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1 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
2 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
3 intentionally fails to report to the county jail as required under the sentence is guilty
4 of a Class D H felony.

5 **SECTION 518.** 946.425 (1r) (b) of the statutes is amended to read:

6 946.425 (1r) (b) Any person who is subject to a confinement order under s.
7 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
8 report to the county jail or house of correction as required under the order is guilty
9 of a Class D H felony.

10 **SECTION 519.** 946.425 (2) of the statutes is repealed.

11 **SECTION 520.** 946.43 (intro.) of the statutes is amended to read:

12 **946.43 Assaults by prisoners.** (intro.) Any prisoner confined to a state
13 prison or other state, county or municipal detention facility who intentionally does
14 any of the following is guilty of a Class C F felony:

15 **SECTION 521.** 946.44 (1) (intro.) of the statutes is amended to read:

16 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

17 **SECTION 522.** 946.44 (1g) of the statutes is amended to read:

18 946.44 (1g) Any public officer or public employe who violates sub. (1) (a) or (b)
19 is guilty of a Class C F felony.

20 **SECTION 523.** 946.44 (1m) of the statutes is amended to read:

21 946.44 (1m) Whoever intentionally introduces into an institution where
22 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
23 unloaded, or any article used or fashioned in a manner to lead another person to
24 believe it is a firearm, is guilty of a Class C F felony.

25 **SECTION 524.** 946.47 (1) (intro.) of the statutes is amended to read:

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1 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class E I
2 felony:

3 **SECTION 525.** 946.48 (1) of the statutes is amended to read:

4 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
5 written or oral communication with intent to induce a false belief that the sender has
6 knowledge of the whereabouts, physical condition, or terms imposed upon the return
7 of a kidnapped or missing person is guilty of a Class D H felony.

8 **SECTION 526.** 946.49 (1) (b) of the statutes is amended to read:

9 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
10 of a Class D H felony.

11 **SECTION 527.** 946.49 (2) of the statutes is amended to read:

12 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
13 guilty of a Class E I felony for failure to appear as provided.

14 **SECTION 528.** 946.50 (5d) of the statutes is created to read:

15 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
16 committing an act that would be a Class F felony if committed by an adult.

17 **SECTION 529.** 946.50 (5h) of the statutes is created to read:

18 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
19 committing an act that would be a Class G felony if committed by an adult.

20 **SECTION 530.** 946.50 (5p) of the statutes is created to read:

21 946.50 (5p) A Class H felony, if the person was adjudicated delinquent for
22 committing an act that would be a Class H felony if committed by an adult.

23 **SECTION 531.** 946.50 (5t) of the statutes is created to read:

24 946.50 (5t) A Class I felony, if the person was adjudicated delinquent for
25 committing an act that would be a Class I felony if committed by an adult.

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1 **SECTION 532.** 946.60 (1) of the statutes is amended to read:

2 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
3 removes, withholds or transfers possession of a document, knowing that the
4 document has been subpoenaed by a court or by or at the request of a district attorney
5 or the attorney general, is guilty of a Class **E I** felony.

6 **SECTION 533.** 946.60 (2) of the statutes is amended to read:

7 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
8 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
9 withhold or transfer possession of a subpoenaed document, knowing that the
10 document has been subpoenaed by a court or by or at the request of a district attorney
11 or the attorney general, is guilty of a Class **E I** felony.

12 **SECTION 534.** 946.61 (1) (intro.) of the statutes is amended to read:

13 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class **D H**
14 felony:

15 **SECTION 535.** 946.64 of the statutes is amended to read:

16 **946.64 Communicating with jurors.** Whoever, with intent to influence any
17 person, summoned or serving as a juror, in relation to any matter which is before that
18 person or which may be brought before that person, communicates with him or her
19 otherwise than in the regular course of proceedings in the trial or hearing of that
20 matter is guilty of a Class **E I** felony.

21 **SECTION 536.** 946.65 (1) of the statutes is amended to read:

22 946.65 (1) Whoever for a consideration knowingly gives false information to
23 any officer of any court with intent to influence the officer in the performance of
24 official functions is guilty of a Class **E I** felony.

25 **SECTION 537.** 946.68 (1r) (a) of the statutes is amended to read:

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1 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
2 to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

3 **SECTION 538.** 946.68 (1r) (b) of the statutes is amended to read:

4 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
5 to induce payment of a claim, the person is guilty of a Class D H felony.

6 **SECTION 539.** 946.68 (1r) (c) of the statutes is amended to read:

7 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
8 the person is guilty of a Class D H felony.

9 **SECTION 540.** 946.69 (2) (intro.) of the statutes is amended to read:

10 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
11 felony:

12 **SECTION 541.** 946.70 (2) of the statutes is amended to read:

13 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
14 the commission of a crime other than the crime under this section is guilty of a Class
15 D H felony.

16 **SECTION 542.** 946.72 (1) of the statutes is amended to read:

17 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
18 removes or conceals any public record is guilty of a Class D H felony.

19 **SECTION 543.** 946.74 (2) of the statutes is amended to read:

20 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
21 sexual morality with or upon the inmate of the institution is guilty of a Class D H
22 felony.

23 **SECTION 544.** 946.76 of the statutes is amended to read:

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1 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
2 to its execution that a search warrant has been applied for or issued, except so far
3 as may be necessary to its execution, is guilty of a Class ~~E~~ I felony.

4 **SECTION 545.** 946.82 (4) of the statutes, as affected by 1999 Wisconsin Act 9,
5 is amended to read:

6 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
7 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
8 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
9 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
10 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
11 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
12 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) ~~or (2g)~~, 943.011,
13 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to ~~(d)~~
14 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
15 943.30, 943.32, 943.34 (1) (b), (bm) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
16 (c), 943.50 (4) (b), (bm) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
17 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
18 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
19 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

20 **SECTION 546.** 946.84 (1) of the statutes is amended to read:

21 946.84 (1) Any person convicted of engaging in racketeering activity in
22 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

23 **SECTION 547.** 946.85 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
24 is amended to read:

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

6 **SECTION 548.** 947.013 (1t) of the statutes is amended to read:

7 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
8 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
9 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
10 occurs within 7 years of the prior conviction.

11 **SECTION 549.** 947.013 (1v) of the statutes is amended to read:

12 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
13 she intentionally gains access to a record in electronic format that contains
14 personally identifiable information regarding the victim in order to facilitate the
15 violation under sub. (1r).

16 **SECTION 550.** 947.013 (1x) (intro.) of the statutes is amended to read:

17 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
18 circumstances is guilty of a Class ~~D~~ H felony:

19 **SECTION 551.** 947.015 of the statutes is amended to read:

20 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
21 conveyed any threat or false information, knowing such to be false, concerning an
22 attempt or alleged attempt being made or to be made to destroy any property by the
23 means of explosives is guilty of a Class ~~E~~ I felony.

24 **SECTION 552.** 948.02 (2) of the statutes is amended to read:

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1 948.02 (2) SECOND DEGREE SEXUAL ASSAULT. Whoever has sexual contact or
2 sexual intercourse with a person who has not attained the age of 16 years is guilty
3 of a Class ~~B~~ C felony.

4 **SECTION 553.** 948.02 (3) of the statutes is amended to read:

5 948.02 (3) FAILURE TO ACT. A person responsible for the welfare of a child who
6 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has
7 knowledge that another person intends to have, is having or has had sexual
8 intercourse or sexual contact with the child, is physically and emotionally capable
9 of taking action which will prevent the intercourse or contact from taking place or
10 being repeated, fails to take that action and the failure to act exposes the child to an
11 unreasonable risk that intercourse or contact may occur between the child and the
12 other person or facilitates the intercourse or contact that does occur between the
13 child and the other person.

