connection with the offer or  
16 sale of any franchise ~~shall be fined not more than \$5,000 or imprisoned for not more~~  
17 ~~than 7 years and 6 months or both~~ is guilty of a Class G felony.

18           **SECTION 136.** 562.13 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
19 is amended to read:

20           562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than~~  
21 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

22           **SECTION 137.** 562.13 (4) of the statutes, as affected by 1997 Wisconsin Act 283,  
23 is amended to read:

1           562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 ~~may be~~  
2 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
3 ~~or both~~ is guilty of a Class H felony.

4           **SECTION 138.** 565.50 (2) of the statutes, as affected by 1997 Wisconsin Act 283,  
5 is amended to read:

6           565.50 (2) Any person who alters or forges a lottery ticket or share or  
7 intentionally utters or transfers an altered or forged lottery ticket or share ~~shall be~~  
8 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
9 ~~or both~~ is guilty of a Class I felony.

10          **SECTION 139.** 565.50 (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
11 is amended to read:

12          565.50 (3) Any person who possesses an altered or forged lottery ticket or share  
13 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not  
14 more than ~~3 years~~ 9 months or both.

15          **SECTION 140.** 601.64 (4) of the statutes, as affected by 1997 Wisconsin Act 283,  
16 is amended to read:

17          60 1.64 (4) **CRIMINAL PENALTY.** Whoever intentionally violates or intentionally  
18 permits any person over whom he or she has authority to violate or intentionally aids  
19 any person in violating any insurance statute or rule of this state, s. 149.13 or  
20 149.144 or any effective order issued under s. 601.41 (4) may is guilty of a Class I  
21 felony, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~  
22 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~  
23 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the  
24 meaning expressed under s. 939.23.

1           **SECTION 141.** 641.19 (4) (a) of the statutes, as affected by 1997 Wisconsin Act  
2 283, is amended to read:

3           641.19 (4) (a) Any person who wilfully violates or fails to comply with any  
4 provision of this chapter or the rules promulgated thereunder or who, knowingly,  
5 makes a false statement, a false representation of a material fact, or who fails to  
6 disclose a material fact in any registration, examination, statement or report  
7 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~  
8 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~  
9 guilty of a Class H felony.

10           **SECTION 142.** 641.19 (4) (b) of the statutes, as affected by 1997 Wisconsin Act  
11 283, is amended to read:

12           64 1.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully  
13 abstracts or converts to his or her own use or to the use of another, any of the moneys,  
14 funds, securities, premiums, credits, property, or other assets of any employe welfare  
15 fund, or of any fund connected therewith, ~~shall be fined not more than \$10,000 or~~  
16 ~~imprisoned for not more than 7 years and 6 months or both is guilty of a Class H~~  
17 felony.

18           **SECTION 143.** 765.30 (1) (intro.) of the statutes, as affected by 1997 Wisconsin  
19 Act 283, is amended to read:

20           765.30 (1) (intro.) The following ~~shall~~ may be fined not ~~less than \$200 nor~~ more  
21 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

22           **SECTION 144.** 765.30 (2) (intro.) of the statutes, as affected by 1997 Wisconsin  
23 Act 283, is amended to read:

24           765.30 (2) (intro.) The following ~~shall~~ may be fined not ~~less than \$100 nor~~ more  
25 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

1           **SECTION 145.** 768.07 of the statutes, as affected by 1997 Wisconsin Act 283, is  
2 amended to read:

3           **768.07 Penalty.** Any person who violates any provision of this chapter may  
4 be fined not ~~less than \$100 nor~~ more than ~~\$1,000~~ \$10,000 or imprisoned for not more  
5 than ~~2 years~~ 9 months or both.

6           **SECTION 146.** 783.07 of the statutes, as affected by 1997 Wisconsin Act 283, is  
7 amended to read:

8           **783.07 Fine or imprisonment.** Whenever a peremptory mandamus ~~shall be~~  
9 is directed to any public officer, body, board or person, commanding the performance  
10 of any duty specially enjoined by law, ~~if it shall appear to the~~ and the  
11 officer or person or any member of ~~such the~~ body or board has, without just excuse,  
12 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~  
13 ~~exceeding \$5,000, upon every such, the~~ officer, person or member of ~~such the~~ body or  
14 board, ~~or sentence the officer, person or member to imprisonment for not more than~~  
15 ~~7 years and 6 months~~ is guilty of a Class H felony.

