

1 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
2 sexual morality with or upon the inmate of the institution is guilty of a Class ~~D~~ H
3 felony.

4 *~~4424/2.544~~* *~~0590/P5.336~~* SECTION 710. 946.76 of the statutes is
5 amended to read:

6 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
7 to its execution that a search warrant has been applied for or issued, except so far
8 as may be necessary to its execution, is guilty of a Class ~~E~~ I felony.

9 *~~4424/2.545~~* *~~0590/P5.337~~* SECTION 711. 946.82 (4) of the statutes, as
10 affected by 1999 Wisconsin Act 9, is amended to read:

11 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
12 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
13 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
14 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
15 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
16 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
17 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) ~~or (2g)~~, 943.011,
18 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to ~~(d)~~
19 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
20 943.30, 943.32, 943.34 (1) (b), (bm) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
21 (c), 943.50 (4) (b), (bm) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
22 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
23 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
24 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

1 *~~4424/2.546~~* *~~0590/P5.338~~* SECTION 712. 946.84 (1) of the statutes is
2 amended to read:

3 946.84 (1) Any person convicted of engaging in racketeering activity in
4 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

5 *~~4424/2.547~~* *~~3266/P1.147~~* SECTION 713. 946.85 (1) of the statutes, as
6 affected by 1997 Wisconsin Act 283, is amended to read:

7 946.85 (1) Any person who engages in a continuing criminal enterprise ~~shall~~
8 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~
9 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
10 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
11 ~~record is guilty of a Class E felony.~~

12 *~~4424/2.548~~* *~~0590/P5.340~~* SECTION 714. 947.013 (1t) of the statutes is
13 amended to read:

14 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
15 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
16 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
17 occurs within 7 years of the prior conviction.

18 *~~4424/2.549~~* *~~0590/P5.341~~* SECTION 715. 947.013 (1v) of the statutes is
19 amended to read:

20 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
21 she intentionally gains access to a record in electronic format that contains
22 personally identifiable information regarding the victim in order to facilitate the
23 violation under sub. (1r).

24 *~~4424/2.550~~* *~~0590/P5.342~~* SECTION 716. 947.013 (1x) (intro.) of the
25 statutes is amended to read:

1 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
2 circumstances is guilty of a Class D H felony:

3 *~~4424/2.551~~* *~~0590/P5.343~~* **SECTION 717.** 947.015 of the statutes is
4 amended to read:

5 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
6 conveyed any threat or false information, knowing such to be false, concerning an
7 attempt or alleged attempt being made or to be made to destroy any property by the
8 means of explosives is guilty of a Class E I felony.

9 *~~4424/2.552~~* *~~0590/P5.344~~* **SECTION 718.** 948.02 (2) of the statutes is
10 amended to read:

11 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
12 sexual intercourse with a person who has not attained the age of 16 years is guilty
13 of a Class B C C felony.

14 *~~4424/2.553~~* *~~0590/P5.345~~* **SECTION 719.** 948.02 (3) of the statutes is
15 amended to read:

16 948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who
17 has not attained the age of 16 years is guilty of a Class C F felony if that person has
18 knowledge that another person intends to have, is having or has had sexual
19 intercourse or sexual contact with the child, is physically and emotionally capable
20 of taking action which will prevent the intercourse or contact from taking place or
21 being repeated, fails to take that action and the failure to act exposes the child to an
22 unreasonable risk that intercourse or contact may occur between the child and the
23 other person or facilitates the intercourse or contact that does occur between the
24 child and the other person.

1 *~~4424/2.554~~* *~~0590/P5.346~~* SECTION 720. 948.02 (3m) of the statutes is
2 repealed.

3 *~~4424/2.555~~* *~~0590/P5.347~~* SECTION 721. 948.025 (1) of the statutes is
4 renumbered 948.025 (1) (intro.) and amended to read:

5 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
6 or (2) within a specified period of time involving the same child is guilty of a:

7 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

8 *~~4424/2.556~~* *~~0590/P5.348~~* SECTION 722. 948.025 (1) (b) of the statutes is
9 created to read:

10 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
11 of s. 948.02 (1).

12 *~~4424/2.557~~* *~~0590/P5.349~~* SECTION 723. 948.025 (2) of the statutes is
13 renumbered 948.025 (2) (b) and amended to read:

14 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
15 the defendant guilty the members of the jury must unanimously agree that at least
16 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
17 under sub. (1) of time but need not agree on which acts constitute the requisite
18 number and need not agree on whether a particular violation was a violation of s.
19 948.02 (1) or (2).

20 *~~4424/2.558~~* *~~0590/P5.350~~* SECTION 724. 948.025 (2) (a) of the statutes is
21 created to read:

22 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
23 the defendant guilty the members of the jury must unanimously agree that at least
24 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
25 agree on which acts constitute the requisite number.

1 *~~4424/2.559~~* *~~0590/P5.351~~* **SECTION 725.** 948.025 (2m) of the statutes is
2 repealed.

3 *~~4424/2.560~~* *~~0590/P5.352~~* **SECTION 726.** 948.03 (2) (a) of the statutes is
4 amended to read:

5 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
6 guilty of a Class ~~C~~ E felony.

7 *~~4424/2.561~~* *~~0590/P5.353~~* **SECTION 727.** 948.03 (2) (b) of the statutes is
8 amended to read:

9 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
10 a Class ~~D~~ H felony.

11 *~~4424/2.562~~* *~~0590/P5.354~~* **SECTION 728.** 948.03 (2) (c) of the statutes is
12 amended to read:

13 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
14 which creates a high probability of great bodily harm is guilty of a Class ~~C~~ F felony.

15 *~~4424/2.563~~* *~~0590/P5.355~~* **SECTION 729.** 948.03 (3) (a) of the statutes is
16 amended to read:

17 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
18 of a Class ~~D~~ G felony.

19 *~~4424/2.564~~* *~~0590/P5.356~~* **SECTION 730.** 948.03 (3) (b) of the statutes is
20 amended to read:

21 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
22 Class ~~E~~ I felony.

23 *~~4424/2.565~~* *~~0590/P5.357~~* **SECTION 731.** 948.03 (3) (c) of the statutes is
24 amended to read:

1 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
2 which creates a high probability of great bodily harm is guilty of a Class ~~D~~ H felony.

3 *~~4424/2.566~~* *~~0590/P5.358~~* SECTION 732. 948.03 (4) (a) of the statutes is
4 amended to read:

5 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
6 ~~C~~ F felony if that person has knowledge that another person intends to cause, is
7 causing or has intentionally or recklessly caused great bodily harm to the child and
8 is physically and emotionally capable of taking action which will prevent the bodily
9 harm from occurring or being repeated, fails to take that action and the failure to act
10 exposes the child to an unreasonable risk of great bodily harm by the other person
11 or facilitates the great bodily harm to the child that is caused by the other person.

12 *~~4424/2.567~~* *~~0590/P5.359~~* SECTION 733. 948.03 (4) (b) of the statutes is
13 amended to read:

14 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
15 ~~D~~ H felony if that person has knowledge that another person intends to cause, is
16 causing or has intentionally or recklessly caused bodily harm to the child and is
17 physically and emotionally capable of taking action which will prevent the bodily
18 harm from occurring or being repeated, fails to take that action and the failure to act
19 exposes the child to an unreasonable risk of bodily harm by the other person or
20 facilitates the bodily harm to the child that is caused by the other person.

21 *~~4424/2.568~~* SECTION 734. 948.03 (5) of the statutes is repealed.

22 *~~4424/2.569~~* *~~0590/P5.360~~* SECTION 735. 948.04 (1) of the statutes is
23 amended to read:

1 948.04 (1) Whoever is exercising temporary or permanent control of a child and
2 causes mental harm to that child by conduct which demonstrates substantial
3 disregard for the mental well-being of the child is guilty of a Class C F felony.

4 *~~4424/2.570~~* *~~0590/P5.361~~* SECTION 736. 948.04 (2) of the statutes is
5 amended to read:

6 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
7 felony if that person has knowledge that another person has caused, is causing or will
8 cause mental harm to that child, is physically and emotionally capable of taking
9 action which will prevent the harm, fails to take that action and the failure to act
10 exposes the child to an unreasonable risk of mental harm by the other person or
11 facilitates the mental harm to the child that is caused by the other person.

12 *~~4424/2.571~~* *~~0590/P5.362~~* SECTION 737. 948.05 (1) (intro.) of the statutes
13 is amended to read:

14 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
15 character and content of the sexually explicit conduct involving the child is guilty of
16 a Class C F felony:

17 *~~4424/2.572~~* *~~0590/P5.363~~* SECTION 738. 948.05 (1m) of the statutes, as
18 affected by 1999 Wisconsin Act 3, is amended to read:

19 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
20 into the state, reproduces, advertises, sells, distributes or possesses with intent to
21 sell or distribute, any undeveloped film, photographic negative, photograph, motion
22 picture, videotape, sound recording or other reproduction of a child engaging in
23 sexually explicit conduct is guilty of a Class C F felony if the person knows the
24 character and content of the sexually explicit conduct involving the child and if the

1 person knows or reasonably should know that the child engaging in the sexually
2 explicit conduct has not attained the age of 18 years.

3 ***-4424/2.573* *-0590/P5.364* SECTION 739.** 948.05 (2) of the statutes, as
4 affected by 1999 Wisconsin Act 3, is amended to read:

5 948.05 (2) A person responsible for a child's welfare who knowingly permits,
6 allows or encourages the child to engage in sexually explicit conduct for a purpose
7 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

8 ***-4424/2.574* *-0590/P5.365* SECTION 740.** 948.055 (2) (a) of the statutes is
9 amended to read:

10 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
11 years.

12 ***-4424/2.575* *-0590/P5.366* SECTION 741.** 948.055 (2) (b) of the statutes is
13 amended to read:

14 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
15 but has not attained the age of 18 years.

16 ***-4424/2.576* *-0590/P5.367* SECTION 742.** 948.06 (intro.) of the statutes is
17 amended to read:

18 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
19 guilty of a Class BC C felony:

20 ***-4424/2.577* *-0590/P5.368* SECTION 743.** 948.07 (intro.) of the statutes is
21 amended to read:

22 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
23 following acts, causes or attempts to cause any child who has not attained the age
24 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
25 BC D felony:

1 *~~4424/2.578~~* *~~0590/P5.369~~* SECTION 744. 948.08 of the statutes is
2 amended to read:

3 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
4 or causes any child to practice prostitution or establishes any child in a place of
5 prostitution is guilty of a Class ~~B~~ D felony.

6 *~~4424/2.579~~* *~~0590/P5.370~~* SECTION 745. 948.095 (2) (intro.) of the
7 statutes is amended to read:

8 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
9 child who has attained the age of 16 years and who is not the defendant's spouse is
10 guilty of a Class ~~D~~ H felony if all of the following apply:

11 *~~4424/2.580~~* *~~0590/P5.371~~* SECTION 746. 948.11 (2) (a) of the statutes is
12 amended to read:

13 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
14 rents, exhibits, transfers or loans to a child any harmful material, with or without
15 monetary consideration, is guilty of a Class ~~E~~ I felony.

16 *~~4424/2.581~~* *~~0590/P5.372~~* SECTION 747. 948.11 (2) (am) of the statutes is
17 amended to read:

18 948.11 (2) (am) Any person who has attained the age of 17 and who, with
19 knowledge of the nature of the description or narrative account, verbally
20 communicates, by any means, a harmful description or narrative account to a child,
21 with or without monetary consideration, is guilty of a Class ~~E~~ I felony.

22 *~~4424/2.582~~* *~~0590/P5.373~~* SECTION 748. 948.12 (intro.) of the statutes is
23 amended to read:

24 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
25 undeveloped film, photographic negative, photograph, motion picture, videotape or

1 other pictorial reproduction or audio recording of a child engaged in sexually explicit
2 conduct under all of the following circumstances is guilty of a Class ~~E~~ I felony:

3 *~~4424/2.583~~* *~~0590/P5.374~~* **SECTION 749.** 948.13 (2) of the statutes is
4 amended to read:

5 948.13 (2) Whoever has been convicted of a serious child sex offense and
6 subsequently engages in an occupation or participates in a volunteer position that
7 requires him or her to work or interact primarily and directly with children under
8 16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a
9 person who is exempt under a court order issued under sub. (2m).

10 *~~4424/2.584~~* *~~0590/P5.375~~* **SECTION 750.** 948.20 of the statutes is
11 amended to read:

12 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
13 leaves any child in a place where the child may suffer because of neglect is guilty of
14 a Class ~~D~~ G felony.

15 *~~4424/2.585~~* *~~0590/P5.376~~* **SECTION 751.** 948.21 (1) of the statutes is
16 amended to read:

17 948.21 (1) Any person who is responsible for a child's welfare who, through his
18 or her actions or failure to take action, intentionally contributes to the neglect of the
19 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class ~~C~~ D
20 felony.

21 *~~4424/2.586~~* *~~0590/P5.377~~* **SECTION 752.** 948.22 (2) of the statutes is
22 amended to read:

23 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
24 to provide spousal, grandchild or child support which the person knows or reasonably
25 should know the person is legally obligated to provide is guilty of a Class ~~E~~ I felony.

1 A prosecutor may charge a person with multiple counts for a violation under this
2 subsection if each count covers a period of at least 120 consecutive days and there is
3 no overlap between periods.

4 *~~4424/2.587~~* *~~0590/P5.378~~* SECTION 753. 948.23 of the statutes is
5 amended to read:

6 **948.23 Concealing death of child.** Any person who conceals the corpse of
7 any issue of a woman's body with intent to prevent a determination of whether it was
8 born dead or alive is guilty of a Class E I felony.

9 *~~4424/2.588~~* *~~0590/P5.379~~* SECTION 754. 948.24 (1) (intro.) of the statutes
10 is amended to read:

11 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
12 felony:

13 *~~4424/2.589~~* *~~0590/P5.380~~* SECTION 755. 948.30 (1) (intro.) of the statutes
14 is amended to read:

15 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
16 following is guilty of a Class C E felony:

17 *~~4424/2.590~~* *~~0590/P5.381~~* SECTION 756. 948.30 (2) (intro.) of the statutes
18 is amended to read:

19 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
20 following is guilty of a Class B C felony:

21 *~~4424/2.591~~* *~~0590/P5.382~~* SECTION 757. 948.31 (1) (b) of the statutes is
22 amended to read:

23 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
24 causes a child to leave, takes a child away or withholds a child for more than 12 hours
25 beyond the court-approved period of physical placement or visitation period from a

1 legal custodian with intent to deprive the custodian of his or her custody rights
2 without the consent of the custodian is guilty of a Class C F felony. This paragraph
3 is not applicable if the court has entered an order authorizing the person to so take
4 or withhold the child. The fact that joint legal custody has been awarded to both
5 parents by a court does not preclude a court from finding that one parent has
6 committed a violation of this paragraph.