14 **SECTION 554.** 948.02 (3m) of the statutes is repealed.

15 **SECTION 555.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
16 amended to read:

17 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
18 or (2) within a specified period of time involving the same child is guilty of a:

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

20 **SECTION 556.** 948.025 (1) (b) of the statutes is created to read:

21 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
22 of s. 948.02 (1).

23 **SECTION 557.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
24 amended to read:

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1 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
2 the defendant guilty the members of the jury must unanimously agree that at least
3 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
4 under sub. (1) of time but need not agree on which acts constitute the requisite
5 number and need not agree on whether a particular violation was a violation of s.
6 948.02 (1) or (2).

7 **SECTION 558.** 948.025 (2) (a) of the statutes is created to read:

8 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
9 the defendant guilty the members of the jury must unanimously agree that at least
10 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
11 agree on which acts constitute the requisite number.

12 **SECTION 559.** 948.025 (2m) of the statutes is repealed.

13 **SECTION 560.** 948.03 (2) (a) of the statutes is amended to read:

14 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
15 guilty of a Class C E felony.

16 **SECTION 561.** 948.03 (2) (b) of the statutes is amended to read:

17 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
18 a Class D H felony.

19 **SECTION 562.** 948.03 (2) (c) of the statutes is amended to read:

20 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
21 which creates a high probability of great bodily harm is guilty of a Class C F felony.

22 **SECTION 563.** 948.03 (3) (a) of the statutes is amended to read:

23 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
24 of a Class D G felony.

25 **SECTION 564.** 948.03 (3) (b) of the statutes is amended to read:

BILL

1 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
2 Class ~~E~~ I felony.

3 **SECTION 565.** 948.03 (3) (c) of the statutes is amended to read:

4 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
5 which creates a high probability of great bodily harm is guilty of a Class ~~D~~ H felony.

6 **SECTION 566.** 948.03 (4) (a) of the statutes is amended to read:

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

14 **SECTION 567.** 948.03 (4) (b) of the statutes is amended to read:

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

22 **SECTION 568.** 948.03 (5) of the statutes is repealed.

23 **SECTION 569.** 948.04 (1) of the statutes is amended to read:

BILL

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 **SECTION 570.** 948.04 (2) of the statutes is amended to read:

5 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
6 felony if that person has knowledge that another person has caused, is causing or will
7 cause mental harm to that child, is physically and emotionally capable of taking
8 action which will prevent the harm, fails to take that action and the failure to act
9 exposes the child to an unreasonable risk of mental harm by the other person or
10 facilitates the mental harm to the child that is caused by the other person.

11 **SECTION 571.** 948.05 (1) (intro.) of the statutes is amended to read:

12 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
13 character and content of the sexually explicit conduct involving the child is guilty of
14 a Class C F felony:

15 **SECTION 572.** 948.05 (1m) of the statutes, as affected by 1999 Wisconsin Act 3,
16 is amended to read:

17 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
18 into the state, reproduces, advertises, sells, distributes or possesses with intent to
19 sell or distribute, any undeveloped film, photographic negative, photograph, motion
20 picture, videotape, sound recording or other reproduction of a child engaging in
21 sexually explicit conduct is guilty of a Class C F felony if the person knows the
22 character and content of the sexually explicit conduct involving the child and if the
23 person knows or reasonably should know that the child engaging in the sexually
24 explicit conduct has not attained the age of 18 years.

BILL

1 **SECTION 573.** 948.05 (2) of the statutes, as affected by 1999 Wisconsin Act 3,
2 is amended to read:

3 948.05 (2) A person responsible for a child's welfare who knowingly permits,
4 allows or encourages the child to engage in sexually explicit conduct for a purpose
5 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class ~~C~~ F felony.

6 **SECTION 574.** 948.055 (2) (a) of the statutes is amended to read:

7 948.055 (2) (a) A Class ~~C~~ F felony if the child has not attained the age of 13
8 years.

9 **SECTION 575.** 948.055 (2) (b) of the statutes is amended to read:

10 948.055 (2) (b) A Class ~~D~~ H felony if the child has attained the age of 13 years
11 but has not attained the age of 18 years.

12 **SECTION 576.** 948.06 (intro.) of the statutes is amended to read:

13 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
14 guilty of a Class ~~BC~~ C felony:

15 **SECTION 577.** 948.07 (intro.) of the statutes is amended to read:

16 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
17 following acts, causes or attempts to cause any child who has not attained the age
18 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
19 ~~BC~~ D felony:

20 **SECTION 578.** 948.08 of the statutes is amended to read:

21 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
22 or causes any child to practice prostitution or establishes any child in a place of
23 prostitution is guilty of a Class ~~BC~~ D felony.

24 **SECTION 579.** 948.095 (2) (intro.) of the statutes is amended to read:

BILL**SECTION 579**

1 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
2 child who has attained the age of 16 years and who is not the defendant's spouse is
3 guilty of a Class ~~D~~ H felony if all of the following apply:

4 **SECTION 580.** 948.11 (2) (a) of the statutes is amended to read:

5 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
6 rents, exhibits, transfers or loans to a child any harmful material, with or without
7 monetary consideration, is guilty of a Class ~~E~~ I felony.

8 **SECTION 581.** 948.11 (2) (am) of the statutes is amended to read:

9 948.11 (2) (am) Any person who has attained the age of 17 and who, with
10 knowledge of the nature of the description or narrative account, verbally
11 communicates, by any means, a harmful description or narrative account to a child,
12 with or without monetary consideration, is guilty of a Class ~~E~~ I felony.

13 **SECTION 582.** 948.12 (intro.) of the statutes is amended to read:

14 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
15 undeveloped film, photographic negative, photograph, motion picture, videotape or
16 other pictorial reproduction or audio recording of a child engaged in sexually explicit
17 conduct under all of the following circumstances is guilty of a Class ~~E~~ I felony:

18 **SECTION 583.** 948.13 (2) of the statutes is amended to read:

19 948.13 (2) Whoever has been convicted of a serious child sex offense and
20 subsequently engages in an occupation or participates in a volunteer position that
21 requires him or her to work or interact primarily and directly with children under
22 16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a
23 person who is exempt under a court order issued under sub. (2m).

24 **SECTION 584.** 948.20 of the statutes is amended to read:

BILL

1 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
2 leaves any child in a place where the child may suffer because of neglect is guilty of
3 a Class **D G** felony.

4 **SECTION 585.** 948.21 (1) of the statutes is amended to read:

5 948.21 (1) Any person who is responsible for a child's welfare who, through his
6 or her actions or failure to take action, intentionally contributes to the neglect of the
7 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class **C D**
8 felony.

9 **SECTION 586.** 948.22 (2) of the statutes is amended to read:

10 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
11 to provide spousal, grandchild or child support which the person knows or reasonably
12 should know the person is legally obligated to provide is guilty of a Class **E I** felony.
13 A prosecutor may charge a person with multiple counts for a violation under this
14 subsection if each count covers a period of at least 120 consecutive days and there is
15 no overlap between periods.

16 **SECTION 587.** 948.23 of the statutes is amended to read:

17 **948.23 Concealing death of child.** Any person who conceals the corpse of
18 any issue of a woman's body with intent to prevent a determination of whether it was
19 born dead or alive is guilty of a Class **E I** felony.