16           **SECTION 147.** 946.85 (1) of the statutes, as affected by 1997 Wisconsin Act 283,  
17 is amended to read:

18           946.85 (1) Any person who engages in a continuing criminal enterprise ~~shall~~  
19 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~  
20 ~~than \$10,000 or as provided in s. 946.84 (2).~~ If the court imposes a sentence less than  
21 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~  
22 record is guilty of a Class E felony.

23           **SECTION 148.** 968.31 (1) (intro.) of the statutes, as affected by 1997 Wisconsin  
24 Act 283, is amended to read:

1           968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or  
2 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~  
3 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
4 ~~or both~~ is guilty of a Class H felony:

5           **SECTION 149. 968.34** (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
6 is amended to read:

7           968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more  
8 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

9           **SECTION 150. 968.43** (3) of the statutes, as affected by 1997 Wisconsin Act 283,  
10 is amended to read:

11           968.43 (3) Any person who violates an oath or affirmation required by sub. (2)  
12 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H  
13 felony.

14           **SECTION 151. 977.06** (2) (b) of the statutes, as affected by 1997 Wisconsin Act  
15 283, is amended to read:

16           977.06 (2) (b) A person who makes a false representation that he or she does  
17 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~  
18 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~  
19 is guilty of a Class I felony.

20           **SECTION 152. Effective dates.** This act takes effect on December 31, 1999, or  
21 on the day after publication, whichever is later, except as follows:

22           (1) The treatment of section 343.44 (2) (b) (intro.) of the statutes takes effect  
23 on whichever of the following dates is later:

24           (a) The day after publication.



PRELIMINARY **DRAFT** - NOT **READY** FOR INTRODUCTION

1 AN ACT *to amend* 15.01 (2); and *to create 15.105* (26), 19.42 (10) *(o)*, 19.42 (13)  
2 (n), 20.505 (4) (dr), 20.505 (4) (mr), 20.923 (4) (b) 7., 20.923 (6) (hr), 227.01 (13)  
3 (sm), 230.08 (2) (L) 6., 230.08 (2) (of), 973.01 (2m) and 973.30 of the statutes;  
4 **relating to:** the creation of a sentencing commission and temporary sentencing  
5 guidelines and making an appropriation.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.  
For further information see the **state** fiscal estimate, which will be printed as  
an appendix to this bill.

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

6 SECTION 1. 15.01 (2) of the statutes is amended to read:  
7 15.01 (2) "Commission" means a 3-member governing body in charge of a  
8 department or independent agency or of a division or other subunit within a  
9 department, except for the Wisconsin waterways commission which shall consist of



**SECTION 1**

1 5 members, the parole commission which shall consist of 6 members and the Fox  
2 river management commission which shall consist of 7 members. A Wisconsin group  
3 created for participation in a continuing interstate body, or the interstate body itself,  
4 shall be known as a "commission", but is not a commission for purposes of s. 15.06.  
5 The parole commission created under s. 15.145 (1) shall be known as a "commission",  
6 but is not a commission for purposes of s. 15.06. The sentencing commission created  
7 under s. 15.105 (26) shall be known as a "commission" but is not a commission for  
8 purposes of s. 15.06 (1) to (4m), (7) and (9).

9 **SECTION 2.** 15.105 (26) of the statutes is created to read:

10 15.105 (26) **SENTENCING COMMISSION.** (a) Creation; membership. There is  
11 created a sentencing commission which is attached to the department of  
12 administration under s. 15.03 and which shall consist of the following members:

13 1. The attorney general or his or her designee.

14 2. The state public defender or his or her designee.

15 3. Seven members, at least 2 of whom are not employed by any unit of federal,  
16 state or local government, appointed by the governor.

17 4. One majority party member from each house of the legislature, appointed  
18 as are the members of standing committees in their respective houses.

19 5. One member appointed by the senate majority leader or, if the senate  
20 majority leader and the governor are members of the same political party, by the  
21 senate minority leader.

22 6. Two circuit judges, appointed by the supreme court.

23 7. One representative of crime victims and one district attorney, each appointed  
24 by the attorney general.

1           8. One attorney in private practice engaged primarily in the practice of criminal  
2 defense, appointed by the criminal law section of the State Bar of Wisconsin.

3           (b) **Nonvoting members.** The secretary of corrections or his or her designee, the  
4 chairperson of the parole commission or his or her designee and the director of state  
5 courts or his or her designee shall be nonvoting members of the commission.