7 ***-4424/2.592* *-0590/P5.383* SECTION 758.** 948.31 (2) of the statutes is
8 amended to read:

9 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
10 child for more than 12 hours from the child's parents or, in the case of a nonmarital
11 child whose parents do not subsequently intermarry under s. 767.60, from the child's
12 mother or, if he has been granted legal custody, the child's father, without the consent
13 of the parents, the mother or the father with legal custody, is guilty of a Class E I
14 felony. This subsection is not applicable if legal custody has been granted by court
15 order to the person taking or withholding the child.

16 ***-4424/2.593* *-0590/P5.384* SECTION 759.** 948.31 (3) (intro.) of the statutes
17 is amended to read:

18 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
19 the parent, who does any of the following is guilty of a Class C F felony:

20 ***-4424/2.594* *-0590/P5.385* SECTION 760.** 948.35 of the statutes is
21 repealed.

22 ***-4424/2.595* *-0590/P5.386* SECTION 761.** 948.36 of the statutes is
23 repealed.

24 ***-4424/2.596* *-0590/P5.387* SECTION 762.** 948.40 (4) (a) of the statutes is
25 amended to read:

1 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
2 felony; or

3 *~~4424/2.597~~* *~~0590/P5.388~~* SECTION 763. 948.40 (4) (b) of the statutes is
4 amended to read:

5 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
6 violation of a state or federal criminal law which is punishable as a felony, the person
7 is guilty of a Class D H felony.

8 *~~4424/2.598~~* *~~0590/P5.389~~* SECTION 764. 948.51 (3) (b) of the statutes is
9 amended to read:

10 948.51 (3) (b) A Class E H felony if the act results in great bodily harm ~~or death~~
11 to another.

12 *~~4424/2.599~~* *~~0590/P5.390~~* SECTION 765. 948.51 (3) (c) of the statutes is
13 created to read:

14 948.51 (3) (c) A Class G felony if the act results in the death of another.

15 *~~4424/2.600~~* *~~0590/P5.391~~* SECTION 766. 948.60 (2) (b) of the statutes is
16 amended to read:

17 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
18 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
19 Class E I felony.

20 *~~4424/2.601~~* *~~0590/P5.392~~* SECTION 767. 948.60 (2) (c) of the statutes is
21 amended to read:

22 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class D H felony if the
23 person under 18 years of age under par. (b) discharges the firearm and the discharge
24 causes death to himself, herself or another.

1 *~~4424/2.602~~* *~~0590/P5.393~~* SECTION 768. 948.605 (2) (a) of the statutes is
2 amended to read:

3 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
4 that the individual knows, or has reasonable cause to believe, is a school zone is
5 guilty of a Class A ~~misdemeanor~~ felony.

6 *~~4424/2.603~~* *~~0590/P5.394~~* SECTION 769. 948.605 (3) (a) of the statutes is
7 amended to read:

8 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
9 the safety of another, discharges or attempts to discharge a firearm at a place the
10 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

11 *~~4424/2.604~~* *~~0590/P5.395~~* SECTION 770. 948.605 (4) of the statutes is
12 repealed.

13 *~~4424/2.605~~* *~~0590/P5.396~~* SECTION 771. 948.61 (2) (b) of the statutes is
14 amended to read:

15 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
16 subsequent violation of this section within a 5-year period, as measured from the
17 dates the violations occurred.

18 *~~4424/2.606~~* *~~0590/P5.397~~* SECTION 772. 948.62 (1) (a) of the statutes is
19 amended to read:

20 948.62 (1) (a) A Class ~~E~~ felony ~~A misdemeanor~~, if the value of the property does
21 not exceed \$500.

22 *~~4424/2.607~~* *~~0590/P5.398~~* SECTION 773. 948.62 (1) (b) of the statutes is
23 amended to read:

24 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
25 does not exceed ~~\$2,500~~ \$2,000.

1 *~~4424/2.608~~* *~~0590/P5.399~~* SECTION 774. 948.62 (1) (bm) of the statutes is
2 created to read:

3 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,000 but
4 does not exceed \$5,000.

5 *~~4424/2.609~~* *~~0590/P5.400~~* SECTION 775. 948.62 (1) (c) of the statutes is
6 amended to read:

7 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
8 \$5,000.

9 *~~4424/2.610~~* *~~0590/P5.401~~* SECTION 776. 949.03 (1) (b) of the statutes is
10 amended to read:

11 949.03 (1) (b) The commission or the attempt to commit any crime specified in
12 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
13 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
14 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
15 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
16 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

17 *~~4424/2.611~~* *~~3370/P2.6~~* SECTION 777. 950.04 (1v) (g) of the statutes is
18 amended to read:

19 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
20 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
21 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

22 *~~4424/2.612~~* *~~3370/P2.7~~* SECTION 778. 950.04 (1v) (nt) of the statutes is
23 created to read:

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

4 *~~4424/2.613~~* *~~0590/P5.402~~* **SECTION 779.** 951.18 (1) of the statutes, as
5 affected by 1997 Wisconsin Act 192, is amended to read:

6 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
7 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
8 Class C forfeiture. Any person who violates any of these provisions within 3 years
9 after a humane officer issues an abatement order under s. 173.11 prohibiting the
10 violation of that provision is subject to a Class A forfeiture. Any person who
11 intentionally or negligently violates any of those sections is guilty of a Class A
12 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
13 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any
14 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
15 is the victim is used by a law enforcement agency to perform agency functions or
16 duties and causing injury to the animal, is guilty of a Class ~~E~~ I felony.

17 *~~4424/2.614~~* *~~0590/P5.403~~* **SECTION 780.** 951.18 (2) of the statutes is
18 amended to read:

19 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
20 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I
21 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or
22 subsequent violation.

23 *~~4424/2.615~~* *~~0590/P5.404~~* **SECTION 781.** 951.18 (2m) of the statutes is
24 amended to read:

1 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
2 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
3 that the animal that is the victim is used by a law enforcement agency or fire
4 department to perform agency or department functions or duties, is guilty of a Class
5 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
6 animal that is the victim is used by a law enforcement agency or fire department to
7 perform agency or department functions or duties and causing injury to the animal,
8 is guilty of a Class E I felony. Any person who intentionally violates s. 951.095,
9 knowing that the animal that is the victim is used by a law enforcement agency or
10 fire department to perform agency or department functions or duties and causing
11 death to the animal, is guilty of a Class D H felony.

12 *~~4424/2.616~~* *~~3265/P1.7~~* SECTION 782. 961.41 (1) (intro.) of the statutes is
13 amended to read:

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

18 *~~4424/2.617~~* *~~3265/P1.8~~* SECTION 783. 961.41 (1) (a) of the statutes, as
19 affected by 1997 Wisconsin Act 283, is amended to read:

20 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
21 in par. (d), if a person violates this subsection with respect to a controlled substance
22 included in schedule I or II which is a narcotic drug, or a controlled substance analog
23 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
24 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
25 ~~months or both~~ the person is guilty of a Class E felony.

1 *~~4424/2.618~~* *~~3265/P1.9~~* **SECTION 784.** 961.41 (1) (b) of the statutes, as
2 affected by 1997 Wisconsin Act 283, is amended to read:

3 961.41 (1) (b) Schedule I, II and III nonnarcotic drugs generally. Except as
4 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
5 to any other controlled substance included in schedule I, II or III, or a controlled
6 substance analog of any other controlled substance included in schedule I or II, may
7 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
8 or both the person is guilty of a Class H felony.

9 *~~4424/2.619~~* *~~3265/P1.10~~* **SECTION 785.** 961.41 (1) (cm) (intro.) of the
10 statutes is amended to read:

11 961.41 (1) (cm) Cocaine and cocaine base. (intro.) Cocaine If the person violates
12 this subsection with respect to cocaine or cocaine base, or a controlled substance
13 analog of cocaine or cocaine base, is subject to the following penalties if and the
14 amount manufactured, distributed or delivered is:

15 *~~4424/2.620~~* *~~3265/P1.11~~* **SECTION 786.** 961.41 (1) (cm) 1. of the statutes,
16 as affected by 1997 Wisconsin Act 283, is renumbered 961.41 (1) (cm) 1r. and
17 amended to read:

18 961.41 (1) (cm) 1r. 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.

21 *~~4424/2.621~~* *~~3265/P1.12~~* **SECTION 787.** 961.41 (1) (cm) 1g. of the statutes
22 is created to read:

23 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

24 *~~4424/2.622~~* *~~3265/P1.13~~* **SECTION 788.** 961.41 (1) (cm) 2. of the statutes,
25 as affected by 1997 Wisconsin Act 283, is amended to read:

1 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
2 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
3 year nor more than 22 years and 6 months is guilty of a Class E felony.

4 *~~4424/2.623~~* *~~3265/P1.14~~* SECTION 789. 961.41 (1) (cm) 3. of the statutes,
5 as affected by 1997 Wisconsin Act 283, is amended to read:

6 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
7 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
8 years nor more than 30 years is guilty of a Class D felony.

9 *~~4424/2.624~~* *~~3265/P1.15~~* SECTION 790. 961.41 (1) (cm) 4. of the statutes,
10 as affected by 1997 Wisconsin Act 283, is amended to read:

11 961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person
12 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
13 years nor more than 45 years is guilty of a Class C felony.

14 *~~4424/2.625~~* *~~3265/P1.16~~* SECTION 791. 961.41 (1) (cm) 5. of the statutes,
15 as affected by 1997 Wisconsin Act 283, is repealed.

16 *~~4424/2.626~~* *~~3265/P1.17~~* SECTION 792. 961.41 (1) (d) (intro.) of the
17 statutes is amended to read:

18 961.41 (1) (d) Heroin. (intro.) Heroin If the person violates this subsection with
19 respect to heroin or a controlled substance analog of heroin is subject to the following
20 penalties if and the amount manufactured, distributed or delivered is:

21 *~~4424/2.627~~* *~~3265/P1.18~~* SECTION 793. 961.41 (1) (d) 1. of the statutes, as
22 affected by 1997 Wisconsin Act 283, is amended to read:

23 961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than
24 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years
25 and 6 months is guilty of a Class F felony.

1 *~~4424/2.628~~* *~~3265/P1.19~~* **SECTION 794.** 961.41 (1) (d) 2. of the statutes, as
2 affected by 1997 Wisconsin Act 283, is amended to read:

3 961.41 (1) (d) 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 \$250,000 and shall be imprisoned
5 for not less than ~~6 months nor more than 22 years and 6 months~~ is guilty of a Class
6 E felony.

7 *~~4424/2.629~~* *~~3265/P1.20~~* **SECTION 795.** 961.41 (1) (d) 3. of the statutes, as
8 affected by 1997 Wisconsin Act 283, is amended to read:

9 961.41 (1) (d) 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 22 years and 6 months~~ is guilty of a Class
12 D felony.

13 *~~4424/2.630~~* *~~3265/P1.21~~* **SECTION 796.** 961.41 (1) (d) 4. of the statutes, as
14 affected by 1997 Wisconsin Act 283, is amended to read:

15 961.41 (1) (d) 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 *~~4424/2.631~~* *~~3265/P1.22~~* **SECTION 797.** 961.41 (1) (d) 5. of the statutes, as
20 affected by 1997 Wisconsin Act 283, is repealed.

21 *~~4424/2.632~~* *~~3265/P1.23~~* **SECTION 798.** 961.41 (1) (d) 6. of the statutes, as
22 affected by 1997 Wisconsin Act 283, is repealed.

23 *~~4424/2.633~~* *~~3265/P1.24~~* **SECTION 799.** 961.41 (1) (e) (intro.) of the
24 statutes is amended to read:

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

7 *~~4424/2.634~~* *~~3265/P1.25~~* SECTION 800. 961.41 (1) (e) 1. of the statutes, as
8 affected by 1997 Wisconsin Act 283, is amended to read:

9 961.41 (1) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
10 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
11 ~~6 months is guilty of a Class F felony.~~

12 *~~4424/2.635~~* *~~3265/P1.26~~* SECTION 801. 961.41 (1) (e) 2. of the statutes, as
13 affected by 1997 Wisconsin Act 283, is amended to read:

14 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
15 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
16 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~
17 E felony.

18 *~~4424/2.636~~* *~~3265/P1.27~~* SECTION 802. 961.41 (1) (e) 3. of the statutes, as
19 affected by 1997 Wisconsin Act 283, is amended to read:

20 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
21 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
22 ~~for not less than one year nor more than 22 years and 6 months is guilty of a Class~~
23 D felony.

24 *~~4424/2.637~~* *~~3265/P1.28~~* SECTION 803. 961.41 (1) (e) 4. of the statutes, as
25 affected by 1997 Wisconsin Act 283, is amended to read:

1 961.41 (1) (e) 4. More than 50 grams but ~~not more than 200 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 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
4 felony.

5 *~~4424/2.638~~* *~~3265/P1.29~~* **SECTION 804.** 961.41 (1) (e) 5. of the statutes, as
6 affected by 1997 Wisconsin Act 283, is repealed.

7 *~~4424/2.639~~* *~~3265/P1.30~~* **SECTION 805.** 961.41 (1) (e) 6. of the statutes, as
8 affected by 1997 Wisconsin Act 283, is repealed.

9 *~~4424/2.640~~* *~~3265/P1.31~~* **SECTION 806.** 961.41 (1) (f) (intro.) of the
10 statutes is amended to read:

11 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the person violates
12 this subsection with respect to lysergic acid diethylamide or a controlled substance
13 analog of lysergic acid diethylamide is subject to the following penalties if and the
14 amount manufactured, distributed or delivered is:

15 *~~4424/2.641~~* *~~3265/P1.32~~* **SECTION 807.** 961.41 (1) (f) 1. of the statutes, as
16 affected by 1997 Wisconsin Act 283, is amended to read:

17 961.41 (1) (f) 1. One gram or less, the person ~~shall be fined not less than \$1,000~~
18 ~~nor more than \$200,000 and may be imprisoned for not more than 7 years and 6~~
19 ~~months~~ is guilty of a Class G felony.