20 **SECTION 588.** 948.24 (1) (intro.) of the statutes is amended to read:

21 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class **D H**
22 felony:

23 **SECTION 589.** 948.30 (1) (intro.) of the statutes is amended to read:

24 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
25 following is guilty of a Class **C E** felony:

BILL

1 **SECTION 590.** 948.30 (2) (intro.) of the statutes is amended to read:

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

4 **SECTION 591.** 948.31 (1) (b) of the statutes is amended to read:

5 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
6 causes a child to leave, takes a child away or withholds a child for more than 12 hours
7 beyond the court-approved period of physical placement or visitation period from a
8 legal custodian with intent to deprive the custodian of his or her custody rights
9 without the consent of the custodian is guilty of a Class **C F** felony. This paragraph
10 is not applicable if the court has entered an order authorizing the person to so take
11 or withhold the child. The fact that joint legal custody has been awarded to both
12 parents by a court does not preclude a court from finding that one parent has
13 committed a violation of this paragraph.

14 **SECTION 592.** 948.31 (2) of the statutes is amended to read:

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

22 **SECTION 593.** 948.31 (3) (intro.) of the statutes is amended to read:

23 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
24 the parent, who does any of the following is guilty of a Class **C F** felony:

25 **SECTION 594.** 948.35 of the statutes is repealed.

BILL

1 **SECTION 595.** 948.36 of the statutes is repealed.

2 **SECTION 596.** 948.40 (4) (a) of the statutes is amended to read:

3 948.40 (4) (a) If death is a consequence, the person is guilty of a Class ~~C~~ D
4 felony; or

5 **SECTION 597.** 948.40 (4) (b) of the statutes is amended to read:

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

9 **SECTION 598.** 948.51 (3) (b) of the statutes is 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 **SECTION 599.** 948.51 (3) (c) of the statutes is created to read:

13 948.51 (3) (c) A Class G felony if the act results in the death of another.

14 **SECTION 600.** 948.60 (2) (b) of the statutes is amended to read:

15 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
16 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
17 Class ~~E~~ I felony.

18 **SECTION 601.** 948.60 (2) (c) of the statutes is amended to read:

19 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
20 person under 18 years of age under par. (b) discharges the firearm and the discharge
21 causes death to himself, herself or another.

22 **SECTION 602.** 948.605 (2) (a) of the statutes is amended to read:

23 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
24 that the individual knows, or has reasonable cause to believe, is a school zone is
25 guilty of a Class ~~A misdemeanor~~ I felony.

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1 **SECTION 603.** 948.605 (3) (a) of the statutes is amended to read:

2 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
3 the safety of another, discharges or attempts to discharge a firearm at a place the
4 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

5 **SECTION 604.** 948.605 (4) of the statutes is repealed.

6 **SECTION 605.** 948.61 (2) (b) of the statutes is amended to read:

7 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
8 subsequent violation of this section within a 5-year period, as measured from the
9 dates the violations occurred.

10 **SECTION 606.** 948.62 (1) (a) of the statutes is amended to read:

11 948.62 (1) (a) A Class ~~E~~ felony A misdemeanor, if the value of the property does
12 not exceed \$500.

13 **SECTION 607.** 948.62 (1) (b) of the statutes is amended to read:

14 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
15 does not exceed ~~\$2,500~~ \$2,000.

16 **SECTION 608.** 948.62 (1) (bm) of the statutes is created to read:

17 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,000 but
18 does not exceed \$5,000.

19 **SECTION 609.** 948.62 (1) (c) of the statutes is amended to read:

20 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
21 \$5,000.

22 **SECTION 610.** 949.03 (1) (b) of the statutes is amended to read:

23 949.03 (1) (b) The commission or the attempt to commit any crime specified in
24 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
25 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,

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1 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
2 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
3 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

4 **SECTION 611.** 950.04 (1v) (g) of the statutes is amended to read:

5 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
6 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
7 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

8 **SECTION 612.** 950.04 (1v) (nt) of the statutes is created to read:

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

12 **SECTION 613.** 951.18 (1) of the statutes, as affected by 1997 Wisconsin Act 192,
13 is amended to read:

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

25 **SECTION 614.** 951.18 (2) of the statutes is amended to read:

BILL**SECTION 614**

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

5 **SECTION 615.** 951.18 (2m) of the statutes is amended to read:

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

17 **SECTION 616.** 961.41 (1) (intro.) of the statutes is amended to read:

18 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
19 authorized by this chapter, it is unlawful for any person to manufacture, distribute
20 or deliver a controlled substance or controlled substance analog. Any person who
21 violates this subsection ~~with respect to~~ is subject to the following penalties:

22 **SECTION 617.** 961.41 (1) (a) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

24 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
25 in par. (d), if a person violates this subsection with respect to a controlled substance

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1 included in schedule I or II which is a narcotic drug, or a controlled substance analog
2 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
3 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
4 ~~months or both~~ the person is guilty of a Class E felony.

5 **SECTION 618.** 961.41 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

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

13 **SECTION 619.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

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

18 **SECTION 620.** 961.41 (1) (cm) 1. of the statutes, as affected by 1997 Wisconsin
19 Act 283, is renumbered 961.41 (1) (cm) 1r. and amended to read:

20 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
21 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~
22 ~~for not more than 15 years~~ is guilty of a Class F felony.

23 **SECTION 621.** 961.41 (1) (cm) 1g. of the statutes is created to read:

24 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

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1 **SECTION 622.** 961.41 (1) (cm) 2. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

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

6 **SECTION 623.** 961.41 (1) (cm) 3. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is amended to read:

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

11 **SECTION 624.** 961.41 (1) (cm) 4. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is amended to read:

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

16 **SECTION 625.** 961.41 (1) (cm) 5. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is repealed.

18 **SECTION 626.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

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

22 **SECTION 627.** 961.41 (1) (d) 1. of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

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

4 **SECTION 628.** 961.41 (1) (d) 2. of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

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

10 **SECTION 629.** 961.41 (1) (d) 3. of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
13 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
14 for not less than one year nor more than 22 years and 6 months is guilty of a Class
15 D felony.

16 **SECTION 630.** 961.41 (1) (d) 4. of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

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

22 **SECTION 631.** 961.41 (1) (d) 5. of the statutes, as affected by 1997 Wisconsin Act
23 283, is repealed.

24 **SECTION 632.** 961.41 (1) (d) 6. of the statutes, as affected by 1997 Wisconsin Act
25 283, is repealed.

BILL**SECTION 633**

1 **SECTION 633.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

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

8 **SECTION 634.** 961.41 (1) (e) 1. of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 961.41 (1) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
11 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
12 ~~6 months~~ is guilty of a Class F felony.

13 **SECTION 635.** 961.41 (1) (e) 2. of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

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

19 **SECTION 636.** 961.41 (1) (e) 3. of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

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

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1 **SECTION 637.** 961.41 (1) (e) 4. of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

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

7 **SECTION 638.** 961.41 (1) (e) 5. of the statutes, as affected by 1997 Wisconsin Act
8 283, is repealed.

9 **SECTION 639.** 961.41 (1) (e) 6. of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed.