6           (c) **Terms.** 1. Except as provided in subd. 2., members appointed under par. (a)  
7 3. and 5. to 8. shall serve 3-year terms and are eligible for reappointment.

8           2. The term of a circuit judge appointed under par. (a) 6. shall end when such  
9 person ceases to be a circuit judge. The term of a district attorney appointed under  
10 par. (a) 7. shall end when such person ceases to be a district attorney.

11           (d) **Officers.** The governor shall designate annually one of the members of the  
12 commission as chairperson. The commission may elect officers other than a  
13 chairperson from among its members as its work requires-

14           (e) **Reimbursement and compensation.** Members of the commission shall be  
15 reimbursed for their actual and necessary expenses incurred in the performance of  
16 their duties. An officer or employe of the state shall be reimbursed by the agency that  
17 pays the member's salary. Members who are full-time state officers or employes  
18 shall receive no compensation for their services. Other members shall be paid \$25  
19 per day, in addition to their actual and necessary expenses, for each day on which  
20 they are actually and necessarily engaged in the performance of their duties.

21           (f) **Sunset.** This subsection does not apply after December 31, 2004.

22           **SECTION 3.** 19.42 (10) (o) of the statutes is created to read:

23           19.42 (10) (o) A member, the executive director or the deputy director of the  
24 sentencing commission.

25           **SECTION 4.** 19.42 (13) (n) of the statutes is created to read:



1           **SECTION 11.** 230.08 (2) (L) 6. of the statutes is created to read:

2           230.08 (2) (L) 6. Sentencing commission.

3           **SECTION 12.** 230.08 (2) (of) of the statutes is created to read:

4           230.08 (2) (of) The executive director of the sentencing commission.

5           **SECTION 13.** 973.01 (2m) of the statutes is created to read:

6           973.01 **(2m) SENTENCING GUIDELINES.** (a) In making a sentencing decision, as  
7 defined in s. 973.017 (l), the court shall consider the guidelines adopted by the  
8 sentencing commission under s. 973.30 (1) (c). This paragraph does not apply after  
9 December 3 1, 2004.

**\*\*\*NOTE:** Section 973.017 (1) will be created in LRB-0590, with which this draft  
will ultimately be compiled.

10           (b) There shall be no right to appeal on the basis of the court's imposition of a  
11 sentence that does not fall within the guidelines.

12           **SECTION 14.** 973.30 of the statutes is created to read:

13           **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission  
14 shall do all of the following:

15           (a) Select an executive director having appropriate training and experience to  
16 study sentencing practices and prepare proposed sentencing guidelines.

17           (b) Monitor and compile data regarding sentencing practices in the state.

18           (c) Adopt sentencing guidelines for felonies committed on or after December 3 1,  
19 1999, to promote public safety, to reflect changes in sentencing practices and to  
20 preserve the integrity of the criminal justice and correctional systems.

21           (d) Provide information to the legislature, state agencies and the public  
22 regarding the costs to and other needs of the. department which result from  
23 sentencing practices.

1 (e) Provide information to judges and lawyers about the sentencing guidelines.

2 (2) **ADDITIONAL AUTHORITY.** The sentencing commission may do any of the  
3 following:

4 (a) Subject to authorization under s. 16.505, hire staff to assist it in the  
5 performance of its duties.

6 (b) Assist the legislature in assessing the cost of enacting new or revising  
7 existing statutes affecting criminal sentencing.

8 (c) Submit reports to the chief clerk of each house of the legislature, for  
9 distribution to the appropriate standing committees under s. 13.172 (3), containing  
10 statistics regarding criminal sentences imposed in this state. Each report may have  
11 a different focus and need not contain statistics regarding every crime. Each report  
12 shall contain information regarding sentences imposed statewide and in each of the  
13 following geographic areas:

14 1. Milwaukee County.

15 2. Dane and Rock counties.

16 3. Brown, Outagamie, Calumet and Winnebago counties.

17 4. Racine and Kenosha counties.

18 5. All other counties.

19 (3) **SUNSET.** This section does not apply after December 31, 2004.

20 **SECTION 15. Nonstatutory provisions.**

21 (1) **SENTENCING COMMISSION; INITIAL TERMS.** Notwithstanding section 15.105 (26)

22 (c) 1. of the statutes, as created by this act, the initial members of the sentencing  
23 commission shall be appointed for the following terms:

24 (a) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as  
25 created by this act, one of whom is not employed by any unit of federal, state or local

1 government, one circuit judge and one district attorney, for terms expiring on  
2 January 1, 2001.