20 *~~4424/2.642~~* *~~3265/P1.33~~* **SECTION 808.** 961.41 (1) (f) 2. of the statutes, as
21 affected by 1997 Wisconsin Act 283, is amended to read:

22 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person ~~shall~~
23 ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not~~
24 ~~less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class F felony.

1 *~~4424/2.643~~* *~~3265/P1.34~~* SECTION 809. 961.41 (1) (f) 3. of the statutes, as
2 affected by 1997 Wisconsin Act 283, is amended to read:

3 961.41 (1) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
4 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
5 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

6 *~~4424/2.644~~* *~~3265/P1.35~~* SECTION 810. 961.41 (1) (g) (intro.) of the
7 statutes is amended to read:

8 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin ~~If the person violates~~
9 ~~this subsection with respect to psilocin or psilocybin, or a controlled substance analog~~
10 ~~of psilocin or psilocybin, is subject to the following penalties if and~~ the amount
11 manufactured, distributed or delivered is:

12 *~~4424/2.645~~* *~~3265/P1.36~~* SECTION 811. 961.41 (1) (g) 1. of the statutes, as
13 affected by 1997 Wisconsin Act 283, is amended to read:

14 961.41 (1) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
15 ~~than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~
16 ~~years and 6 months~~ is guilty of a Class G felony.

17 *~~4424/2.646~~* *~~3265/P1.37~~* SECTION 812. 961.41 (1) (g) 2. of the statutes, as
18 affected by 1997 Wisconsin Act 283, is amended to read:

19 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
20 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
21 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
22 F felony.

23 *~~4424/2.647~~* *~~3265/P1.38~~* SECTION 813. 961.41 (1) (g) 3. of the statutes, as
24 affected by 1997 Wisconsin Act 283, is amended to read:

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

4 *~~4424/2.648~~* *~~3265/P1.39~~* **SECTION 814.** 961.41 (1) (h) (intro.) of the
5 statutes is amended to read:

6 961.41 (1) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If the
7 person violates this subsection with respect to tetrahydrocannabinols, included
8 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
9 subject to the following penalties if and the amount manufactured, distributed or
10 delivered is:

11 *~~4424/2.649~~* *~~3265/P1.40~~* **SECTION 815.** 961.41 (1) (h) 1. of the statutes, as
12 affected by 1997 Wisconsin Act 283, is amended to read:

13 961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
14 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
15 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
16 ~~is guilty of a Class I felony.~~

17 *~~4424/2.650~~* *~~3265/P1.41~~* **SECTION 816.** 961.41 (1) (h) 2. of the statutes, as
18 affected by 1997 Wisconsin Act 283, is amended to read:

19 961.41 (1) (h) 2. ~~More than 500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
20 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
21 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
22 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
23 ~~more than 7 years and 6 months is guilty of a Class H felony.~~

24 *~~4424/2.651~~* *~~3265/P1.42~~* **SECTION 817.** 961.41 (1) (h) 3. of the statutes, as
25 affected by 1997 Wisconsin Act 283, is amended to read:

1 961.41 (1) (h) 3. ~~More than 2,500 1,000 grams but not more than 2,500 grams,~~
2 ~~or more than 50 20 plants containing tetrahydrocannabinols but not more than 50~~
3 ~~plants containing tetrahydrocannabinols, the person shall be fined not less than~~
4 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
5 ~~nor more than 15 years is guilty of a Class G felony.~~

6 *~~4424/2.652~~* *~~3265/P1.43~~* SECTION 818. 961.41 (1) (h) 4. of the statutes is
7 created to read:

8 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
9 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
10 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

11 *~~4424/2.653~~* *~~3265/P1.44~~* SECTION 819. 961.41 (1) (h) 5. of the statutes is
12 created to read:

13 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
14 tetrahydrocannabinols, the person is guilty of a Class E felony.

15 *~~4424/2.654~~* *~~3265/P1.45~~* SECTION 820. 961.41 (1) (i) of the statutes, as
16 affected by 1997 Wisconsin Act 283, is amended to read:

17 961.41 (1) (i) Schedule IV drugs. ~~A~~ If a person violates this subsection with
18 respect to a substance included in schedule IV, may be fined not more than \$10,000
19 or imprisoned for not more than 4 years and 6 months or both the person is guilty
20 of a Class H felony.

21 *~~4424/2.655~~* *~~3265/P1.46~~* SECTION 821. 961.41 (1) (j) of the statutes, as
22 affected by 1997 Wisconsin Act 283, is amended to read:

23 961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
24 respect to a substance included in schedule V, may be fined not more than \$5,000 or
25 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

1 *~~4424/2.656~~* *~~3265/P1.47~~* **SECTION 822.** 961.41 (1m) (intro.) of the statutes
2 is amended to read:

3 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
4 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
5 with intent to manufacture, distribute or deliver, a controlled substance or a
6 controlled substance analog. Intent under this subsection may be demonstrated by,
7 without limitation because of enumeration, evidence of the quantity and monetary
8 value of the substances possessed, the possession of manufacturing implements or
9 paraphernalia, and the activities or statements of the person in possession of the
10 controlled substance or a controlled substance analog prior to and after the alleged
11 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
12 following penalties:

13 *~~4424/2.657~~* *~~3265/P1.48~~* **SECTION 823.** 961.41 (1m) (a) of the statutes, as
14 affected by 1997 Wisconsin Act 283, is amended to read:

15 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
16 in par. (d), if a person violates this subsection with respect to a controlled substance
17 included in schedule I or II which is a narcotic drug or a controlled substance analog
18 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
19 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
20 ~~months or both~~ the person is guilty of a Class E felony.

21 *~~4424/2.658~~* *~~3265/P1.49~~* **SECTION 824.** 961.41 (1m) (b) of the statutes, as
22 affected by 1997 Wisconsin Act 283, is amended to read:

23 961.41 (1m) (b) Schedule I, II and III nonnarcotic drugs generally. Except as
24 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
25 to any other controlled substance included in schedule I, II or III, or a controlled

1 substance analog of any other controlled substance included in schedule I or II, ~~may~~
2 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
3 ~~or both the person is guilty of a Class H felony.~~

4 *~~4424/2.659~~* *~~3265/P1.50~~* SECTION 825. 961.41 (1m) (cm) (intro.) of the
5 statutes is amended to read:

6 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
7 this subsection with respect to cocaine or cocaine base, or a controlled substance
8 analog of cocaine or cocaine base, ~~is subject to the following penalties if and~~ the
9 amount possessed, with intent to manufacture, distribute or deliver, is:

10 *~~4424/2.660~~* *~~3265/P1.51~~* SECTION 826. 961.41 (1m) (cm) 1. of the statutes,
11 as affected by 1997 Wisconsin Act 283, is renumbered 961.41 (1m) (cm) 1r. and
12 amended to read:

13 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
14 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~
15 ~~for not more than 15 years~~ is guilty of a Class F felony.

16 *~~4424/2.661~~* *~~3265/P1.52~~* SECTION 827. 961.41 (1m) (cm) 1g. of the
17 statutes is created to read:

18 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

19 *~~4424/2.662~~* *~~3265/P1.53~~* SECTION 828. 961.41 (1m) (cm) 2. of the statutes,
20 as affected by 1997 Wisconsin Act 283, is amended to read:

21 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
22 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~
23 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

24 *~~4424/2.663~~* *~~3265/P1.54~~* SECTION 829. 961.41 (1m) (cm) 3. of the statutes,
25 as affected by 1997 Wisconsin Act 283, is amended to read:

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

4 *~~4424/2.664~~* *~~3265/P1.55~~* SECTION 830. 961.41 (1m) (cm) 4. of the statutes,
5 as affected by 1997 Wisconsin Act 283, is amended to read:

6 961.41 (1m) (cm) 4. More than 40 grams but not more than 100 grams, the
7 person shall be fined not more than \$500,000 and shall be imprisoned for not less
8 than 5 years nor more than 45 years is guilty of a Class C felony.

9 *~~4424/2.665~~* *~~3265/P1.56~~* SECTION 831. 961.41 (1m) (cm) 5. of the statutes,
10 as affected by 1997 Wisconsin Act 283, is repealed.

11 *~~4424/2.666~~* *~~3265/P1.57~~* SECTION 832. 961.41 (1m) (d) (intro.) of the
12 statutes is amended to read:

13 961.41 (1m) (d) Heroin. (intro.) Heroin If a person violates this subsection with
14 respect to heroin or a controlled substance analog of heroin is subject to the following
15 penalties if and the amount possessed, with intent to manufacture, distribute or
16 deliver, is:

17 *~~4424/2.667~~* *~~3265/P1.58~~* SECTION 833. 961.41 (1m) (d) 1. of the statutes,
18 as affected by 1997 Wisconsin Act 283, is amended to read:

19 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
20 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
21 and 6 months is guilty of a Class F felony.

22 *~~4424/2.668~~* *~~3265/P1.59~~* SECTION 834. 961.41 (1m) (d) 2. of the statutes,
23 as affected by 1997 Wisconsin Act 283, is amended to read:

24 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
25 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned

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

3 *~~4424/2.669~~* *~~3265/P1.60~~* SECTION 835. 961.41 (1m) (d) 3. of the statutes,
4 as affected by 1997 Wisconsin Act 283, is amended to read:

5 961.41 (1m) (d) 3. More than 10 grams but not more than 50 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 one year nor more than 22 years and 6 months is guilty of a Class~~
8 D felony.

9 *~~4424/2.670~~* *~~3265/P1.61~~* SECTION 836. 961.41 (1m) (d) 4. of the statutes,
10 as affected by 1997 Wisconsin Act 283, is amended to read:

11 961.41 (1m) (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person
12 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
13 ~~for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C~~
14 felony.

15 *~~4424/2.671~~* *~~3265/P1.62~~* SECTION 837. 961.41 (1m) (d) 5. of the statutes,
16 as affected by 1997 Wisconsin Act 283, is repealed.

17 *~~4424/2.672~~* *~~3265/P1.63~~* SECTION 838. 961.41 (1m) (d) 6. of the statutes,
18 as affected by 1997 Wisconsin Act 283, is repealed.

19 *~~4424/2.673~~* *~~3265/P1.64~~* SECTION 839. 961.41 (1m) (e) (intro.) of the
20 statutes is amended to read:

21 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine and
22 methcathinone. (intro.) Phencyclidine If a person violates this subsection with
23 respect to phencyclidine, amphetamine, methamphetamine or methcathinone, or a
24 controlled substance analog of phencyclidine, amphetamine, methamphetamine or

1 methcathinone, is subject to the following penalties if and the amount possessed,
2 with intent to manufacture, distribute or deliver, is:

3 ~~*-4424/2.674*~~ ~~*-3265/P1.65*~~ **SECTION 840.** 961.41 (1m) (e) 1. of the statutes,
4 as affected by 1997 Wisconsin Act 283, is amended to read:

5 961.41 (1m) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
6 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
7 ~~6 months~~ is guilty of a Class F felony.

8 ~~*-4424/2.675*~~ ~~*-3265/P1.66*~~ **SECTION 841.** 961.41 (1m) (e) 2. of the statutes,
9 as affected by 1997 Wisconsin Act 283, is amended to read:

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

14 ~~*-4424/2.676*~~ ~~*-3265/P1.67*~~ **SECTION 842.** 961.41 (1m) (e) 3. of the statutes,
15 as affected by 1997 Wisconsin Act 283, is amended to read:

16 961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person
17 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
18 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
19 D felony.

20 ~~*-4424/2.677*~~ ~~*-3265/P1.68*~~ **SECTION 843.** 961.41 (1m) (e) 4. of the statutes,
21 as affected by 1997 Wisconsin Act 283, is amended to read:

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

1 *~~4424/2.678~~* *~~3265/P1.69~~* SECTION 844. 961.41 (1m) (e) 5. of the statutes,
2 as affected by 1997 Wisconsin Act 283, is repealed.

3 *~~4424/2.679~~* *~~3265/P1.70~~* SECTION 845. 961.41 (1m) (e) 6. of the statutes,
4 as affected by 1997 Wisconsin Act 283, is repealed.

5 *~~4424/2.680~~* *~~3265/P1.71~~* SECTION 846. 961.41 (1m) (f) (intro.) of the
6 statutes is amended to read:

7 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie ~~If a person violates~~
8 this subsection with respect to lysergic acid diethylamide or a controlled substance
9 analog of lysergic acid diethylamide is subject to the following penalties if and the
10 amount possessed, with intent to manufacture, distribute or deliver, is:

11 *~~4424/2.681~~* *~~3265/P1.72~~* SECTION 847. 961.41 (1m) (f) 1. of the statutes,
12 as affected by 1997 Wisconsin Act 283, is amended to read:

13 961.41 (1m) (f) 1. One gram or less, the person ~~shall be fined not less than~~
14 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
15 ~~6 months is guilty of a Class G felony.~~

16 *~~4424/2.682~~* *~~3265/P1.73~~* SECTION 848. 961.41 (1m) (f) 2. of the statutes,
17 as affected by 1997 Wisconsin Act 283, is amended to read:

18 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
19 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
20 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~
21 F felony.

22 *~~4424/2.683~~* *~~3265/P1.74~~* SECTION 849. 961.41 (1m) (f) 3. of the statutes,
23 as affected by 1997 Wisconsin Act 283, is amended to read:

1 961.41 (1m) (f) 3. More than 5 grams, the person shall be fined not less than
2 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
3 nor more than 22 years and 6 months is guilty of a Class E felony.

4 *~~4424/2.684~~* *~~3265/P1.75~~* SECTION 850. 961.41 (1m) (g) (intro.) of the
5 statutes is amended to read:

6 961.41 (1m) (g) Psilocin and psilocybin. (intro.) ~~Psilocin~~ If a person violates
7 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
8 of psilocin or psilocybin, ~~is subject to the following penalties if and~~ the amount
9 possessed, with intent to manufacture, distribute or deliver, is:

10 *~~4424/2.685~~* *~~3265/P1.76~~* SECTION 851. 961.41 (1m) (g) 1. of the statutes,
11 as affected by 1997 Wisconsin Act 283, is amended to read:

12 961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less
13 than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7
14 years and 6 months is guilty of a Class G felony.

15 *~~4424/2.686~~* *~~3265/P1.77~~* SECTION 852. 961.41 (1m) (g) 2. of the statutes,
16 as affected by 1997 Wisconsin Act 283, is amended to read:

17 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
18 person shall be fined not less than \$1,000 nor more than \$200,000 and shall be
19 imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty
20 of a Class F felony.