11 **SECTION 640.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

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

16 **SECTION 641.** 961.41 (1) (f) 1. of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

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

21 **SECTION 642.** 961.41 (1) (f) 2. of the statutes, as affected by 1997 Wisconsin Act
22 283, is amended to read:

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

BILL**SECTION 643**

1 **SECTION 643.** 961.41 (1) (f) 3. of the statutes, as affected by 1997 Wisconsin Act
2 283, 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 **SECTION 644.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

7 961.41 (1) (g) Psilocin and psilocybin. (intro.) ~~Psilocin~~ If the person violates
8 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
9 of psilocin or psilocybin, ~~is subject to the following penalties if and~~ the amount
10 manufactured, distributed or delivered is:

11 **SECTION 645.** 961.41 (1) (g) 1. of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 961.41 (1) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
14 ~~than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~
15 ~~years and 6 months~~ is guilty of a Class G felony.

16 **SECTION 646.** 961.41 (1) (g) 2. of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
19 ~~shall be fined not less than \$1,000 nor more than \$250,000 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 **SECTION 647.** 961.41 (1) (g) 3. of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

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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 **SECTION 648.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

5 961.41 (1) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If the
6 person violates this subsection with respect to tetrahydrocannabinols, included
7 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
8 subject to the following penalties if and the amount manufactured, distributed or
9 delivered is:

10 **SECTION 649.** 961.41 (1) (h) 1. of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

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

16 **SECTION 650.** 961.41 (1) (h) 2. of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
19 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
20 plants containing tetrahydrocannabinols, the person shall be fined not less than
21 \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor
22 more than 7 years and 6 months is guilty of a Class H felony.

23 **SECTION 651.** 961.41 (1) (h) 3. of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

BILL**SECTION 651**

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 **SECTION 652.** 961.41 (1) (h) 4. of the statutes is created to read:

7 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
8 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
9 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

10 **SECTION 653.** 961.41 (1) (h) 5. of the statutes is created to read:

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

13 **SECTION 654.** 961.41 (1) (i) of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

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

19 **SECTION 655.** 961.41 (1) (j) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

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

24 **SECTION 656.** 961.41 (1m) (intro.) of the statutes is amended to read:

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

11 **SECTION 657.** 961.41 (1m) (a) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
14 in par. (d), if a person violates this subsection with respect to a controlled substance
15 included in schedule I or II which is a narcotic drug or a controlled substance analog
16 of a controlled substance included in schedule I or II which is a narcotic drug, may
17 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
18 months or both the person is guilty of a Class E felony.

19 **SECTION 658.** 961.41 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 961.41 (1m) (b) Schedule I, II and III nonnarcotic drugs generally. Except as
22 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
23 to any other controlled substance included in schedule I, II or III, or a controlled
24 substance analog of any other controlled substance included in schedule I or II, may

BILL**SECTION 658**

1 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
2 or both the person is guilty of a Class H felony.

3 **SECTION 659.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

4 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) Cocaine If a person violates
5 this subsection with respect to cocaine or cocaine base, or a controlled substance
6 analog of cocaine or cocaine base, is subject to the following penalties if and the
7 amount possessed, with intent to manufacture, distribute or deliver, is:

8 **SECTION 660.** 961.41 (1m) (cm) 1. of the statutes, as affected by 1997 Wisconsin
9 Act 283, is renumbered 961.41 (1m) (cm) 1r. and amended to read:

10 961.41 (1m) (cm) 1r. Five grams or less More than one gram but not more than
11 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
12 for not more than 15 years is guilty of a Class F felony.

13 **SECTION 661.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

14 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

15 **SECTION 662.** 961.41 (1m) (cm) 2. of the statutes, as affected by 1997 Wisconsin
16 Act 283, is amended to read:

17 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
18 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
19 year nor more than 22 years and 6 months is guilty of a Class E felony.

20 **SECTION 663.** 961.41 (1m) (cm) 3. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is amended to read:

22 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
23 person shall be fined not more than \$500,000 and shall be imprisoned for not less
24 than 3 years nor more than 30 years is guilty of a Class D felony.

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1 **SECTION 664.** 961.41 (1m) (cm) 4. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

3 961.41 (1m) (cm) 4. More than 40 grams but not more than 100 grams, the
4 person shall be fined not more than \$500,000 and shall be imprisoned for not less
5 than 5 years nor more than 45 years is guilty of a Class C felony.

6 **SECTION 665.** 961.41 (1m) (cm) 5. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed.

8 **SECTION 666.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

9 961.41 (1m) (d) Heroin. (intro.) Heroin If a person violates this subsection with
10 respect to heroin or a controlled substance analog of heroin is subject to the following
11 penalties if and the amount possessed, with intent to manufacture, distribute or
12 deliver, is:

13 **SECTION 667.** 961.41 (1m) (d) 1. of the statutes, as affected by 1997 Wisconsin
14 Act 283, is amended to read:

15 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
16 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
17 and 6 months is guilty of a Class F felony.

18 **SECTION 668.** 961.41 (1m) (d) 2. of the statutes, as affected by 1997 Wisconsin
19 Act 283, is amended to read:

20 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
21 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
22 for not less than 6 months nor more than 22 years and 6 months is guilty of a Class
23 E felony.

24 **SECTION 669.** 961.41 (1m) (d) 3. of the statutes, as affected by 1997 Wisconsin
25 Act 283, is amended to read:

BILL**SECTION 669**

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

5 **SECTION 670.** 961.41 (1m) (d) 4. of the statutes, as affected by 1997 Wisconsin
6 Act 283, is amended to read:

7 961.41 (1m) (d) 4. More than 50 grams but ~~not more than 200 grams~~, the person
8 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
9 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
10 felony.

11 **SECTION 671.** 961.41 (1m) (d) 5. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed.

13 **SECTION 672.** 961.41 (1m) (d) 6. of the statutes, as affected by 1997 Wisconsin
14 Act 283, is repealed.

15 **SECTION 673.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

16 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine and
17 methcathinone. (intro.) Phencyclidine If a person violates this subsection with
18 respect to phencyclidine, amphetamine, methamphetamine or methcathinone, or a
19 controlled substance analog of phencyclidine, amphetamine, methamphetamine or
20 methcathinone, is subject to the following penalties if and the amount possessed,
21 with intent to manufacture, distribute or deliver, is:

22 **SECTION 674.** 961.41 (1m) (e) 1. of the statutes, as affected by 1997 Wisconsin
23 Act 283, is amended to read:

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1 961.41 (1m) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
2 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
3 ~~6 months~~ is guilty of a Class F felony.

4 **SECTION 675.** 961.41 (1m) (e) 2. of the statutes, as affected by 1997 Wisconsin
5 Act 283, is amended to read:

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

10 **SECTION 676.** 961.41 (1m) (e) 3. of the statutes, as affected by 1997 Wisconsin
11 Act 283, is amended to read:

12 961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person
13 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
14 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
15 D felony.

16 **SECTION 677.** 961.41 (1m) (e) 4. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is amended to read:

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

22 **SECTION 678.** 961.41 (1m) (e) 5. of the statutes, as affected by 1997 Wisconsin
23 Act 283, is repealed.

24 **SECTION 679.** 961.41 (1m) (e) 6. of the statutes, as affected by 1997 Wisconsin
25 Act 283, is repealed.

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1 **SECTION 680.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

2 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) ~~Lysergie~~ If a person violates
3 this subsection with respect to lysergic acid diethylamide or a controlled substance
4 analog of lysergic acid diethylamide ~~is subject to the following penalties if and the~~
5 amount possessed, with intent to manufacture, distribute or deliver, is:

6 **SECTION 681.** 961.41 (1m) (f) 1. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is amended to read:

8 961.41 (1m) (f) 1. One gram or less, the person ~~shall be fined not less than~~
9 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
10 ~~6 months~~ is guilty of a Class G felony.

