

1999 DRAFTING REQUEST

Bill

Received: 01/12/99

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Drzewiecki (608) 266-5670**

By/Representing: **Louie**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

Topic:

Drug paraphernalia

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 01/26/99	wjackson 01/27/99		_____			
/1			jfrantze 01/27/99	_____	lrb_docadmin 01/27/99	lrb_docadmin 02/3/99	

FE Sent For:

<END>

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1/2	olsenje	1 WLj 1/27 1 jlg 1/27	1/27	1/27			

FE Sent For:

<END>

1714

Louis

For Sen Drzewiecki

SB 286

Redraft for intro. this session

1999

Date (time) needed _____

LRB - 1714 1 1

BILL

D-Note

JEO : WLJ :
*
JEG

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

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

SECTION #.

1997 SENATE BILL 286

September 2, 1997 - Introduced by Senators DRZEWIECKI, HUELSMAN, KISSER, A. LASEE and ZIEN, cosponsored by Representatives GREEN, PORTER, DOBYNS, MUSSER, AINSWORTH, KELSO, SKINDRUD, GUNDERSON, FREESE, OTT, SERATTI and ALBERS. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

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

Analysis by the Legislative Reference Bureau

Current law prohibits the possession, use, manufacture and delivery of drug paraphernalia and provides various penalties for violations of this prohibition. Drug paraphernalia includes any object or item that is used, designed for use or primarily intended for use in unlawfully injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance (dangerous drug). However, drug paraphernalia does not include any of the following: 1) hypodermic syringes, needles or other objects used or intended for use in parenterally injecting substances into the human body; and 2) any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products. Hypodermic syringes, needles or other similar objects and items designed or primarily intended for use with tobacco products are not drug paraphernalia even if they have been used to unlawfully inject, ingest, inhale or otherwise introduce a controlled substance into the human body. *State v. Martinez*, Wis. 2d (Ct. App. ~~1998-1000-01~~, ~~1998-1000-01~~, 1997).
210 397

This bill provides that a hypodermic syringe, needle or other similar object or an item designed or primarily intended for use with tobacco products is an object or item of drug paraphernalia if it contains a controlled substance or has on it any residue of a controlled substance. Thus, the current prohibitions and penalties relating to drug paraphernalia will apply to these items or objects if they contain a controlled substance or have on them any residue of a controlled substance.

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

3 SECTION 1. 961.571 (1) (b) (intro.) of the statutes is amended to read:

WFO: Please
proof w/ stats-

1
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961.571 (1) (b) (intro.) "Drug paraphernalia" excludes all of the following, unless the object or item contains a controlled substance or controlled substance analog or has on it any residue of a controlled substance or controlled substance analog:

SECTION 2. Initial applicability.

(1) This act applies to offenses occurring on or after the effective date of this subsection.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1714/1dn

JEO:f:....

WLj

↓
JEO

This is a redraft of 1997 Senate Bill 286.

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

Jefren E. Olsen
Legislative Attorney
266-8906

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

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

January 27, 1999

This is a redraft of 1997 Senate Bill 286.

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

Jefren E. Olsen
Legislative Attorney
266-8906

**SUBMITTAL
FORM**

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

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

Date: 1/27/99

To: Senator Drzewiecki

Relating to LRB drafting number: LRB-1714

Topic

Drug paraphernalia

Subject(s)

Criminal Law - drugs

1. **JACKET** the draft for introduction Mary F. Drzewiecki

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

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

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

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

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