21 *~~4424/2.687~~* *~~3265/P1.78~~* SECTION 853. 961.41 (1m) (g) 3. of the statutes,
22 as affected by 1997 Wisconsin Act 283, is amended to read:

23 961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than
24 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
25 nor more than 22 years and 6 months is guilty of a Class E felony.

1 *~~4424/2.688~~* *~~3265/P1.79~~* SECTION 854. 961.41 (1m) (h) (intro.) of the
2 statutes is amended to read:

3 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If a
4 person violates this subsection with respect to tetrahydrocannabinols, included
5 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
6 ~~subject to the following penalties if~~ and the amount possessed, with intent to
7 manufacture, distribute or deliver, is:

8 *~~4424/2.689~~* *~~3265/P1.80~~* SECTION 855. 961.41 (1m) (h) 1. of the statutes,
9 as affected by 1997 Wisconsin Act 283, is amended to read:

10 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
11 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
12 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
13 is guilty of a Class I felony.

14 *~~4424/2.690~~* *~~3265/P1.81~~* SECTION 856. 961.41 (1m) (h) 2. of the statutes,
15 as affected by 1997 Wisconsin Act 283, is amended to read:

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

21 *~~4424/2.691~~* *~~3265/P1.82~~* SECTION 857. 961.41 (1m) (h) 3. of the statutes,
22 as affected by 1997 Wisconsin Act 283, is amended to read:

23 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
24 or more than ~~50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50~~
25 ~~plants containing tetrahydrocannabinols~~, the person ~~shall be fined not less than~~

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

3 *~~4424/2.692~~* *~~3265/P1.83~~* SECTION 858. 961.41 (1m) (h) 4. of the statutes
4 is created to read:

5 961.41 (1m) (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.

8 *~~4424/2.693~~* *~~3265/P1.84~~* SECTION 859. 961.41 (1m) (h) 5. of the statutes
9 is created to read:

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

12 *~~4424/2.694~~* *~~3265/P1.85~~* SECTION 860. 961.41 (1m) (i) of the statutes, as
13 affected by 1997 Wisconsin Act 283, is amended to read:

14 961.41 (1m) (i) Schedule IV drugs. ~~A~~ If a person violates this subsection with
15 respect to a substance included in schedule IV, may be fined not more than \$10,000
16 or imprisoned for not more than 4 years and 6 months or both the person is guilty
17 of a Class H felony.

18 *~~4424/2.695~~* *~~3265/P1.86~~* SECTION 861. 961.41 (1m) (j) of the statutes, as
19 affected by 1997 Wisconsin Act 283, is amended to read:

20 961.41 (1m) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
21 respect to a substance included in schedule V, may be fined not more than \$5,000 or
22 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

23 *~~4424/2.696~~* *~~3265/P1.87~~* SECTION 862. 961.41 (1n) (c) of the statutes, as
24 affected by 1997 Wisconsin Act 283, is amended to read:

1 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
2 \$250,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

3 *~~4424/2.697~~* *~~3265/P1.88~~* **SECTION 863.** 961.41 (1q) of the statutes is
4 amended to read:

5 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
6 Under s. 961.49 (2), 1997 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2)~~, if
7 different penalty provisions apply to a person depending on whether the weight of
8 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
9 considered, the greater penalty provision applies.

10 *~~4424/2.698~~* *~~3265/P1.89~~* **SECTION 864.** 961.41 (1r) of the statutes is
11 amended to read:

12 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
13 s. 961.49 (2) (b), 1997 stats., and subs. (1) and (1m) ~~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 (1m)
20 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
21 (4) (t) and includes the weight of any marijuana.

22 *~~4424/2.699~~* *~~3265/P1.90~~* **SECTION 865.** 961.41 (2) (intro.) of the statutes
23 is amended to read:

24 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
25 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or

1 possess with intent to distribute or deliver, a counterfeit substance. Any person who
2 violates this subsection ~~with respect to~~ is subject to the following penalties:

3 ~~*-4424/2.700* *-3265/P1.91*~~ SECTION 866. 961.41 (2) (a) of the statutes, as
4 affected by 1997 Wisconsin Act 283, is amended to read:

5 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person
6 violates this subsection with respect to a counterfeit substance included in schedule
7 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
8 for not more than 22 years and 6 months or both the person is guilty of a Class E
9 felony.

10 ~~*-4424/2.701* *-3265/P1.92*~~ SECTION 867. 961.41 (2) (b) of the statutes, as
11 affected by 1997 Wisconsin Act 283, is amended to read:

12 961.41 (2) (b) Counterfeit schedule I, II, III and IV drugs. ~~Any~~ If a person
13 violates this subsection with respect to any other counterfeit substance included in
14 schedule I, II or, III or IV, may be fined not more than \$15,000 or imprisoned for not
15 more than 7 years and 6 months or both the person is guilty of a Class H felony.

16 ~~*-4424/2.702* *-3265/P1.93*~~ SECTION 868. 961.41 (2) (c) of the statutes, as
17 affected by 1997 Wisconsin Act 283, is repealed.

18 ~~*-4424/2.703* *-3265/P1.94*~~ SECTION 869. 961.41 (2) (d) of the statutes, as
19 affected by 1997 Wisconsin Act 283, is amended to read:

20 961.41 (2) (d) Counterfeit schedule V drugs. ~~A~~ If a person violates this
21 subsection with respect to a counterfeit substance included in schedule V, may be
22 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person
23 is guilty of a Class I felony.

1 *~~4424/2.704~~* *~~3265/P1.95~~* SECTION 870. 961.41 (3g) (a) 1. of the statutes,
2 as affected by 1999 Wisconsin Act 283, is renumbered 961.41 (3g) (am) and amended
3 to read:

4 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
5 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
6 which is a narcotic drug, or possesses a controlled substance analog of a controlled
7 substance included in schedule I or II which is a narcotic drug, the person may, upon
8 ~~a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2~~
9 ~~or both, and for a 2nd or subsequent offense, the person may be fined not more than~~
10 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

11 *~~4424/2.705~~* *~~3265/P1.96~~* SECTION 871. 961.41 (3g) (a) 2. of the statutes,
12 as affected by 1997 Wisconsin Act 283, is repealed.

13 *~~4424/2.706~~* *~~3265/P1.97~~* SECTION 872. 961.41 (3g) (a) 3. of the statutes
14 is repealed.

15 *~~4424/2.707~~* *~~3265/P1.98~~* SECTION 873. 961.41 (3g) (b) (title) of the
16 statutes is created to read:

17 961.41 (3g) (b) (title) Other drugs generally.

18 *~~4424/2.708~~* *~~3265/P1.99~~* SECTION 874. 961.41 (3g) (c) of the statutes is
19 amended to read:

20 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
21 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
22 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
23 more than one year in the county jail upon a first conviction and is guilty of a Class
24 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
25 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the

1 offense, the offender has at any time been convicted of any felony or misdemeanor
2 under this chapter or under any statute of the United States or of any state relating
3 to controlled substances, controlled substance analogs, narcotic drugs, marijuana or
4 depressant, stimulant or hallucinogenic drugs.

5 *~~4424/2.709~~* *~~3265/P1.100~~* SECTION 875. 961.41 (3g) (d) of the statutes is
6 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 guilty of a Class I felony for a 2nd
14 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd
15 or subsequent offense if, prior 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 any statute of the United States or of any state relating to controlled
18 substances, controlled substance analogs, narcotic drugs, marijuana or depressant,
19 stimulant or hallucinogenic drugs.

20 *~~4424/2.710~~* *~~3265/P1.101~~* SECTION 876. 961.41 (3g) (e) of the statutes is
21 amended to read:

22 961.41 (3g) (e) Tetrahydrocannabinols. If a person possesses or attempts to
23 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
24 substance analog of tetrahydrocannabinols, the person may be fined not more than
25 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and

1 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
2 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
3 offender's conviction of the offense, the offender has at any time been convicted of any
4 felony or misdemeanor under this chapter or under any statute of the United States
5 or of any state relating to controlled substances, controlled substance analogs,
6 narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

7 *~~4424/2.711~~* *~~3265/P1.102~~* SECTION 877. 961.41 (3g) (f) of the statutes, as
8 affected by 1999 Wisconsin Act 21, is amended to read:

9 961.41 (3g) (f) Gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone,
10 ketamine and flunitrazepam. If a person possesses or attempts to possess
11 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,
12 the person ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years~~
13 ~~or both~~ is guilty of a Class H felony.

14 *~~4424/2.712~~* *~~3265/P1.103~~* SECTION 878. 961.41 (4) (am) 3. of the statutes,
15 as affected by 1997 Wisconsin Act 283, is amended to read:

16 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph
17 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
18 is guilty of a Class I felony.

19 *~~4424/2.713~~* *~~3265/P1.104~~* SECTION 879. 961.42 (2) of the statutes, as
20 affected by 1997 Wisconsin Act 283, is amended to read:

21 961.42 (2) Any person who violates this section ~~may be fined not more than~~
22 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

23 *~~4424/2.714~~* *~~3265/P1.105~~* SECTION 880. 961.43 (2) of the statutes, as
24 affected by 1997 Wisconsin Act 283, is amended to read:

1 961.43 (2) Any person who violates this section ~~may be fined not more than~~
2 \$30,000 or imprisoned not more than 6 years or both is guilty of a Class H felony.

3 *~~4424/2.715~~* *~~3265/P1.106~~* **SECTION 881.** 961.438 of the statutes is
4 repealed.

5 *~~4424/2.716~~* *~~3265/P1.107~~* **SECTION 882.** 961.455 (1) of the statutes, as
6 affected by 1997 Wisconsin Act 283, is amended to read:

7 961.455 (1) Any person who has attained the age of 17 years who knowingly
8 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
9 age or under for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
10 \$50,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

11 *~~4424/2.717~~* *~~0590/P5.405~~* **SECTION 883.** 961.455 (3) of the statutes is
12 amended to read:

13 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
14 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
15 939.30 ~~or 948.35.~~

16 *~~4424/2.718~~* *~~3265/P1.108~~* **SECTION 884.** 961.46 (1) of the statutes is
17 renumbered 961.46 and amended to read:

18 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
19 ~~(3), any~~ If a person 17 years of age or over ~~who~~ violates s. 961.41 (1) by distributing
20 or delivering a controlled substance ~~included in schedule I or II which is a narcotic~~
21 drug or a controlled substance analog of a controlled substance ~~included in schedule~~
22 I or II ~~which is a narcotic drug~~ to a person 17 years of age or under who is at least
23 3 years his or her junior ~~is punishable by the fine authorized by s. 961.41 (1) (a) or~~
24 a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the

1 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the
2 offense may be increased by not more than 5 years.

3 *~~4424/2.719~~* *~~3265/P1.109~~* **SECTION 885.** 961.46 (2) of the statutes is
4 repealed.

5 *~~4424/2.720~~* *~~3265/P1.110~~* **SECTION 886.** 961.46 (3) of the statutes is
6 repealed.

7 *~~4424/2.721~~* *~~3265/P1.111~~* **SECTION 887.** 961.465 of the statutes is
8 repealed.

9 *~~4424/2.722~~* *~~3265/P1.112~~* **SECTION 888.** 961.472 (2) of the statutes is
10 amended to read:

11 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
12 guilty of possession or attempted possession of a controlled substance or controlled
13 substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c) or (d), the court shall order the
14 person to comply with an assessment of the person's use of controlled substances.
15 The court's order shall designate a facility that is operated by or pursuant to a
16 contract with the county department established under s. 51.42 and that is certified
17 by the department of health and family services to provide assessment services to
18 perform the assessment and, if appropriate, to develop a proposed treatment plan.
19 The court shall notify the person that noncompliance with the order limits the court's
20 ability to determine whether the treatment option under s. 961.475 is appropriate.
21 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

22 *~~4424/2.723~~* *~~3265/P1.113~~* **SECTION 889.** 961.48 (1) of the statutes is
23 renumbered 961.48 (1) (intro.) and amended to read:

24 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who
25 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or

1 subsequent offense as provided under this ~~chapter~~ sub. (3) and the person is
2 convicted of that 2nd or subsequent offense ~~may be fined an amount up to twice that~~
3 ~~otherwise authorized or imprisoned for a term up to twice the term otherwise~~
4 ~~authorized or both.~~ the maximum term of imprisonment for the offense may be
5 increased as follows:

6 *~~4424/2.724~~* *~~3265/P1.114~~* SECTION 890. 961.48 (1) (a) and (b) of the
7 statutes are created to read:

8 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

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

10 *~~4424/2.725~~* *~~3265/P1.115~~* SECTION 891. 961.48 (2) of the statutes is
11 repealed.

12 *~~4424/2.726~~* *~~3265/P1.116~~* SECTION 892. 961.48 (2m) (a) of the statutes is
13 amended to read:

14 961.48 (2m) (a) Whenever a person charged with an a felony offense under this
15 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
16 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
17 convictions are alleged in the complaint, indictment or information or in an amended
18 complaint, indictment or information that is filed under par. (b) 1. A person is not
19 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
20 applicable prior convictions is withdrawn by an amended complaint filed under par.
21 (b) 2.

22 *~~4424/2.727~~* *~~3265/P1.117~~* SECTION 893. 961.48 (3) of the statutes is
23 amended to read:

24 961.48 (3) For purposes of this section, an a felony offense under this chapter
25 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the

1 offense, the offender has at any time been convicted of any felony or misdemeanor
2 offense under this chapter or under any statute of the United States or of any state
3 relating to controlled substances or controlled substance analogs, narcotic drugs,
4 marijuana or depressant, stimulant or hallucinogenic drugs.

5 *~~4424/2.728~~* *~~3265/P1.118~~* SECTION 894. 961.48 (4) of the statutes is
6 repealed.

7 *~~4424/2.729~~* *~~3265/P1.119~~* SECTION 895. 961.49 (1) of the statutes is
8 renumbered 961.49.

9 *~~4424/2.730~~* *~~3265/P1.120~~* SECTION 896. 961.49 (2) of the statutes is
10 repealed.

11 *~~4424/2.731~~* *~~3265/P1.121~~* SECTION 897. 961.49 (3) of the statutes is
12 repealed.

13 *~~4424/2.732~~* *~~3265/P1.122~~* SECTION 898. 961.492 of the statutes is
14 repealed.