11 **SECTION 682.** 961.41 (1m) (f) 2. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is amended to read:

13 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
14 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
15 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
16 F felony.

17 **SECTION 683.** 961.41 (1m) (f) 3. of the statutes, as affected by 1997 Wisconsin
18 Act 283, is amended to read:

19 961.41 (1m) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
20 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
21 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

22 **SECTION 684.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

23 961.41 (1m) (g) Psilocin and psilocybin. (intro.) ~~Psiloein~~ If a person violates
24 this subsection with respect to psilocin or psilocybin, or a controlled substance analog

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

3 **SECTION 685.** 961.41 (1m) (g) 1. of the statutes, as affected by 1997 Wisconsin
4 Act 283, is amended to read:

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

8 **SECTION 686.** 961.41 (1m) (g) 2. of the statutes, as affected by 1997 Wisconsin
9 Act 283, is amended to read:

10 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
11 person ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~
12 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months~~ is guilty
13 of a Class F felony.

14 **SECTION 687.** 961.41 (1m) (g) 3. of the statutes, as affected by 1997 Wisconsin
15 Act 283, is amended to read:

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

19 **SECTION 688.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

20 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If a
21 person violates this subsection with respect to tetrahydrocannabinols, included
22 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
23 ~~subject to the following penalties if~~ and the amount possessed, with intent to
24 manufacture, distribute or deliver, is:

BILL**SECTION 689**

1 **SECTION 689.** 961.41 (1m) (h) 1. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

3 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
4 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
5 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
6 is guilty of a Class I felony.

7 **SECTION 690.** 961.41 (1m) (h) 2. of the statutes, as affected by 1997 Wisconsin
8 Act 283, is amended to read:

9 961.41 (1m) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000
10 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
11 ~~50~~ 20 plants containing tetrahydrocannabinols, the person ~~shall be fined not less~~
12 ~~than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3~~
13 ~~months nor more than 7 years and 6 months~~ is guilty of a Class H felony.

14 **SECTION 691.** 961.41 (1m) (h) 3. of the statutes, as affected by 1997 Wisconsin
15 Act 283, is amended to read:

16 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
17 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
18 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
19 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
20 ~~nor more than 15 years~~ is guilty of a Class G felony.

21 **SECTION 692.** 961.41 (1m) (h) 4. of the statutes is created to read:

22 961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
23 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
24 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

25 **SECTION 693.** 961.41 (1m) (h) 5. of the statutes is created to read:

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

3 **SECTION 694.** 961.41 (1m) (i) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

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

9 **SECTION 695.** 961.41 (1m) (j) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

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

14 **SECTION 696.** 961.41 (1n) (c) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
17 ~~\$250,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.~~

18 **SECTION 697.** 961.41 (1q) of the statutes is amended to read:

19 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
20 Under s. 961.49 (2), 1997 stats., and subs. (1) (h) and (1m) (h) and s. 961.49 (2), if
21 different penalty provisions apply to a person depending on whether the weight of
22 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
23 considered, the greater penalty provision applies.

24 **SECTION 698.** 961.41 (1r) of the statutes is amended to read:

BILL**SECTION 698**

1 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
2 ~~s. 961.49 (2) (b), 1997 stats., and~~ subs. (1) and (1m) ~~and s. 961.49 (2) (b)~~, an amount
3 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
4 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
5 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
6 of these substances together with any compound, mixture, diluent, plant material
7 or other substance mixed or combined with the controlled substance or controlled
8 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)
9 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
10 (4) (t) and includes the weight of any marijuana.

11 **SECTION 699.** 961.41 (2) (intro.) of the statutes is amended to read:

12 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
13 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
14 possess with intent to distribute or deliver, a counterfeit substance. Any person who
15 violates this subsection ~~with respect to~~ is subject to the following penalties:

16 **SECTION 700.** 961.41 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~-A-~~ If a person
19 violates this subsection with respect to a counterfeit substance included in schedule
20 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
21 for not more than 22 years and 6 months or both the person is guilty of a Class E
22 felony.

23 **SECTION 701.** 961.41 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

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1 961.41 (2) (b) Counterfeit schedule I, II, III and IV drugs. ~~Any~~ If a person
2 violates this subsection with respect to any other counterfeit substance included in
3 schedule I, II ~~or~~ III or IV, ~~may be fined not more than \$15,000 or imprisoned for not~~
4 ~~more than 7 years and 6 months or both~~ the person is guilty of a Class H felony.

5 **SECTION 702.** 961.41 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed.

7 **SECTION 703.** 961.41 (2) (d) of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 961.41 (2) (d) Counterfeit schedule V drugs. ~~A-~~ If a person violates this
10 subsection with respect to a counterfeit substance included in schedule V, ~~may be~~
11 ~~fined not more than \$5,000 or imprisoned for not more than 2 years or both~~ the person
12 is guilty of a Class I felony.

13 **SECTION 704.** 961.41 (3g) (a) 1. of the statutes, as affected by 1999 Wisconsin
14 Act 283, is renumbered 961.41 (3g) (am) and amended to read:

15 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
16 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
17 which is a narcotic drug, or possesses a controlled substance analog of a controlled
18 substance included in schedule I or II which is a narcotic drug, the person ~~may, upon~~
19 ~~a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2~~
20 ~~or both, and for a 2nd or subsequent offense, the person may be fined not more than~~
21 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

22 **SECTION 705.** 961.41 (3g) (a) 2. of the statutes, as affected by 1997 Wisconsin
23 Act 283, is repealed.

24 **SECTION 706.** 961.41 (3g) (a) 3. of the statutes is repealed.

25 **SECTION 707.** 961.41 (3g) (b) (title) of the statutes is created to read:

BILL**SECTION 707**

1 961.41 (3g) (b) (title) *Other drugs generally.*

2 **SECTION 708.** 961.41 (3g) (c) of the statutes is amended to read:

3 961.41 (3g) (c) *Cocaine and cocaine base.* If a person possess or attempts to
4 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
5 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
6 more than one year in the county jail upon a first conviction and is guilty of a Class
7 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
8 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
9 offense, the offender has at any time been convicted of any felony or misdemeanor
10 under this chapter or under any statute of the United States or of any state relating
11 to controlled substances, controlled substance analogs, narcotic drugs, marijuana or
12 depressant, stimulant or hallucinogenic drugs.

13 **SECTION 709.** 961.41 (3g) (d) of the statutes is amended to read:

14 961.41 (3g) (d) *Certain hallucinogenic and stimulant drugs.* If a person
15 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
16 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a
17 controlled substance analog of lysergic acid diethylamide, phencyclidine,
18 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person
19 may be fined not more than \$5,000 or imprisoned for not more than one year in the
20 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd
21 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd
22 or subsequent offense if, prior to the offender's conviction of the offense, the offender
23 has at any time been convicted of any felony or misdemeanor under this chapter or
24 under any statute of the United States or of any state relating to controlled

BILL

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

3 **SECTION 710.** 961.41 (3g) (e) of the statutes is amended to read:

4 961.41 (3g) (e) *Tetrahydrocannabinols.* If a person possesses or attempts to
5 possess tetrahydrocannabinols included under s. 961.14 (4) (t.), or a controlled
6 substance analog of tetrahydrocannabinols, the person may be fined not more than
7 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and
8 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
9 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
10 offender's conviction of the offense, the offender has at any time been convicted of any
11 felony or misdemeanor under this chapter or under any statute of the United States
12 or of any state relating to controlled substances, controlled substance analogs,
13 narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

14 **SECTION 711.** 961.41 (3g) (f) of the statutes, as affected by 1999 Wisconsin Act
15 21, is amended to read:

16 961.41 (3g) (f) *Gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone,*
17 *ketamine and flunitrazepam.* If a person possesses or attempts to possess
18 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,
19 the person ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years~~
20 ~~or both~~ is guilty of a Class H felony.