3 (b) Three members appointed under section 15.105 (26) (a) 3. of the statutes,  
4 as created by this act, one of whom is not employed by any unit of federal, state or  
5 local government, and one circuit judge, for terms expiring on January 1, 2002.

6 (c) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as  
7 created by this act, the member appointed under section 15.105 (26) (a) 5. of the  
8 statutes, as created by this act, one representative of crime victims and one attorney  
9 in private practice, for terms expiring on January 1, 2003.

10 (2) **TEMPORARY SENTENCING GUIDELINES.**

11 (a) In making a sentencing decision, as defined in section 973.017 (1) of the  
12 statutes, as created by this act, for a crime committed on or after December 31, 1999,  
13 and for which the sentencing commission has not promulgated sentencing guidelines  
14 under section 973.30 of the statutes, as created by this act, the court shall consider  
15 the guidelines attached as appendix XX to the August 31, 1999, report of the criminal  
16 penalties study committee. This paragraph does not apply after December 31, 2004.

\*\*\*\*NOTE: Section 973.017 (1) will be created in LRB-0590, with which this draft  
will ultimately be compiled.

17 (b) There shall be no right to appeal on the basis of the court's imposition of a  
18 sentence that does not fall within the criminal penalties study committee's  
19 temporary guidelines.

20 (3) **POSITION AUTHORIZATION.** There is authorized for the sentencing commission  
21 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position and

1 4.0 FTE GPR other positions to be funded from the appropriation under section  
2 20.505 (4) (dr) of the statutes, as created by this act.

3 (END)

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** to **amend** 302.113 (2), 302.113 (7), 911.01 (4) (c), 950.04 (1v) (g) and  
2           973.01 (4); and **to amend** 302.113 (7m), 302.113 (9g), 950.04 (1v) (nt) and 977.05  
3           (4) (jm) of the statutes; **relating to:** modification of a bifurcated sentence in  
4           certain cases.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version of the draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

5           **SECTION 1.** 302.113 (2) of the statutes is amended to read:  
6           302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this  
7           section is entitled to release to extended supervision after he or she has served the  
8           term of confinement in prison portion of the sentence imposed under s. 973.01, as



1 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if  
2 applicable.

3 **SECTION 2.** 302.113 (7) of the statutes is amended to read:

4 302.113 (7) Any person released to extended supervision under this section is  
5 subject to all conditions and rules of extended supervision until the expiration of the  
6 term of extended supervision portion of the bifurcated sentence. The department  
7 may set conditions of extended supervision in addition to any conditions of extended  
8 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by  
9 the department do not conflict with the court's conditions.

10 **SECTION 3.** 302.113 (7m) of the statutes is created to read:

11 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section  
12 or the department may petition the sentencing court to modify any conditions of  
13 extended supervision set by the court.

14 (b) If the department files a petition under this subsection, it shall serve a copy  
15 of the petition on the person who is the subject of the petition and, if the person is  
16 represented by an attorney, on the person's attorney. If a person who is subject to this  
17 section or his or her attorney files a petition under this subsection, the person or his  
18 or her attorney shall serve a copy of the petition on the department. The court shall  
19 serve a copy of a petition filed under this section on the district attorney. The court  
20 may direct the clerk of the court to provide notice of the petition to a victim of a crime  
21 committed by the person who is the subject of the petition.

22 (c) The court may conduct a hearing to consider the petition. The court may  
23 grant the petition in full or in part if it determines that the modification would meet  
24 the needs of the department and the public and would be consistent with the  
25 objectives of the person's sentence.

1 (d) A person subject to this section or the department may appeal an order  
2 entered by the court under this subsection. The appellate court may reverse the  
3 order only if it determines that the sentencing court improperly exercised its  
4 discretion in granting or denying the petition.

5 (e) 1. An inmate may not petition the court to modify the conditions of extended  
6 supervision earlier than one year before the date of the inmate's scheduled date of  
7 release to extended supervision or more than once before the inmate's release to  
8 extended supervision.

9 2. A person subject to this section may not petition the court to modify the  
10 conditions of extended supervision within one year after the inmate's release to  
11 extended supervision. If a person subject to this section files a petition authorized  
12 by this subsection after his or her release from confinement, the person may not file  
13 another petition until one year after the date of filing the former petition.

14 **SECTION 4.** 302.113 (9g) of the statutes is created to read:

15 **302.113 (9g) (a) In this subsection, "program review committee" means the**  
16 committee at a correctional institution that reviews the security classifications,  
17 institution assignments and correctional programming assignments of inmates  
18 confined in the institution.