15 *~~4424/2.733~~* *~~0590/P5.406~~* SECTION 899. 968.255 (1) (a) 2. of the statutes
16 is amended to read:

17 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
18 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

19 *~~4424/2.734~~* *~~3266/P1.148~~* SECTION 900. 968.31 (1) (intro.) of the statutes,
20 as affected by 1997 Wisconsin Act 283, is amended to read:

21 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
22 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
23 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
24 ~~or both~~ is guilty of a Class H felony:

1 *~~4424/2.735~~* *~~3266/P1.149~~* **SECTION 901.** 968.34 (3) of the statutes, as
2 affected by 1997 Wisconsin Act 283, is amended to read:

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

5 *~~4424/2.736~~* *~~3266/P1.150~~* **SECTION 902.** 968.43 (3) of the statutes, as
6 affected by 1997 Wisconsin Act 283, is amended to read:

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

10 *~~4424/2.737~~* *~~0590/P5.407~~* **SECTION 903.** 969.08 (10) (a) of the statutes is
11 amended to read:

12 969.08 (10) (a) "Commission of a serious crime" includes a solicitation,
13 conspiracy or attempt, under s. 939.30, 939.31, or 939.32 ~~or 948.35~~, to commit a
14 serious crime.

15 *~~4424/2.738~~* *~~0590/P5.408~~* **SECTION 904.** 969.08 (10) (b) of the statutes is
16 amended to read:

17 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),
18 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
19 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
20 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
21 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
22 943.23 (1g), ~~(1m) or (1r)~~, 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1)
23 or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

24 *~~4424/2.739~~* *~~0590/P5.409~~* **SECTION 905.** 971.17 (1) of the statutes is
25 renumbered 971.17 (1) (a) and amended to read:

1 971.17 (1) (a) Felonies committed before the effective date of this paragraph
2 [revisor inserts date]. ~~When~~ Except as provided in par. (c), when a defendant is found
3 not guilty by reason of mental disease or mental defect of a felony committed before
4 the effective date of this paragraph [revisor inserts date], the court shall commit
5 the person to the department of health and family services for a specified period not
6 exceeding two-thirds of the maximum term of imprisonment that could be imposed
7 under s. 973.15 (2) (a) against an offender convicted of the same ~~crime or crimes~~
8 felony or felonies, including imprisonment authorized by ss. ~~346.65 (2) (f), (2j) (d) or~~
9 ~~(3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25~~
10 ~~(1b) and 961.48~~ and other any applicable penalty enhancement statutes, as
11 applicable, subject to the credit provisions of s. 973.155.

12 (c) Felonies punishable by life imprisonment. ~~If the maximum term of~~
13 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
14 mental defect of a felony that is punishable by life imprisonment, the commitment
15 period specified by the court may be life, subject to termination under sub. (5).

16 *~~4424/2.740~~* *~~0590/P5.410~~* **SECTION 906.** 971.17 (1) (b) of the statutes is
17 created to read:

18 971.17 (1) (b) Felonies committed on or after the effective date of this paragraph
19 [revisor inserts date]. Except as provided in par. (c), when a defendant is found
20 not guilty by reason of mental disease or mental defect of a felony committed on or
21 after the effective date of this paragraph [revisor inserts date], the court shall
22 commit the person to the department of health and family services for a specified
23 period not exceeding the maximum term of confinement in prison that could be
24 imposed on an offender convicted of the same felony or felonies under ss. 973.01 (2)

1 (b) and 973.15 (2) (a), plus imprisonment authorized by any applicable penalty
2 enhancement statutes, subject to the credit provisions of s. 973.155.

3 *~~4424/2.741~~* *~~0590/P5.411~~* SECTION 907. 971.17 (1) (d) of the statutes is
4 created to read:

5 971.17 (1) (d) *Misdemeanors*. When a defendant is found not guilty by reason
6 of mental disease or mental defect of a misdemeanor, the court shall commit the
7 person to the department of health and family services for a specified period not
8 exceeding two-thirds of the maximum term of imprisonment that could be imposed
9 under s. 973.15 (2) (a) against an offender convicted of the same misdemeanor or
10 misdemeanors, including imprisonment authorized by any applicable penalty
11 enhancement statutes, subject to the credit provisions of s. 973.155.

12 *~~4424/2.742~~* *~~3265/P1.123~~* SECTION 908. 971.365 (1) (c) of the statutes is
13 amended to read:

14 971.365 (1) (c) In any case under s. 961.41 (3g) ~~(a) 2. (am)~~, (c), (d) or (e) involving
15 more than one violation, all violations may be prosecuted as a single crime if the
16 violations were pursuant to a single intent and design.

17 *~~4424/2.743~~* *~~3265/P1.124~~* SECTION 909. 971.365 (2) of the statutes is
18 amended to read:

19 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
20 prosecution for any acts in violation of s. 961.41 (1) (cm), (d), (e), (f), (g) or (h), (1m)
21 (cm), (d), (e), (f), (g) or (h) or (3g) (a) 2. ~~(am)~~, (c), (d) or (e) on which no evidence was
22 received at the trial on the original charge.

23 *~~4424/2.744~~* *~~0590/P5.412~~* SECTION 910. 973.01 (1) of the statutes is
24 amended to read:

1 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
2 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
3 for a felony committed on or after December 31, 1999, but before the effective date
4 of this subsection [revisor inserts date], or for a crime committed on or after the
5 effective date of this subsection [revisor inserts date], the court shall impose a
6 bifurcated sentence that consists of a term of confinement in prison followed by a
7 term of extended supervision under s. 302.113 this section.

8 *~~4424/2.745~~* SECTION 911. 973.01 (2) (intro.) of the statutes is amended to
9 read:

10 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
11 that a A bifurcated sentence is a sentence that consists of a term of confinement in
12 prison followed by a term of extended supervision under s. 302.113. The total length
13 of a bifurcated sentence equals the length of the term of confinement in prison plus
14 the length of the term of extended supervision. A bifurcated sentence imposed under
15 sub. (1) complies this section shall comply with all of the following:

16 *~~4424/2.746~~* SECTION 912. 973.01 (2) (a) of the statutes is amended to read:

17 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
18 the total length of the bifurcated sentence may not exceed the maximum period of
19 imprisonment ~~for the~~ specified in s. 939.50 (3), if the crime is a classified felony, or
20 the maximum term of imprisonment provided by statute for the crime, if the crime
21 is not a classified felony, plus additional imprisonment authorized by any applicable
22 penalty enhancement statutes.

23 *~~4424/2.747~~* *~~0590/P5.414~~* SECTION 913. 973.01 (2) (b) (intro.) of the
24 statutes is amended to read:

1 973.01 (2) (b) *Imprisonment portion of bifurcated sentence.* (intro.) The portion
2 of the bifurcated sentence that imposes a term of confinement in prison may not be
3 less than one year, ~~subject to any minimum sentence prescribed for the felony~~, and,
4 except as provided in par. (c), may not exceed whichever of the following is applicable:

5 *~~4424/2.748~~* *~~0590/P5.416~~* **SECTION 914.** 973.01 (2) (b) 2. of the statutes
6 is repealed.

7 *~~4424/2.749~~* *~~0590/P5.417~~* **SECTION 915.** 973.01 (2) (b) 3. of the statutes
8 is amended to read:

9 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
10 not exceed ~~10~~ 25 years.

11 *~~4424/2.750~~* *~~0590/P5.418~~* **SECTION 916.** 973.01 (2) (b) 4. of the statutes
12 is amended to read:

13 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
14 not exceed ~~5~~ 15 years.

15 *~~4424/2.751~~* *~~0590/P5.419~~* **SECTION 917.** 973.01 (2) (b) 5. of the statutes
16 is amended to read:

17 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
18 not exceed ~~2~~ 10 years.

19 *~~4424/2.752~~* *~~0590/P5.420~~* **SECTION 918.** 973.01 (2) (b) 6. of the statutes
20 is renumbered 973.01 (2) (b) 10. and amended to read:

21 973.01 (2) (b) 10. For any ~~felony~~ crime other than a felony specified in subds.
22 1. to ~~5~~, 9, the term of confinement in prison may not exceed ~~75%~~ of the total length
23 of the bifurcated sentence.

24 *~~4424/2.753~~* *~~0590/P5.421~~* **SECTION 919.** 973.01 (2) (b) 6m. of the statutes
25 is created to read:

1 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
2 not exceed 7 years and 6 months.

3 *~~4424/2.754~~* *~~0590/P5.422~~* **SECTION 920.** 973.01 (2) (b) 7. of the statutes
4 is created to read:

5 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
6 not exceed 5 years.

7 *~~4424/2.755~~* *~~0590/P5.423~~* **SECTION 921.** 973.01 (2) (b) 8. of the statutes
8 is created to read:

9 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
10 not exceed 3 years.

11 *~~4424/2.756~~* *~~0590/P5.424~~* **SECTION 922.** 973.01 (2) (b) 9. of the statutes
12 is created to read:

13 973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not
14 exceed one year and 6 months.

15 *~~4424/2.757~~* **SECTION 923.** 973.01 (2) (c) of the statutes is renumbered 973.01
16 (2) (c) 1. and amended to read:

17 973.01 (2) (c) 1. The Subject to the minimum period of extended supervision
18 required under par. (d), the maximum term of confinement in prison specified in par.
19 (b) may be increased by any applicable penalty enhancement statute. If the
20 maximum term of confinement in prison specified in par. (b) is increased under this
21 paragraph, the total length of the bifurcated sentence that may be imposed is
22 increased by the same amount.

23 *~~4424/2.758~~* **SECTION 924.** 973.01 (2) (c) 2. of the statutes is created to read:

1 973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes
2 apply to a crime, the court shall apply them in the order listed in calculating the
3 maximum term of imprisonment for that crime:

4 a. Sections 939.621, 939.632, 939.645, 961.46 and 961.49.

5 b. Section 939.63.

6 c. Section 939.62 or 961.48.

7 *~~4424/2.759~~* *~~0590/P5.426~~* **SECTION 925.** 973.01 (2) (d) of the statutes is
8 renumbered 973.01 (2) (d) (intro.) and amended to read:

9 973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)
10 The term of extended supervision that follows the term of confinement in prison may
11 not be less than 25% of the length of the term of confinement in prison imposed under
12 par. (b)- and, for a classified felony, may not exceed whichever of the following is
13 applicable:

14 *~~4424/2.760~~* *~~0590/P5.427~~* **SECTION 926.** 973.01 (2) (d) 1. to 6. of the
15 statutes are created to read:

16 973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not
17 exceed 20 years.

18 2. For a Class C felony, the term of extended supervision may not exceed 15
19 years.

20 3. For a Class D felony, the term of extended supervision may not exceed 10
21 years.

22 4. For a Class E, F or G felony, the term of extended supervision may not exceed
23 5 years.

24 5. For a Class H felony, the term of extended supervision may not exceed 3
25 years.

1 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

2 *~~4424/2.761~~* *~~3370/P2.8~~* **SECTION 927.** 973.01 (4) of the statutes is
3 amended to read:

4 973.01 (4) **NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
5 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
6 confinement in prison portion of the sentence without reduction for good behavior.
7 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
8 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

9 *~~4424/2.762~~* **SECTION 928.** 973.01 (5) of the statutes is amended to read:

10 973.01 (5) **OTHER EXTENDED SUPERVISION CONDITIONS.** Whenever the court
11 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
12 the term of extended supervision, including drug treatment under s. 973.031.

13 *~~4424/2.763~~* **SECTION 929.** 973.01 (7m) of the statutes is created to read:

14 973.01 (7m) **MODIFICATION OF BIFURCATED SENTENCE.** A court may at any time
15 modify a bifurcated sentence that the court previously imposed by reducing the term
16 of confinement in prison portion of the sentence and lengthening the term of
17 extended supervision imposed so that the total length of the bifurcated sentence
18 originally imposed does not change. A proceeding to modify a bifurcated sentence
19 under this subsection shall be conducted using the procedure established and the
20 factors specified by the director of state courts under s. 758.19 (8).

21 *~~4424/2.764~~* *~~0590/P5.428~~* **SECTION 930.** 973.0135 (1) (b) 2. of the statutes
22 is amended to read:

23 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
24 or (1r), 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., s.
25 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,

1 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
2 ~~(1m) or (1r)~~, 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
3 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

4 *~~4424/2.765~~* *~~0590/P5.429~~* SECTION 931. 973.017 of the statutes is created
5 to read:

6 **973.017 Bifurcated sentences; use of guidelines; consideration of**
7 **aggravating and mitigating factors.** (1) DEFINITION. In this section, “sentencing
8 decision” means a decision as to whether to impose a bifurcated sentence under s.
9 973.01 or to place a person on probation and a decision as to the length of a bifurcated
10 sentence, including the length of each component of the bifurcated sentence, the
11 amount of a fine and the length of a term of probation.

12 (2) GENERAL REQUIREMENT. When a court makes a sentencing decision
13 concerning a person convicted of a criminal offense committed on or after the
14 effective date of this subsection [revisor inserts date], the court shall consider all
15 of the following:

16 (a) If the offense is a felony, the sentencing guidelines adopted by the
17 sentencing commission under s. 973.30 or, if the sentencing commission has not
18 adopted a guideline for the offense, any applicable temporary sentencing guideline
19 adopted by the criminal penalties study committee created under 1997 Wisconsin
20 Act 283.

21 (b) Any applicable mitigating factors and any applicable aggravating factors,
22 including the aggravating factors specified in subs. (3) to (8).

23 (3) AGGRAVATING FACTORS; GENERALLY. When making a sentencing decision for
24 any crime, the court shall consider all of the following as aggravating factors:

1 (a) The fact that the person committed the crime while his or her usual
2 appearance was concealed, disguised or altered, with the intent to make it less likely
3 that he or she would be identified with the crime.

4 (b) The fact that the person committed the crime using information that was
5 disclosed to him or her under s. 301.46.

6 (c) The fact that the person committed the crime for the benefit of, at the
7 direction of or in association with any criminal gang, as defined in s. 939.22 (9), with
8 the specific intent to promote, further or assist in any criminal conduct by criminal
9 gang members, as defined in s. 939.22 (9g).

10 (d) The fact that the person committed the felony while wearing a vest or other
11 garment designed, redesigned or adapted to prevent bullets from penetrating the
12 garment.

13 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the
14 intent to influence the policy of a governmental unit or to punish a governmental unit
15 for a prior policy decision, if any of the following circumstances also applies to the
16 felony committed by the person:

17 a. The person caused bodily harm, great bodily harm or death to another.

18 b. The person caused damage to the property of another and the total property
19 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.
20 b., property is reduced in value by the amount that it would cost either to repair or
21 to replace it, whichever is less.

22 c. The person used force or violence or the threat of force or violence.