21 **SECTION 712.** 961.41 (4) (am) 3. of the statutes, as affected by 1997 Wisconsin
22 Act 283, is amended to read:

23 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph
24 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
25 is guilty of a Class I felony.

BILL**SECTION 713**

1 **SECTION 713.** 961.42 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 961.42 (2) Any person who violates this section ~~may be fined not more than~~
4 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

5 **SECTION 714.** 961.43 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 961.43 (2) Any person who violates this section ~~may be fined not more than~~
8 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

9 **SECTION 715.** 961.438 of the statutes is repealed.

10 **SECTION 716.** 961.455 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 961.455 (1) Any person who has attained the age of 17 years who knowingly
13 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
14 age or under for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
15 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

16 **SECTION 717.** 961.455 (3) of the statutes is amended to read:

17 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
18 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
19 939.30 ~~or 948.35.~~

20 **SECTION 718.** 961.46 (1) of the statutes is renumbered 961.46 and amended to
21 read:

22 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
23 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing
24 or delivering a controlled substance included in schedule I or II which is a narcotic
25 drug or a controlled substance analog of a controlled substance included in schedule

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1 ~~I or II which is a narcotic drug to a person 17 years of age or under who is at least~~
2 ~~3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or~~
3 ~~a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the~~
4 ~~applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the~~
5 ~~offense may be increased by not more than 5 years.~~

6 **SECTION 719.** 961.46 (2) of the statutes is repealed.

7 **SECTION 720.** 961.46 (3) of the statutes is repealed.

8 **SECTION 721.** 961.465 of the statutes is repealed.

9 **SECTION 722.** 961.472 (2) of the statutes is amended to read:

10 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
11 guilty of possession or attempted possession of a controlled substance or controlled
12 substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c) or (d), the court shall order the
13 person to comply with an assessment of the person's use of controlled substances.
14 The court's order shall designate a facility that is operated by or pursuant to a
15 contract with the county department established under s. 51.42 and that is certified
16 by the department of health and family services to provide assessment services to
17 perform the assessment and, if appropriate, to develop a proposed treatment plan.
18 The court shall notify the person that noncompliance with the order limits the court's
19 ability to determine whether the treatment option under s. 961.475 is appropriate.
20 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

21 **SECTION 723.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and
22 amended to read:

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

BILL

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

5 **SECTION 724.** 961.48 (1) (a) and (b) of the statutes are created to read:

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

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

8 **SECTION 725.** 961.48 (2) of the statutes is repealed.

9 **SECTION 726.** 961.48 (2m) (a) of the statutes is amended to read:

10 961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this
11 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
12 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
13 convictions are alleged in the complaint, indictment or information or in an amended
14 complaint, indictment or information that is filed under par. (b) 1. A person is not
15 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
16 applicable prior convictions is withdrawn by an amended complaint filed under par.
17 (b) 2.

18 **SECTION 727.** 961.48 (3) of the statutes is amended to read:

19 961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter
20 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
21 offense, the offender has at any time been convicted of any felony or misdemeanor
22 offense under this chapter or under any statute of the United States or of any state
23 relating to controlled substances or controlled substance analogs, narcotic drugs,
24 marijuana or depressant, stimulant or hallucinogenic drugs.

25 **SECTION 728.** 961.48 (4) of the statutes is repealed.

BILL

1 **SECTION 729.** 961.49 (1) of the statutes is renumbered 961.49.

2 **SECTION 730.** 961.49 (2) of the statutes is repealed.

3 **SECTION 731.** 961.49 (3) of the statutes is repealed.

4 **SECTION 732.** 961.492 of the statutes is repealed.

5 **SECTION 733.** 968.255 (1) (a) 2. of the statutes is amended to read:

6 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
7 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

8 **SECTION 734.** 968.31 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
9 Act 283, is amended to read:

10 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
11 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
12 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
13 ~~or both~~ is guilty of a Class H felony:

14 **SECTION 735.** 968.34 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
15 is amended to read:

16 968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more
17 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

18 **SECTION 736.** 968.43 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is amended to read:

20 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
21 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
22 felony.

23 **SECTION 737.** 969.08 (10) (a) of the statutes is amended to read:

BILL

1 969.08 (10) (a) “Commission of a serious crime” includes a solicitation,
2 conspiracy or attempt, under s. 939.30, 939.31, ~~or 939.32 or 948.35~~, to commit a
3 serious crime.

4 **SECTION 738.** 969.08 (10) (b) of the statutes is amended to read:

5 969.08 (10) (b) “Serious crime” means any crime specified in s. 346.62 (4),
6 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
7 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
8 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
9 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
10 943.23 (1g), ~~(1m) or (1r)~~, 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1)
11 or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

12 **SECTION 739.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
13 amended to read:

14 971.17 (1) (a) Felonies committed before the effective date of this paragraph
15 [revisor inserts date]. ~~When~~ Except as provided in par. (c), when a defendant is found
16 not guilty by reason of mental disease or mental defect of a felony committed before
17 the effective date of this paragraph [revisor inserts date], the court shall commit
18 the person to the department of health and family services for a specified period not
19 exceeding two-thirds of the maximum term of imprisonment that could be imposed
20 under s. 973.15 (2) (a) against an offender convicted of the same ~~crime or crimes~~
21 felony or felonies, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or~~
22 ~~(3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25~~
23 ~~(1b) and 961.48 and other~~ any applicable penalty enhancement statutes, as
24 applicable, subject to the credit provisions of s. 973.155.

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

5 **SECTION 740.** 971.17 (1) (b) of the statutes is created to read:

6 971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*
7 *.... [revisor inserts date].* Except as provided in par. (c), when a defendant is found
8 not guilty by reason of mental disease or mental defect of a felony committed on or
9 after the effective date of this paragraph [revisor inserts date], the court shall
10 commit the person to the department of health and family services for a specified
11 period not exceeding the maximum term of confinement in prison that could be
12 imposed on an offender convicted of the same felony or felonies under ss. 973.01 (2)
13 (b) and 973.15 (2) (a), plus imprisonment authorized by any applicable penalty
14 enhancement statutes, subject to the credit provisions of s. 973.155.

15 **SECTION 741.** 971.17 (1) (d) of the statutes is created to read:

16 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
17 of mental disease or mental defect of a misdemeanor, the court shall commit the
18 person to the department of health and family services for a specified period not
19 exceeding two-thirds of the maximum term of imprisonment that could be imposed
20 under s. 973.15 (2) (a) against an offender convicted of the same misdemeanor or
21 misdemeanors, including imprisonment authorized by any applicable penalty
22 enhancement statutes, subject to the credit provisions of s. 973.155.