19 (b) An inmate subject to this section may seek modification of his or her  
20 bifurcated sentence in the manner specified in par. (f) if he or she meets one of the  
21 following criteria:

22 1. The inmate is 65 years of age or older and has served at least 5 years of the  
23 term of confinement in prison portion of the bifurcated sentence.

24 2. The inmate is 60 years of age or older and has served at least 10 years of the  
25 term of confinement in prison portion of the bifurcated sentence.

1 (c) An inmate who meets one of the criteria under par. (b) may submit a petition  
2 to the program review committee at the correctional institution in which the inmate  
3 is confined requesting a modification of the inmate's bifurcated sentence in the  
4 manner specified in par. (f). If the program review committee determines that the  
5 public interest would be served by a modification of the inmate's bifurcated sentence  
6 in the manner provided under par. (f), the committee shall approve the petition for  
7 referral to the sentencing court and notify the department of its approval. The  
8 department shall then refer the inmate's petition to the sentencing court and request  
9 the court to conduct a hearing on the petition. If the program review committee  
10 determines that the public interest would not be served by a modification of the  
11 inmate's bifurcated sentence in the manner specified in par. (f), the committee shall  
12 deny the inmate's petition.

13 (d) When a court is notified by the department that it is referring to the court  
14 an inmate's petition for modification of the inmate's bifurcated sentence, the court  
15 shall set a hearing to determine whether the public interest would be served by a  
16 modification of the inmate's bifurcated sentence in the manner specified in par. (f).  
17 The inmate and the district attorney have the right to be present at the hearing, and  
18 any victim of the inmate's crime has the right to be present at the hearing and to  
19 provide a statement concerning the modification of the inmate's bifurcated sentence.  
20 The court shall order such notice of the hearing date as it considers adequate to be  
21 given to the department, the inmate, the attorney representing the inmate, if  
22 applicable, and the district attorney. Victim notification shall be provided as  
23 specified under par. (g).

24 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving  
25 by the greater weight of the credible evidence that a modification of the bifurcated

1 sentence in the manner specified in par. (f) would serve the public interest. If the  
2 inmate proves that a modification of the bifurcated sentence in the manner specified  
3 in par. (f) would serve the public interest, the court shall modify the inmate's  
4 bifurcated sentence in that manner. If the inmate does not prove that a modification  
5 of the bifurcated sentence in the manner specified in par. (f) would serve the public  
6 interest, the court shall deny the inmate's petition for modification of the bifurcated  
7 sentence.

8 (f) A court may modify an inmate's bifurcated sentence under this section only  
9 as follows:

10 1. The court shall reduce the term of confinement in prison portion of the  
11 inmate's bifurcated sentence in a manner that provides for the release of the inmate  
12 to extended supervision within 30 days after the date on which the court issues its  
13 order modifying the bifurcated sentence.

14 2. The court shall lengthen the term of extended supervision imposed so that  
15 the total length of the bifurcated sentence originally imposed does not change.

16 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

17 2. When a court sets a hearing date under par. (d) , the clerk of the circuit court  
18 shall send a notice of hearing to the victim of the crime committed by the inmate, if  
19 the victim has submitted a card under subd. 3. requesting notification. The notice  
20 shall inform the victim that he or she may appear at the hearing scheduled under  
21 par. (d) and shall inform the victim of the manner in which he or she may provide a  
22 statement concerning the modification of the inmate's bifurcated sentence in the  
23 manner provided in par. (f). The clerk of the circuit court shall make a reasonable  
24 attempt to send the notice of hearing to the last-known address of the inmate's  
25 victim, postmarked at least 10 days before the date of the hearing.

1           3. The director of state courts shall design and prepare cards for a victim to send  
2 to the clerk of the circuit court for the county in which the inmate was convicted and  
3 sentenced. The cards shall have space for a victim to provide his or her name and  
4 address, the name of the applicable inmate and any other information that the  
5 director of state courts determines is necessary. The director of state courts shall  
6 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court  
7 shall provide the cards, without charge, to victims. Victims may send completed  
8 cards to the clerk of the circuit court for the county in which the inmate was convicted  
9 and sentenced. All court records or portions of records that relate to mailing  
10 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

11           (h) An inmate may appeal a court's decision denying the inmate's petition for  
12 modification of his or her bifurcated sentence. In an appeal under this paragraph,  
13 the appellate court may reverse a decision denying a petition for modification of a  
14 bifurcated sentence only if it determines that the sentencing court improperly  
15 exercised its discretion in denying the referral.