23 2. a. In this subdivision, "labor dispute" includes any controversy concerning
24 terms, tenure or conditions of employment, or concerning the association or
25 representation of persons in negotiating, fixing, maintaining, changing or seeking

1 to arrange terms or conditions of employment, regardless of whether the disputants
2 stand in the proximate relation of employer and employe.

3 b. Subdivision 1. does not apply to conduct arising out of or in connection with
4 a labor dispute.

5 **(4) AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH**
6 **CERTAIN DISEASES.** (a) In this subsection:

7 1. "HIV" means any strain of human immunodeficiency virus, which causes
8 acquired immunodeficiency syndrome.

9 2. "Serious sex crime" means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
10 or 948.025.

11 3. "Sexually transmitted disease" means syphilis, gonorrhea, hepatitis B,
12 hepatitis C or chlamydia.

13 4. "Significantly exposed" means sustaining a contact which carries a potential
14 for transmission of a sexually transmitted disease or HIV by one or more of the
15 following:

16 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
17 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
18 amniotic fluid; or other body fluid that is visibly contaminated with blood.

19 b. Exchange, during the accidental or intentional infliction of a penetrating
20 wound, including a needle puncture, of blood; semen; vaginal secretions;
21 cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other
22 body fluid that is visibly contaminated with blood.

23 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
24 a significant breakdown in the epidermal barrier has occurred, of blood; semen;

1 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
2 amnioti fluid; or other body fluid that is visibly contaminated with blood.

3 (b) When making a sentencing decision concerning a person convicted of a
4 serious sex crime, the court shall consider as an aggravating factor the fact that the
5 serious sex crime was committed under all of the following circumstances:

6 1. At the time that he or she committed the serious sex crime, the person
7 convicted of committing the serious sex crime had a sexually transmitted disease or
8 acquired immunodeficiency syndrome or had had a positive test for the presence of
9 HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

10 2. At the time that he or she committed the serious sex crime, the person
11 convicted of committing the serious sex crime knew that he or she had a sexually
12 transmitted disease or acquired immunodeficiency syndrome or that he or she had
13 had a positive test for the presence of HIV, antigen or nonantigenic products of HIV
14 or an antibody to HIV.

15 3. The victim of the serious sex crime was significantly exposed to HIV or to the
16 sexually transmitted disease, whichever is applicable, by the acts constituting the
17 serious sex crime.

18 **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON. (a)**

19 In this subsection:

20 1. "Elder person" means any individual who is 62 years of age or older.

21 2. "Violent felony" means any felony under s. 940.19 (2), (4), (5) or (6), 940.225
22 (1), (2) or (3), 940.23 or 943.32.

23 (b) When making a sentencing decision concerning a person convicted of a
24 violent felony, the court shall consider as an aggravating factor the fact that the

1 victim of the violent felony was an elder person. This paragraph applies even if the
2 person mistakenly believed that the victim had not attained the age of 62 years.

3 (6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN
4 PERSONS. (a) In this subsection, “person responsible for the welfare the child”
5 includes the child’s parent, stepparent, guardian, foster parent or treatment foster
6 parent; an employe of a public or private residential home, institution or agency; any
7 other person legally responsible for the child’s welfare in a residential setting; or a
8 person employed by one who is legally responsible for the child’s welfare to exercise
9 temporary control or care for the child.

10 (b) When making a sentencing decision concerning a person convicted of a
11 violation of s. 948.02 (1) or (2), 948.025 (1) or 948.03 (2) or (3), the court shall consider
12 as an aggravating factor the fact that the person was a person responsible for the
13 welfare of the child who was the victim of the violation.

14 (7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.
15 When making a sentencing decision concerning a person convicted of a violation of
16 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
17 that, at the time of the violation, there was a minor passenger under 16 years of age
18 or an unborn child in the person’s motor vehicle.

19 (8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES. (a) *Distribution*
20 *or delivery to prisoners.* 1. In this paragraph, “precinct” means a place where any
21 activity is conducted by a prison, jail or house of correction.

22 2. When making a sentencing decision concerning a person convicted of
23 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
24 fact that the violation involved delivering, distributing or possessing with intent to

1 deliver or distribute a controlled substance or controlled substance analog to a
2 prisoner within the precincts of any prison, jail or house of correction.

3 (b) *Distribution or delivery on public transit vehicles.* When making a
4 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
5 the court shall consider as an aggravating factor the fact that the violation involved
6 delivering, distributing or possessing with intent to deliver or distribute a controlled
7 substance included in schedule I or II or a controlled substance analog of any
8 controlled substance included in schedule I or II and that the person knowingly used
9 a public transit vehicle during the violation.

10 (9) **AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME.** The aggravating factors
11 listed in this section are not elements of any crime. A prosecutor is not required to
12 charge any aggravating factor or otherwise allege the existence of an aggravating
13 factor in any pleading for a court to consider the aggravating factor when making a
14 sentencing decision.

15 (10) **USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL.** The requirement
16 under sub. (2) (a) that a court consider sentencing guidelines adopted by the
17 sentencing commission or the criminal penalties study committee does not require
18 a court to make a sentencing decision that is within any range or consistent with a
19 recommendation specified in the guidelines, and there is no right to appeal a court's
20 sentencing decision based on the court's decision to depart in any way from any
21 guideline.

22 (11) **REQUIRED FINDINGS OF FACT.** The court shall make explicit findings of fact
23 on the record to support each element of its sentencing decision, including its decision
24 as to whether to impose a bifurcated sentence under s. 973.01 or to place a person
25 on probation and its decision as to the length of a bifurcated sentence, including the

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1 length of each component of the bifurcated sentence, the amount of a fine and the
2 length of a term of probation.

3 **(12) STANDARD OF REVIEW ON APPEAL.** In an appeal from a court's sentencing
4 decision, the appellate court shall reverse the sentencing decision if it determines
5 that the sentencing court erroneously exercised its discretion in making the
6 sentencing decision or there is not substantial evidence in the record to support the
7 sentencing decision.

8 ***-4424/2.766* *-0590/P5.430* SECTION 932.** 973.03 (3) (e) 1. and 2. of the
9 statutes are amended to read:

10 973.03 (3) (e) 1. A crime which is a Class A ~~or~~ B or C felony.

11 2. A crime which is a Class ~~C~~ D, E, F or G felony listed in s. 969.08 (10) (b), but
12 not including any crime specified in s. 943.10.

13 ***-4424/2.767* *-0590/P5.431* SECTION 933.** 973.03 (3) (e) 3. of the statutes
14 is repealed.

15 ***-4424/2.768* SECTION 934.** 973.031 of the statutes is created to read:

16 **973.031 Court-ordered drug treatment.** Whenever the court imposes a
17 sentence or places a person on probation for any offense committed on or after July
18 1, 2000, the court may order the person to participate in a drug treatment program
19 as a condition of probation or, in the case of a person sentenced under s. 973.01, while
20 the person is in prison or as a condition of extended supervision or both. The court
21 may order the department to pay for the cost of drug treatment under this section
22 from the appropriation under s. 20.410 (1) (a) for persons in jail or prison or under
23 s. 20.410 (1) (b) for persons on probation or extended supervision.

24 ***-4424/2.769* *-0590/P5.432* SECTION 935.** 973.032 (4) (c) 2. of the statutes
25 is amended to read:

1 973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~
2 to a sentence of imprisonment concurrent with the sentence to the intensive
3 sanctions program.

4 *~~4424/2.770~~* *~~0590/P5.433~~* **SECTION 936.** 973.075 (1) (b) 1m. e. of the
5 statutes is amended to read:

6 973.075 (1) (b) 1m. e. To cause more than ~~\$1,000~~ \$2,000 worth of criminal
7 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

8 *~~4424/2.771~~* *~~0590/P5.434~~* **SECTION 937.** 973.075 (2) (d) of the statutes is
9 amended to read:

10 973.075 (2) (d) The officer has probable cause to believe that the property was
11 derived from or realized through a crime or that the property is a vehicle which was
12 used to transport any property or weapon used or to be used or received in the
13 commission of any felony, which was used in the commission of a crime relating to
14 a submerged cultural resource in violation of s. 44.47 or which was used to cause
15 more than ~~\$1,000~~ \$2,000 worth of criminal damage to cemetery property in violation
16 of s. 943.01 (2) (d) or 943.012.

17 *~~4424/2.772~~* *~~0590/P5.435~~* **SECTION 938.** 973.09 (2) (b) 1. of the statutes
18 is amended to read:

19 973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one
20 year nor more than either the ~~statutory~~ maximum term of ~~imprisonment~~
21 confinement in prison for the crime, as specified in s. 973.01 (2) (b), or 3 years,
22 whichever is greater.

23 *~~4424/2.773~~* **SECTION 939.** 973.09 (6) of the statutes is created to read:

24 973.09 (6) The court may require as a condition of probation that the person
25 participate in a drug treatment program under s. 973.031.

1 *~~4424/2.774~~* SECTION 940. 973.15 (2) (am) of the statutes is created to read:

2 973.15 (2) (am) 1. If a court provides that a bifurcated sentence imposed under
3 s. 973.01 is to run concurrent with or consecutive to a sentence to the Wisconsin state
4 prisons other than another bifurcated sentence imposed under s. 973.01, the court
5 shall do all of the following:

6 a. Order the term of confinement in prison under the bifurcated sentence to be
7 concurrent with or consecutive to the term of confinement in prison required under
8 the nonbifurcated sentence.

9 b. Order the period of parole under the nonbifurcated sentence to be concurrent
10 with or consecutive to the term of extended supervision required under the
11 bifurcated sentence.

12 2. If a court imposes a sentence to the Wisconsin state prisons that is not a
13 bifurcated sentence imposed under s. 973.01 and provides that the nonbifurcated
14 sentence is to run concurrent with or consecutive to a bifurcated sentence under s.
15 973.01, the court shall do all of the following:

16 a. Order the term of confinement in prison under the nonbifurcated sentence
17 to be concurrent with or consecutive to the term of confinement in prison required
18 under the bifurcated sentence.

19 b. Order the period of parole under the nonbifurcated sentence to be concurrent
20 with or consecutive to the term of extended supervision required under the
21 bifurcated sentence.

22 *~~4424/2.775~~* *~~3361/P2.14~~* SECTION 941. 973.30 of the statutes is created
23 to read:

24 **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission
25 shall do all of the following:

- 1 (a) Select an executive director having appropriate training and experience to
2 study sentencing practices and prepare proposed sentencing guidelines.
- 3 (b) Monitor and compile data regarding sentencing practices in the state.
- 4 (c) Adopt advisory sentencing guidelines for felonies committed on or after the
5 effective date of this paragraph ... [revisor inserts date], to promote public safety, to
6 reflect changes in sentencing practices and to preserve the integrity of the criminal
7 justice and correctional systems.
- 8 (d) Provide information to the legislature, state agencies and the public
9 regarding the costs to and other needs of the department which result from
10 sentencing practices.
- 11 (e) Provide information to judges and lawyers about the sentencing guidelines.
- 12 (f) Publish and distribute to all circuit judges hearing criminal cases an annual
13 report regarding its work, which shall include all sentencing guidelines and all
14 changes in existing sentencing guidelines adopted during the 12 months preceding
15 the report.
- 16 (g) Study whether race is a basis for imposing sentences in criminal cases and
17 submit a report and recommendations on this issue to the governor, to each house
18 of the legislature under s. 13.172 (2) and to the supreme court.
- 19 (h) Assist the legislature in assessing the cost of enacting new or revising
20 existing statutes affecting criminal sentencing.
- 21 (i) At least semiannually, submit reports to all circuit judges, and to the chief
22 clerk of each house of the legislature for distribution to the appropriate standing
23 committees under s. 13.172 (3), containing statistics regarding criminal sentences
24 imposed in this state. Each report shall have a different focus and need not contain

1 statistics regarding every crime. Each report shall contain information regarding
2 sentences imposed statewide and in each of the following geographic areas:

- 3 1. Milwaukee County.
- 4 2. Dane and Rock counties.
- 5 3. Brown, Outagamie, Calumet and Winnebago counties.
- 6 4. Racine and Kenosha counties.
- 7 5. All other counties.

8 (j) Study how sentencing options affect various types of offenders and offenses.

9 (2) STAFF. Subject to authorization under s. 16.505, the sentencing commission
10 may hire staff to assist it in the performance of its duties.

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

12 ~~*-4424/2.776*~~ ~~*-3370/P2.9*~~ SECTION 942. 977.05 (4) (jm) of the statutes is
13 created to read:

14 977.05 (4) (jm) At the request of an inmate determined by the state public
15 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent
16 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
17 (9g) before a program review committee and the sentencing court, if the state public
18 defender determines the case should be pursued.

19 ~~*-4424/2.777*~~ ~~*-3266/P1.151*~~ SECTION 943. 977.06 (2) (b) of the statutes, as
20 affected by 1997 Wisconsin Act 283, is amended to read:

21 977.06 (2) (b) A person who makes a false representation that he or she does
22 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~
23 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
24 is guilty of a Class I felony.

1 *~~4424/2.778~~* *~~0590/P5.436~~* **SECTION 944.** 978.13 (1) (c) of the statutes, as
2 affected by 1999 Wisconsin Act 9, is amended to read:

3 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
4 fringe benefit costs of clerk positions in the district attorney's office necessary for the
5 prosecution of violent crime cases primarily involving felony violations under s.
6 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
7 940.06, 940.225, 943.23 (1g), ~~(1m)~~ and ~~(1r)~~ and 943.32 (2). The state treasurer shall
8 pay the amount authorized under this paragraph to the county treasurer pursuant
9 to a voucher submitted by the district attorney to the secretary of administration
10 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
11 may not exceed \$94,400 in the 1999–2000 fiscal year and \$97,200 in the 2000–01
12 fiscal year.

13 *~~4424/2.779~~* **SECTION 945.** 1997 Wisconsin Act 283, section 454 (1) (f) is
14 amended to read:

15 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
16 The committee shall submit a report of its findings and recommendations to the
17 legislature in the manner provided under section 13.172 (2) of the statutes and to the
18 governor. The report shall include any proposed legislation that is necessary to
19 implement the recommendations made by the committee in its report.

20 *~~4424/2.780~~* **SECTION 946.** 1997 Wisconsin Act 283, section 454 (2) is
21 amended to read:

22 [1997 Wisconsin Act 283] Section 454 (2) **ATTORNEY PROJECT POSITION.** The
23 authorized FTE positions for the department of administration are increased by 1.0
24 GPR attorney project position, to be funded from the appropriation under section
25 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal

1 penalties study committee established under subsection (1), for the period ending on
2 April 30, 1999 June 30, 2000.