23 **SECTION 742.** 971.365 (1) (c) of the statutes is amended to read:

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

4 **SECTION 743.** 971.365 (2) of the statutes is amended to read:

5 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
6 prosecution for any acts in violation of s. 961.41 (1) (cm), (d), (e), (f), (g) or (h), (1m)
7 (cm), (d), (e), (f), (g) or (h) or (3g) ~~(a) 2. (am)~~, (c), (d) or (e) on which no evidence was
8 received at the trial on the original charge.

9 **SECTION 744.** 973.01 (1) of the statutes is amended to read:

10 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
11 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
12 for a felony committed on or after December 31, 1999, but before the effective date
13 of this subsection ... [revisor inserts date], or for a crime committed on or after the
14 effective date of this subsection ... [revisor inserts date], the court shall impose a
15 bifurcated sentence that consists of a term of confinement in prison followed by a
16 term of extended supervision under s. 302.113 this section.

17 **SECTION 745.** 973.01 (2) (intro.) of the statutes is amended to read:

18 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
19 that a A bifurcated sentence is a sentence that consists of a term of confinement in
20 prison followed by a term of extended supervision under s. 302.113. The total length
21 of a bifurcated sentence equals the length of the term of confinement in prison plus
22 the length of the term of extended supervision. A bifurcated sentence imposed under
23 sub. (1) complies this section shall comply with all of the following:

24 **SECTION 746.** 973.01 (2) (a) of the statutes is amended to read:

BILL

1 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
2 the total length of the bifurcated sentence may not exceed the maximum period of
3 imprisonment ~~for the specified in s. 939.50 (3), if the crime is a classified felony, or~~
4 the maximum term of imprisonment provided by statute for the crime, if the crime
5 is not a classified felony, plus additional imprisonment authorized by any applicable
6 penalty enhancement statutes.

7 **SECTION 747.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

8 973.01 (2) (b) *Imprisonment portion of bifurcated sentence.* (intro.) The portion
9 of the bifurcated sentence that imposes a term of confinement in prison may not be
10 less than one year, ~~subject to any minimum sentence prescribed for the felony, and,~~
11 except as provided in par. (c), may not exceed whichever of the following is applicable:

12 **SECTION 748.** 973.01 (2) (b) 2. of the statutes is repealed.

13 **SECTION 749.** 973.01 (2) (b) 3. of the statutes is amended to read:

14 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
15 not exceed ~~10~~ 25 years.

16 **SECTION 750.** 973.01 (2) (b) 4. of the statutes is amended to read:

17 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
18 not exceed ~~5~~ 15 years.

19 **SECTION 751.** 973.01 (2) (b) 5. of the statutes is amended to read:

20 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
21 not exceed ~~2~~ 10 years.

22 **SECTION 752.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.

23 and amended to read:

BILL

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

4 **SECTION 753.** 973.01 (2) (b) 6m. of the statutes is created to read:

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

7 **SECTION 754.** 973.01 (2) (b) 7. of the statutes is created to read:

8 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
9 not exceed 5 years.

10 **SECTION 755.** 973.01 (2) (b) 8. of the statutes is created to read:

11 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
12 not exceed 3 years.

13 **SECTION 756.** 973.01 (2) (b) 9. of the statutes is created to read:

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

16 **SECTION 757.** 973.01 (2) (c) of the statutes is renumbered 973.01 (2) (c) 1. and
17 amended to read:

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

24 **SECTION 758.** 973.01 (2) (c) 2. of the statutes is created to read:

BILL

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 **SECTION 759.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)
8 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 **SECTION 760.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

15 973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not
16 exceed 20 years.

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

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

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

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

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

BILL**SECTION 761**

1 **SECTION 761.** 973.01 (4) of the statutes is amended to read:

2 973.01 (4) **NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
3 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
4 confinement in prison portion of the sentence without reduction for good behavior.
5 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
6 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

7 **SECTION 762.** 973.01 (5) of the statutes is amended to read:

8 973.01 (5) **OTHER EXTENDED SUPERVISION CONDITIONS.** Whenever the court
9 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
10 the term of extended supervision, including drug treatment under s. 973.031.

11 **SECTION 763.** 973.01 (7m) of the statutes is created to read:

12 973.01 (7m) **MODIFICATION OF BIFURCATED SENTENCE.** A court may at any time
13 modify a bifurcated sentence that the court previously imposed by reducing the term
14 of confinement in prison portion of the sentence and lengthening the term of
15 extended supervision imposed so that the total length of the bifurcated sentence
16 originally imposed does not change. A proceeding to modify a bifurcated sentence
17 under this subsection shall be conducted using the procedure established and the
18 factors specified by the director of state courts under s. 758.19 (8).

19 **SECTION 764.** 973.0135 (1) (b) 2. of the statutes is amended to read:

20 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
21 or (1r), 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., s.
22 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
23 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
24 (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
25 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

BILL

1 **SECTION 765.** 973.017 of the statutes is created to read:

2 **973.017 Bifurcated sentences; use of guidelines; consideration of**
3 **aggravating and mitigating factors.** (1) **DEFINITION.** In this section, "sentencing
4 decision" means a decision as to whether to impose a bifurcated sentence under s.
5 973.01 or to place a person on probation and a decision as to the length of a bifurcated
6 sentence, including the length of each component of the bifurcated sentence, the
7 amount of a fine and the length of a term of probation.

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

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

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

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

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

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

BILL**SECTION 765**

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

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

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

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

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

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

18 2. a. In this subdivision, "labor dispute" includes any controversy concerning
19 terms, tenure or conditions of employment, or concerning the association or
20 representation of persons in negotiating, fixing, maintaining, changing or seeking
21 to arrange terms or conditions of employment, regardless of whether the disputants
22 stand in the proximate relation of employer and employe.

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

BILL

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

3 1. “HIV” means any strain of human immunodeficiency virus, which causes
4 acquired immunodeficiency syndrome.

5 2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
6 or 948.025.

7 3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B,
8 hepatitis C or chlamydia.

9 4. “Significantly exposed” means sustaining a contact which carries a potential
10 for transmission of a sexually transmitted disease or HIV by one or more of the
11 following:

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

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

19 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
20 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
21 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
22 amniotic fluid; or other body fluid that is visibly contaminated with blood.

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

BILL

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

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

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

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

14 In this subsection:

15 1. “Elder person” means any individual who is 62 years of age or older.

16 2. “Violent felony” means any felony under s. 940.19 (2), (4), (5) or (6), 940.225
17 (1), (2) or (3), 940.23 or 943.32.

18 (b) When making a sentencing decision concerning a person convicted of a
19 violent felony, the court shall consider as an aggravating factor the fact that the
20 victim of the violent felony was an elder person. This paragraph applies even if the
21 person mistakenly believed that the victim had not attained the age of 62 years.

22 **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**
23 **PERSONS.** (a) In this subsection, “person responsible for the welfare the child”
24 includes the child’s parent, stepparent, guardian, foster parent or treatment foster
25 parent; an employe of a public or private residential home, institution or agency; any

BILL

1 other person legally responsible for the child's welfare in a residential setting; or a
2 person employed by one who is legally responsible for the child's welfare to exercise
3 temporary control or care for the child.

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

8 **(7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.**

9 When making a sentencing decision concerning a person convicted of a violation of
10 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
11 that, at the time of the violation, there was a minor passenger under 16 years of age
12 or an unborn child in the person's motor vehicle.

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

16 2. When making a sentencing decision concerning a person convicted of
17 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
18 fact that the violation involved delivering, distributing or possessing with intent to
19 deliver or distribute a controlled substance or controlled substance analog to a
20 prisoner within the precincts of any prison, jail or house of correction.