16           (i) If the program review committee denies an inmate's petition under par. (c) ,  
17 the inmate may not file another petition within one year after the date of the program  
18 review committee's denial. If the program review committee approves an inmate's  
19 petition for referral to the sentencing court under par. (c) but the sentencing court  
20 denies the petition, the inmate may not file another petition under par. (c) within one  
21 year after the date of the court's decision.

22           (j) An inmate eligible to seek modification of his or her bifurcated sentence  
23 under this subsection has a right to be represented by counsel in proceedings under  
24 this subsection. An inmate, or the department on the inmate's behalf, may apply to  
25 the state public defender for determination of indigency and appointment of counsel

1 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review  
2 committee under par. (c). If an inmate whose petition has been referred to the court  
3 under par. (c) is without counsel, the court shall refer the matter to the state public  
4 defender for determination of indigency and appointment of counsel under s. 977.05  
5 (4) (jm).

6 SECTION 5. 911.01 (4) (c) of the statutes is amended to read:

7 **911.01 (4) (c) *Miscellaneous proceedings.*** Proceedings for extradition or  
8 rendition; sentencing, ~~or~~ granting or revoking probation, modification of a bifurcated  
9 sentence under s. 302.113 (9g), issuance of arrest warrants, criminal summonses and  
10 search warrants; proceedings under s. 97 1.14 (1) (c); proceedings with respect to  
11 pretrial release under ch. 969 except where habeas corpus is utilized with respect to  
12 release on bail or as otherwise provided in ch. 969.

13 SECTION 6. 950.04 (1v) (g) of the statutes is amended to read:

14 950.04 (1v) (g) To have reasonable attempts made to notify the victim of  
15 hearings or court proceedings, as provided under ss. 302.113 (9g)(g) 2.. 302.114 (6),  
16 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

17 SECTION 7. 950.04 (1v) (nt) of the statutes is created to read:

18 950.04 (1v) (nt) To attend a hearing on a petition for modification of a  
19 bifurcated sentence and provide a statement concerning modification of the  
20 bifurcated sentence, as provided under s. 302.113 (9g) (d).

21 SECTION 8. 973.01 (4) of the statutes is amended to read:

22 **973.01 (4) No GOOD TIME: EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A  
23 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of  
24 confinement in prison portion of the sentence without reduction for good behavior.

1 The term of confinement in prison portion is subject to extension under s. 302.113 (3)  
2 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

3 **SECTION 9.** 977.05 (4) (jm) of the statutes is created to read:

4 977.05 (4) (jm) At the request of an inmate determined by the state public  
5 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent  
6 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113  
7 (9g) before a program review committee and the sentencing court, if the state public  
8 defender determines the case should be pursued.

9 (END)

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

LRB-3370/P2dn  
JEO&MGD:kmg&wlj:mrc

August 9, 1999

Mike Brennan:

1. Please review the "geriatric clause" (proposed s. 302.113 (9g)) carefully. Note the following when reviewing the provision:

a) We reorganized the suggested provisions substantially and in some places substituted language used under current s. 302.113, stats. Proposed s. 302.113 (9g) (g) is based on other statutes relating to victim notification.

b) Because the statutes do not currently refer to program review committees, this draft creates a definition based on a description of their duties under the administrative code, ss. DOC 302.18 and 302.19.

c) We weren't certain from the language that you sent whether an inmate is to have a right to counsel in the proceeding before the program review committee. This draft gives the inmate such a right. See proposed s. 302.113 (9g) (j). Is that your intent?

2. With respect to the provisions concerning modification of the conditions of extended supervision, this draft authorizes DOC or a person subject to extended supervision to petition the sentencing court to modify the conditions of extended supervision only if the person was not sentenced to a term of life imprisonment. This authorization is based on the notion that the conditions set by the sentencing court may not be appropriate when, years later, the person is to be released to extended supervision. By contrast, conditions for a person sentenced to a term of life imprisonment are established shortly before the person's extended supervision begins. Nonetheless, a person sentenced to life imprisonment may be under extended supervision for decades. Thus, the conditions imposed when such a person is released to extended supervision may ultimately require modification as well. In view of this, do you want to have the provisions relating to modification of court-imposed conditions of extended supervision apply to persons sentenced to life imprisonment?

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