3 ***-4423/1.10* SECTION 947.** 1999 Wisconsin Act 9, section 9443 (24e) is
4 amended to read:

5 [1999 Wisconsin Act 9] Section 9443 (24e) LOTTERY FUND. The repeal and
6 recreation of sections 25.75 (1) (b), 71.07 (3m) (b) 1. a. and (c) 3., 71.28 (2m) (b) 1. a.
7 and (c) 3., 71.47 (2m) (b) 1. a. and (c) 3. and 79.10 (11) (b) of the statutes and the
8 creation of section 25.75 (1) (c) 3. and (3) (b) and (e) of the statutes take effect on the
9 effective date of the 2001 2001-03 budget act.

10 ***-4424/2.9101* SECTION 9101. Nonstatutory provisions;**
11 **administration.**

12 (1) DISTRICT ATTORNEY POSITION REALLOCATIONS.

13 (a) *Increased allocations.* Of the authorized FTE GPR assistant district
14 attorney positions for the department of administration funded from the
15 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
16 allocated to the prosecutorial unit of Taylor County is increased by 0.2 position.

17 (b) *Decreased allocations.* Of the authorized FTE GPR assistant district
18 attorney positions for the department of administration funded from the
19 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
20 allocated to the prosecutorial unit of Rusk County is decreased by 0.2 position.

21 ***-4438/1.9104* SECTION 9104. Nonstatutory provisions; agriculture,**
22 **trade and consumer protection.**

23 (1) BOARD COMPOSITION. Notwithstanding the length of term for members of the
24 board of agriculture, trade and consumer protection under section 15.13, 1997 stats.,

1 the 2 members who are consumer representatives shall cease to hold office on July
2 1, 2000.

3 ✓ ~~*-4441/1.9104*~~ **SECTION 9104. Nonstatutory provisions; agriculture,**
4 **trade and consumer protection.**

5 (1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.

6 (a) *Assets and liabilities.* On July 1, 2000, all assets and liabilities of the
7 department of agriculture, trade and consumer protection that are primarily related
8 to the consumer protection investigation and enforcement functions performed by
9 the department of justice under chapters 100, 134, 136, 344, 704, 707 and 779, 1993
10 stats., or are primarily related to programs or functions transferred to the
11 department of justice under this act, shall become the assets and liabilities of the
12 department of justice. The departments of justice and agriculture, trade and
13 consumer protection shall jointly determine these assets and liabilities and shall
14 jointly develop and implement a plan for the orderly transfer thereof. In the event
15 of any disagreement between the departments, the joint committee on finance shall
16 decide the question.

17 (b) *Employe transfers.* On July 1, 2000, 16.8 FTE positions in the department
18 of agriculture trade and consumer protection that are primarily related to the
19 consumer protection investigation and enforcement functions performed by the
20 department of justice under chapters 100, 134, 136, 344, 704, 707 and 779, 1993
21 stats., or are primarily related to programs or functions transferred to the
22 department of justice this act, and the incumbents holding these positions, as
23 determined by the joint committee on finance are transferred to the department of
24 justice, to be funded from the appropriation under section 20.455 (1) (a) of the
25 statutes.

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1 (c) *Employee status.* Employees transferred under paragraph (b) have all the
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
3 statutes in the department of justice that they enjoyed in the department of
4 agriculture, trade and consumer protection immediately before the transfer.
5 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
6 has attained permanent status in class is required to serve a probationary period.

7 (d) *Supplies and equipment.* On July 1, 2000, all tangible personal property,
8 including records, of the department of agriculture, trade and consumer protection
9 that are primarily related to the consumer protection investigation and enforcement
10 functions performed by the department of justice under chapters 100, 134, 136, 344,
11 704, 707 and 779, 1993 stats., or are primarily related to programs or functions
12 transferred to the department of justice under this act, are transferred to the
13 department of justice. The departments of justice and agriculture, trade and
14 consumer protection shall jointly identify the tangible personal property, including
15 records, and shall jointly develop and implement a plan for the orderly transfer
16 thereof. In the event of any disagreement between the departments, the joint
17 committee on finance shall decide the question.

18 (e) *Pending matters.* On July 1, 2000, any matter pending with the department
19 of agriculture, trade and consumer protection that is primarily related to the
20 consumer protection investigation and enforcement functions performed by the
21 department of justice under chapters 100, 134, 136, 344, 704, 707 and 779, 1993
22 stats., or are primarily related to programs or functions transferred to the
23 department of justice under this act, are transferred to the department of justice.
24 All materials submitted or actions taken by the department of agriculture, trade and

1 consumer protection with respect to the pending matter are considered as having
2 been submitted to or taken by the department of justice.

3 (f) *Contracts.* On July 1, 2000, all contracts entered into by the department of
4 agriculture, trade and consumer protection or the department of justice that are
5 primarily related to the consumer protection investigation and enforcement
6 functions performed by the department of justice under chapters 100, 134, 136, 344,
7 704, 707 and 779, 1993 stats., or are primarily related to programs or functions
8 transferred to the department of justice under this act, and that are in effect on the
9 effective date of this paragraph, remain in effect and are transferred to the
10 department of justice. The departments of justice and agriculture, trade and
11 consumer protection shall jointly identify these contracts and shall jointly develop
12 and implement a plan for the orderly transfer thereof. In the event of any
13 disagreement between the departments, the joint committee on finance shall decide
14 the question. The department of justice shall carry out the obligations under these
15 contracts until the obligations are modified or rescinded by the department of justice
16 to the extent allowed under the contract.

17 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
18 trade and consumer protection or by the department of justice that are in effect on
19 the effective date of this paragraph and that are primarily related to the consumer
20 protection investigation and enforcement functions performed by the department of
21 justice under chapter 344, 1993 stats., or are primarily related to programs or
22 functions transferred to the department of justice under this act, remain in effect
23 until their specified expiration date or until amended or repealed by the department
24 of justice. All orders issued by the department of agriculture, trade and consumer
25 protection or by the department of justice that are in effect on the effective date of

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1 this paragraph and that are primarily related to the consumer protection
2 investigation and enforcement functions performed by the department of justice
3 under chapter 344, 1993 stats., or are primarily related to programs or functions
4 transferred to the department of justice under this act, remain in effect until their
5 specified expiration date or until modified or rescinded by the department of justice.

6 ***-4426/1.9107* SECTION 9107. Nonstatutory provisions; building**
7 **commission.**

8 (1) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act 9,
9 section 9107 (1), the following project is added to the 1999-2001 state building
10 program and the appropriate totals are increased by the amounts shown:

11 (a) In paragraph (c) 1., under projects financed by

12 general fund supported borrowing:

13 Digital television conversion \$13,220,800

14 (2) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act 9,
15 section 9107 (1), the following project is added to the 1999-2001 state building
16 program and the appropriate totals are increased by the amounts shown:

17 (a) In paragraph (i) 1., under projects financed by

18 general fund supported borrowing:

19 System — Digital television conversion \$1,700,000

20 (3) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act 9,
21 section 9107 (1), the following new paragraph is created to add the following new
22 project to the 1999-2001 state building program and the appropriate totals are
23 increased by the amounts shown:

1 (L) MILWAUKEE AREA TECHNICAL COLLEGE

2 1. *Projects financed by general fund supported*3 *borrowing:*

4 Digital television conversion \$3,500,000

5 2. *Agency totals:*6 General fund supported borrowing 3,500,000

7 Total — All sources of funds \$3,500,000

8 ***-4424/2.9111* SECTION 9111. Nonstatutory provisions; corrections.**

9 (1) INITIAL IMPLEMENTATION OF CASELOAD REDUCTION REQUIREMENTS. The
10 department of corrections shall develop a plan to implement section 301.03 (3a) of
11 the statutes, as created by this act, which it shall submit to the joint committee on
12 finance no later than May 1, 2000. No later than July 1, 2000, the department shall
13 begin reducing caseloads for probation, extended supervision and parole agents in
14 Brown, Dane, Kenosha, Milwaukee, Racine and Rock counties who supervise more
15 than 20 persons on probation, extended supervision or parole.

16 ***-4422/2.9123* SECTION 9123. Nonstatutory provisions; health and**
17 **family services.**

18 (1) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY PERSONS; ADMINISTRATION. The
19 department of health and family services may request the joint committee on finance
20 to supplement, from the appropriation account under section 20.865 (4) (a) of the
21 statutes, the appropriation account under section 20.435 (4) (a) of the statutes, to pay
22 the costs of staffing and administration of the program of prescription drug
23 assistance for elderly persons under section 49.688 of the statutes, as created by this
24 act. If the department of health and family services requests supplementation of the

1 appropriation account under section 20.435 (4) (a) of the statutes, the department
2 shall submit a plan to the joint committee on finance to expend not more than
3 \$1,000,000 for fiscal year 1999–2000. The plan shall be based on a review by the
4 department of health and family services of the pharmacy assistance programs of
5 other states and the feasibility of contracting with the medical assistance fiscal agent
6 for this state to administer the program under section 49.688 of the statutes, as
7 created by this act. If the cochairpersons of the committee do not notify the secretary
8 of the department within 14 working days after the date of the department's
9 submittal that the committee intends to schedule a meeting to review the request,
10 the appropriation account shall be supplemented as provided in the request. If,
11 within 14 working days after the date of the department's submittal, the
12 cochairpersons of the committee notify the secretary of the department that the
13 committee intends to schedule a meeting to review the request, the appropriation
14 account shall be supplemented only as approved by the committee. Notwithstanding
15 section 13.101 (3) (a) 1. of the statutes, the committee is not required to find that an
16 emergency exists.

17 ✓ ~~*-4436/1.9123*~~ **SECTION 9123. Nonstatutory provisions; health and**
18 **family services.**

19 (1) **FOOD PANTRY GRANT RULES.** Not later than the first day of the 6th month
20 beginning after the effective date of this subsection, the department of health and
21 family services shall promulgate any rules necessary to implement the grant
22 program under section 46.766 of the statutes, as created by this act. Prior to
23 promulgating the rules, however, the department of health and family services shall
24 convene a committee to advise the department regarding the department's proposed
25 rules. The committee shall be composed of all of the following:

- 1 (a) One representative of an emergency food provider.
- 2 (b) One representative of a food bank.
- 3 (c) One representative of a community action agency.
- 4 (d) One representative of a faith-based social services organization.
- 5 (e) One representative of the University of Wisconsin-Extension with
6 experience in hunger prevention policies.
- 7 (f) Two other persons with experience in hunger prevention and emergency food
8 distribution.

9 ***-4437/1.9130* SECTION 9130. Nonstatutory provisions; justice.**

10 (1) TRANSFER OF PUBLIC INTERVENOR EFFECTS.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of natural resources that on October 1, 1997, were
13 primarily related to the functions of the public intervenor, as determined by the
14 secretary of administration, shall become the assets and liabilities of the department
15 of justice.

16 (b) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of natural resources
18 that on October 1, 1997, was primarily related to the functions of the public
19 intervenor, as determined by the secretary of administration, is transferred to the
20 department of justice.

21 (c) *Contracts.* All contracts entered into by the department of natural resources
22 in effect on the effective date of this paragraph that are primarily related to the
23 functions of the public intervenor, as determined by the secretary of administration,
24 remain in effect and are transferred to the department of justice. The department

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1 of justice shall carry out any such contractual obligations unless modified or
2 rescinded by the department of justice to the extent allowed under the contract.

3 (d) *Rules and orders.* All rules promulgated by the department of natural
4 resources in effect on the effective date of this paragraph that are primarily related
5 to the functions of the public intervenor, as determined by the secretary of
6 administration, remain in effect until their specified expiration dates or until
7 amended or repealed by the department of justice. All orders issued by the
8 department of natural resources in effect on the effective date of this paragraph that
9 are primarily related to the functions of the public intervenor, as determined by the
10 secretary of administration, remain in effect until their specified expiration dates or
11 until modified or rescinded by the department of justice.

12 (e) *Pending matters.* Any matter pending with the department of natural
13 resources on the effective date of this paragraph that is primarily related to the
14 functions of the public intervenor, as determined by the secretary of administration,
15 is transferred to the department of justice and all materials submitted to or actions
16 taken by the department of natural resources with respect to the pending matter are
17 considered as having been submitted to or taken by the department of justice.

18 ***-4429/1.9139* SECTION 9139. Nonstatutory provisions; public**
19 **instruction.**

20 (1) FUNDING FOR ACHIEVEMENT GUARANTEE CONTRACT PROGRAM. Notwithstanding
21 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42
22 of the statutes for the purpose of the 2003–05 biennial budget bill, the department
23 of public instruction shall submit information concerning the appropriation under
24 section 20.255 (2) (cu) of the statutes, as affected by this act, as though the amount

1 of that appropriation in fiscal year 2002–03 had been increased by the amount
2 appropriated under section 20.255 (2) (cv) of the statutes in fiscal year 2002–03.

3 ~~*-4424/2.9158*~~ **SECTION 9158. Nonstatutory provisions; other.**

4 (1) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (26)
5 (c) 1. of the statutes, as created by this act, the initial members of the sentencing
6 commission shall be appointed for the following terms:

7 (a) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
8 created by this act, one of whom is not employed by any unit of federal, state or local
9 government and one circuit judge, for terms expiring on January 1, 2001.

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

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

17 (2) POSITION AUTHORIZATION. There is authorized for the sentencing commission
18 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position and
19 4.0 FTE GPR other positions to be funded from the appropriation under section
20 20.505 (4) (dr) of the statutes, as created by this act.

21 (3) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing
22 commission created under section 973.30 of the statutes, as created by this act, are
23 appointed, the criminal penalties study committee shall provide information to
24 lawyers, judges, the legislature and the public regarding this act.

25 ~~*-4442/1.9158*~~ **SECTION 9158. Nonstatutory provisions; other.**

1 (1) COPIES OF THE MASTER SETTLEMENT AGREEMENT. The department of
2 administration shall provide a copy of the master settlement agreement to each
3 public library system, as defined in section 43.01 (5) of the statutes. “Master
4 settlement agreement” means the settlement agreement and related documents
5 entered into on November 23, 1998, by this state and the leading U.S. tobacco product
6 manufacturers.

7 (2) ADMINISTRATIVE REGISTER. The revisor of statutes shall, within 60 days after
8 the effective date of this subsection, publish a copy of the master settlement
9 agreement in the Wisconsin Administrative Register. “Master settlement
10 agreement” means the settlement agreement and related documents entered into on
11 November 23, 1998, by this state and the leading U.S. tobacco product
12 manufacturers.

13 (3) EXCISE TAX PAID ON CIGARETTES; RULES.

14 (a) Using the procedure under section 227.24 of the statutes, the department
15 of revenue shall submit in proposed form the rules required under section 895.10 (4)
16 of the statutes, as created by this act, to the legislative council under section 227.15
17 (1) of the statutes no later than the first day of the 4th month beginning after the
18 effective date of this paragraph.

19 (b) Using the procedure under section 227.24 of the statutes, the department
20 of revenue may promulgate rules required under section 895.10 (4) of the statutes,
21 as created by this act, for the period before the effective date of the rules submitted
22 under paragraph (a), but not to exceed the period authorized under section 227.24
23 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b) and (3)
24 of the statutes, the department is not required to provide evidence that promulgating
25 a rule under this paragraph as an emergency rule is necessary for the preservation

1 of the public peace, health, safety or welfare and is not required to provide a finding
2 of emergency for a rule promulgated under this paragraph.

3 ***-4424/2.9201* SECTION 9201. Appropriation changes; administration.**

4 (1) ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS. In the schedule under
5 section 20.005 (3) of the statutes for the appropriation to the department of
6 administration under section 20.475 (1) (d) of the statutes, as affected by the acts of
7 1999, the dollar amount is increased by \$998,100 for fiscal year 2000–01 to increase
8 the authorized FTE positions for the department of administration by 20.75 GPR
9 positions on July 1, 2000, for assistant district attorney positions as follows: 0.25
10 position for Adams County; 1.0 position for Burnett County; 0.25 position for
11 Chippewa County; 0.5 position for Columbia County; 2.5 positions for Dane County;
12 0.25 position for Jefferson County; 0.5 position for Kenosha County; 0.5 position for
13 LaCrosse County; 1.0 position for Manitowoc County; 1.0 position for Marathon
14 County; 7.0 positions for Milwaukee County; 0.5 position for Oneida County; 0.5
15 position for Outagamie County; 1.0 position for Polk County; 0.5 position for Portage
16 County; 0.75 position for Rock County; 1.0 position for Sauk County, to serve
17 Marquette and Sauk counties; 0.5 position for Sheboygan County; and 1.25 positions
18 for Winnebago County.

19 (2) CRIMINAL PENALTIES STUDY COMMITTEE. In the schedule under section 20.005
20 (3) of the statutes for the appropriation to the department of administration under
21 section 20.505 (3) (c) of the statutes, as affected by the acts of 1999, the dollar amount
22 is increased by \$112,500 for fiscal year 1999–00 to fund the activities of the criminal
23 penalties study committee created under 1997 Wisconsin Act 283, section 454 (1).

24 ***-4441/1.9204* SECTION 9204. Appropriation changes; agriculture,**
25 **trade and consumer protection.**

1 (1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS. In the schedule
2 under section 20.005 (3) of the statutes for the appropriation to the department of
3 agriculture, trade and consumer protection under section 20.115 (1) (a) of the
4 statutes, as affected by the acts of 1999, the dollar amount is decreased by \$953,200
5 for fiscal year 2000-01 to decrease funding for the purpose for which the
6 appropriation is made.

7 *~~4420/2.9223~~* **SECTION 9223. Appropriation changes; health and**
8 **family services.**

9 (1) BADGER CARE HEALTH CARE PROGRAM. In the schedule under section 20.005
10 (3) of the statutes for the appropriation to the department of health and family
11 services under section 20.435 (4) (bc) of the statutes, as affected by the acts of 1999,
12 the dollar amount is increased by \$1,658,200 for fiscal year 1999-00 and the dollar
13 amount is increased by \$11,589,000 for fiscal year 2000-01 for the badger care health
14 care program.

15 *~~4422/2.9228~~* **SECTION 9228. Appropriation changes; joint committee**
16 **on finance.**

17 (1) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY; ADMINISTRATION. In the schedule
18 under section 20.005 (3) of the statutes for the appropriation to the joint committee
19 on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1999,
20 the dollar amount is increased by \$1,000,000 for fiscal year 1999-00 and the dollar
21 amount is increased by \$1,000,000 for fiscal year 2000-01 to increase funding for
22 administration of the prescription drug assistance for elderly program under section
23 49.688 of the statutes, as created by this act.

24 *~~4423/1.9230~~* **SECTION 9230. Appropriation changes; justice.**

1 (1) GAMING LAW ENFORCEMENT. In the schedule under section 20.005 (3) of the
2 statutes for the appropriation to the department of justice under section 20.455 (2)
3 (fm) of the statutes, as affected by the acts of 1999, the dollar amount is increased
4 by \$226,700 for fiscal year 2000–01 for gaming law enforcement activities.

5 ~~*-4437/1.9230*~~ **SECTION 9230. Appropriation changes; justice.**

6 (1) PUBLIC INTERVENOR. In the schedule under section 20.005 (3) of the statutes
7 for the appropriation to the department of justice under section 20.455 (1) (a) of the
8 statutes, as affected by the acts of 1999, the dollar amount is increased by \$241,400
9 for fiscal year 2000–01 to increase the authorized FTE positions for the department
10 by 2.0 GPR attorney positions on the effective date of this subsection for the purposes
11 of the public intervenor.

12 ~~*-4441/1.9230*~~ **SECTION 9230. Appropriation changes; justice.** ✓

13 (1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS. In the schedule
14 under section 20.005 (3) of the statutes for the appropriation to the department of
15 justice under section 20.455 (1) (a) of the statutes, as affected by the acts of 1999, the
16 dollar amount is increased by \$953,200 for fiscal year 2000–01 to increase funding
17 for the purpose for which the appropriation is made.

18 ~~*-4423/1.9243*~~ **SECTION 9243. Appropriation changes; revenue.**

19 (1) GENERAL PROGRAM OPERATIONS OF THE LOTTERY. In the schedule under section
20 20.005 (3) of the statutes for the appropriation to the department of revenue under
21 section 20.566 (8) (a) of the statutes, as affected by the acts of 1999, the dollar amount
22 is increased by \$21,095,800 for fiscal year 2000–01 for conducting general program
23 operations of the lottery.

24 (2) LOTTERY AND GAMING CREDIT ADMINISTRATION. In the schedule under section
25 20.005 (3) of the statutes for the appropriation to the department of revenue under

1 section 20.566 (2) (am) of the statutes, as affected by the acts of 1999, the dollar
2 amount is increased by \$152,900 for fiscal year 2000–01 to administer the lottery and
3 gaming credit.

4 ***-4187/3.9311* SECTION 9311. Initial applicability; corrections.**

5 (1) YOUTH AIDS. The treatment of sections 20.410 (3) (ce) and (cf), 46.215 (2) (c)
6 3., 46.22 (1) (e) 3. c., 49.45 (6m) (br) 1. (with respect to the appropriation accounts
7 under section 20.410 (3) (ce) and (cf) of the statutes, as created by this act) and 301.26
8 (3) (c), (e) and (em), (4) (a), (6) (a), (7m) and (8) of the statutes first applies to payments
9 made by the department of corrections on January 1, 2001.

10 ***-4187/3.9323* SECTION 9323. Initial applicability; health and family**
11 **services.**

12 (1) COMMUNITY AIDS. The treatment of sections 20.435 (7) (ba) and (bb), 46.034
13 (3), 46.215 (2) (c) 1., 46.22 (1) (am) and (e) 3. a., 46.27 (11) (c) 3., 46.283 (5), 46.284
14 (5) (a), 46.40 (1) (a), (2) and (3), 46.495 (1) (am), (d) and (dc), 46.87 (2), 46.985 (7) (a),
15 49.45 (6m) (br) 1. (with respect to the appropriation accounts under section 20.435
16 (7) (ba) and (bb) of the statutes, as created by this act) and 51.423 (1), (2), (4) and (9)
17 of the statutes first applies to payments made by the department of health and family
18 services on January 1, 2001.

19 ***-4445/1.9326* SECTION 9326. Initial applicability; insurance.**

20 (1) COVERAGE OF CHILDHOOD IMMUNIZATIONS. The treatment of sections 40.51 (8)
21 and (8m), 60.23 (25), 66.184, 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1)
22 (intro.), 609.88 and 632.895 (14) of the statutes first applies to all of the following:

23 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
24 that are issued or renewed, and self-insured health plans that are established,
25 extended, modified or renewed, on the effective date of this paragraph.

1 (b) Disability insurance policies covering employees who are affected by a
2 collective bargaining agreement containing provisions inconsistent with this act
3 that are issued or renewed on the earlier of the following:

4 1. The day on which the collective bargaining agreement expires.

5 2. The day on which the collective bargaining agreement is extended, modified
6 or renewed.

7 (c) Self-insured health plans covering employees who are affected by a collective
8 bargaining agreement containing provisions inconsistent with this act that are
9 established, extended, modified or renewed on the earlier of the following:

10 1. The day on which the collective bargaining agreement expires.

11 2. The day on which the collective bargaining agreement is extended, modified
12 or renewed.

13 ***-4424/2.9350* SECTION 9350. Initial applicability; transportation.**

14 (1) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2)(b) (intro.)
15 of the statutes first applies to offenses committed on the effective date of this
16 subsection.

17 ***-4187/3.9400* SECTION 9400. Effective dates; general.** Except as
18 provided in SECTIONS 9401 to 9458 of this act, this act takes effect on the day after
19 publication.

20 ***-4424/2.9400* SECTION 9400. Effective dates; general.** Except as
21 provided in SECTIONS 9401 to 9458 of this act, this act takes effect on the day after
22 publication.

23 ***-4424/2.9401* SECTION 9401. Effective dates; administration.**

24 (1) DISTRICT ATTORNEY POSITION REALLOCATIONS. SECTION 9101 (1) of this act
25 takes effect on January 1, 2001.

1 *~~4438~~/1.9404* **SECTION 9404. Effective dates; agriculture, trade and**
2 **consumer protection.**

3 (1) BOARD COMPOSITION. The treatment of section 15.13 of the statutes takes
4 effect on July 1, 2000.

5 *~~4441~~/1.9404* **SECTION 9404. Effective dates; agriculture, trade and**
6 **consumer protection.**

7 ² (1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS. The repeal of
8 sections 100.207 (6) (em) and 165.25 (4) (ar); the renumbering of section 100.207
9 (title) and (1) to (5); the renumber and amendment of sections 100.171, 100.173,
10 100.174, 100.175, 100.177, 100.205, 100.206, 100.207 (6) (b), (c), (e) and (f), 100.209,
11 100.28, 100.50 and 100.51; the amendment of sections 20.115 (1) (hm), 20.455 (1)
12 (hm), 60.23 (24), 100.178 (1) (c), 100.178 (4), 100.178 (7), 100.18 (8), 100.18 (11) (d),
13 100.182 (5) (a), 100.182 (5) (b), 100.2095 (6) (b), 100.2095 (6) (c), 100.21 (3) (a), 100.26
14 (1), 100.26 (6), 100.264 (2) (intro.), 100.264 (3), 134.71 (12), 134.95 (2), 134.95 (3),
15 134.99 (1), 136.03 (title), 136.03 (1) (intro.), 196.219 (3) (n), 344.576 (3) (a) 5., 344.576
16 (3) (c), 344.579 (2) (intro.), 618.41 (6m), 631.01 (1) (b), 631.01 (4m), 632.18, 704.90 (11)
17 (title), 704.90 (11) (a), 704.90 (11) (b), 707.49 (4), 707.55 (10), 707.57 (2), 707.57 (3),
18 779.93 (title), 779.93 (1) and 779.93 (2) (intro.); and the creation 100.18 (11) (b) 1. of
19 the statutes by this act takes effect on July 1, 2000.

20 *~~4426~~/1.9407* **SECTION 9407. Effective dates; building commission.**

21 (1) BUILDING COMMISSION. The repeal and recreation of section 20.866 (1) (u) of
22 the statutes takes effect on July 1, 2001.

23 *~~4187~~/3.9409* **SECTION 9409. Effective dates; circuit courts.**

24 (1) COURT SUPPORT PAYMENTS. The treatment of sections 20.625 (1) (d) and
25 758.19 (5) (b) (intro.) and 1. of the statutes takes effect on January 1, 2001.

1 ***-4187/3.9411* SECTION 9411. Effective dates; corrections.**

2 (1) YOUTH AIDS. The treatment of sections 20.410 (3) (ce) and (cf), 46.215 (2) (c)
3 3., 46.22 (1) (e) 3. c. and 301.26 (3) (c), (e) and (em), (4) (a), (6) (a), (7m) and (8) of the
4 statutes takes effect on July 1, 2000.

5 ***-4187/3.9423* SECTION 9423. Effective dates; health and family**
6 **services.**

7 (1) COMMUNITY AIDS. The treatment of sections 20.435 (7) (ba) and (bb), 46.034
8 (3), 46.215 (2) (c) 1., 46.22 (1) (am) and (e) 3. a., 46.27 (11) (c) 3., 46.283 (5), 46.284
9 (5) (a), 46.40 (1) (a), (2) and (3), 46.495 (1) (am), (d) and (de), 46.87 (2), 46.985 (7) (a),
10 49.45 (6m) (br) 1. and 51.423 (1), (2), (4) and (9) of the statutes takes effect on July
11 1, 2000.

12 ***-4445/1.9426* SECTION 9426. Effective dates; insurance.**

13 (1) COVERAGE OF CHILDHOOD IMMUNIZATIONS. The treatment of sections 40.51 (8)
14 and (8m), 60.23 (25), 66.184, 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1)
15 (intro.), 609.88 and 632.895 (14) of the statutes and SECTION 9326 (1) of this act take
16 effect on the first day of the 6th month beginning after publication.

17 ***-4437/1.9430* SECTION 9430. Effective dates; justice.**

18 (1) PUBLIC INTERVENOR. The treatment of sections 18.13 (4g), 165.07, 165.075,
19 165.076 and 814.245 (2) (d) of the statutes and SECTION 9130 (1) of this act take effect
20 on July 1, 2000, or on the day after publication, whichever is later.

21 ***-4187/3.9443* SECTION 9443. Effective dates; revenue.**

22 (1) PAYMENTS FOR MUNICIPAL SERVICES. The treatment of section 20.835 (5) (a)
23 of the statutes takes effect on July 1, 2000.

24 ***-4424/2.9450* SECTION 9450. Effective dates; transportation.**