21 (b) *Distribution or delivery on public transit vehicles.* When making a
22 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
23 the court shall consider as an aggravating factor the fact that the violation involved
24 delivering, distributing or possessing with intent to deliver or distribute a controlled
25 substance included in schedule I or II or a controlled substance analog of any

BILL**SECTION 765**

1 controlled substance included in schedule I or II and that the person knowingly used
2 a public transit vehicle during the violation.

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

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

15 (11) REQUIRED FINDINGS OF FACT. The court shall make explicit findings of fact
16 on the record to support each element of its sentencing decision, including its decision
17 as to whether to impose a bifurcated sentence under s. 973.01 or to place a person
18 on probation and its decision as to the length of a bifurcated sentence, including the
19 length of each component of the bifurcated sentence, the amount of a fine and the
20 length of a term of probation.

21 (12) STANDARD OF REVIEW ON APPEAL. In an appeal from a court's sentencing
22 decision, the appellate court shall reverse the sentencing decision if it determines
23 that the sentencing court erroneously exercised its discretion in making the
24 sentencing decision or there is not substantial evidence in the record to support the
25 sentencing decision.

BILL

1 **SECTION 766.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

2 973.03 (3) (e) 1. A crime which is a Class A ~~or~~, B or C felony.

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

5 **SECTION 767.** 973.03 (3) (e) 3. of the statutes is repealed.

6 **SECTION 768.** 973.031 of the statutes is created to read:

7 **973.031 Court-ordered drug treatment.** Whenever the court imposes a
8 sentence or places a person on probation for any offense committed on or after July
9 1, 2000, the court may order the person to participate in a drug treatment program
10 as a condition of probation or, in the case of a person sentenced under s. 973.01, while
11 the person is in prison or as a condition of extended supervision or both. The court
12 may order the department to pay for the cost of drug treatment under this section
13 from the appropriation under s. 20.410 (1) (a) for persons in jail or prison or under
14 s. 20.410 (1) (b) for persons on probation or extended supervision.

15 **SECTION 769.** 973.032 (4) (c) 2. of the statutes is amended to read:

16 973.032 (4) (c) 2. The person is sentenced for the escape under s. ~~946.42 (4) (b)~~
17 to a sentence of imprisonment concurrent with the sentence to the intensive
18 sanctions program.

19 **SECTION 770.** 973.075 (1) (b) 1m. e. of the statutes is amended to read:

20 973.075 (1) (b) 1m. e. To cause more than ~~\$1,000~~ \$2,000 worth of criminal
21 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

22 **SECTION 771.** 973.075 (2) (d) of the statutes is amended to read:

23 973.075 (2) (d) The officer has probable cause to believe that the property was
24 derived from or realized through a crime or that the property is a vehicle which was
25 used to transport any property or weapon used or to be used or received in the

BILL

1 commission of any felony, which was used in the commission of a crime relating to
2 a submerged cultural resource in violation of s. 44.47 or which was used to cause
3 more than ~~\$1,000~~ \$2,000 worth of criminal damage to cemetery property in violation
4 of s. 943.01 (2) (d) or 943.012.

5 **SECTION 772.** 973.09 (2) (b) 1. of the statutes is amended to read:

6 973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one
7 year nor more than either the ~~statutory~~ maximum term of ~~imprisonment~~
8 confinement in prison for the crime, as specified in s. 973.01 (2) (b), or 3 years,
9 whichever is greater.

10 **SECTION 773.** 973.09 (6) of the statutes is created to read:

11 973.09 (6) The court may require as a condition of probation that the person
12 participate in a drug treatment program under s. 973.031.

13 **SECTION 774.** 973.15 (2) (am) of the statutes is created to read:

14 973.15 (2) (am) 1. If a court provides that a bifurcated sentence imposed under
15 s. 973.01 is to run concurrent with or consecutive to a sentence to the Wisconsin state
16 prisons other than another bifurcated sentence imposed under s. 973.01, the court
17 shall do all of the following:

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

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

24 2. If a court imposes a sentence to the Wisconsin state prisons that is not a
25 bifurcated sentence imposed under s. 973.01 and provides that the nonbifurcated

BILL

1 sentence is to run concurrent with or consecutive to a bifurcated sentence under s.
2 973.01, the court shall do all of the following:

3 a. Order the term of confinement in prison under the nonbifurcated sentence
4 to be concurrent with or consecutive to the term of confinement in prison required
5 under the bifurcated sentence.

6 b. Order the period of parole under the nonbifurcated sentence to be concurrent
7 with or consecutive to the term of extended supervision required under the
8 bifurcated sentence.

9 **SECTION 775.** 973.30 of the statutes is created to read:

10 **973.30 Sentencing commission.** (1) DUTIES. The sentencing commission
11 shall do all of the following:

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

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

15 (c) Adopt advisory sentencing guidelines for felonies committed on or after the
16 effective date of this paragraph [revisor inserts date], to promote public safety, to
17 reflect changes in sentencing practices and to preserve the integrity of the criminal
18 justice and correctional systems.

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

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

23 (f) Publish and distribute to all circuit judges hearing criminal cases an annual
24 report regarding its work, which shall include all sentencing guidelines and all

BILL

1 changes in existing sentencing guidelines adopted during the 12 months preceding
2 the report.

3 (g) Study whether race is a basis for imposing sentences in criminal cases and
4 submit a report and recommendations on this issue to the governor, to each house
5 of the legislature under s. 13.172 (2) and to the supreme court.

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

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

- 14 1. Milwaukee County.
- 15 2. Dane and Rock counties.
- 16 3. Brown, Outagamie, Calumet and Winnebago counties.
- 17 4. Racine and Kenosha counties.
- 18 5. All other counties.

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

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

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

23 **SECTION 776.** 977.05 (4) (jm) of the statutes is created to read:

24 977.05 (4) (jm) At the request of an inmate determined by the state public
25 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent

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1 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
2 (9g) before a program review committee and the sentencing court, if the state public
3 defender determines the case should be pursued.

4 **SECTION 777.** 977.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

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

10 **SECTION 778.** 978.13 (1) (c) of the statutes, as affected by 1999 Wisconsin Act
11 9, is amended to read:

12 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
13 fringe benefit costs of clerk positions in the district attorney's office necessary for the
14 prosecution of violent crime cases primarily involving felony violations under s.
15 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
16 940.06, 940.225, 943.23 (1g), ~~(1m)~~ and ~~(1r)~~ and 943.32 (2). The state treasurer shall
17 pay the amount authorized under this paragraph to the county treasurer pursuant
18 to a voucher submitted by the district attorney to the secretary of administration
19 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
20 may not exceed \$94,400 in the 1999–2000 fiscal year and \$97,200 in the 2000–01
21 fiscal year.

22 **SECTION 779.** 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

23 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
24 The committee shall submit a report of its findings and recommendations to the
25 legislature in the manner provided under section 13.172 (2) of the statutes and to the

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1 governor. The report shall include any proposed legislation that is necessary to
2 implement the recommendations made by the committee in its report.

3 **SECTION 780.** 1997 Wisconsin Act 283, section 454 (2) is amended to read:

4 [1997 Wisconsin Act 283] Section 454 (2) ATTORNEY PROJECT POSITION. The
5 authorized FTE positions for the department of administration are increased by 1.0
6 GPR attorney project position, to be funded from the appropriation under section
7 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal
8 penalties study committee established under subsection (1), for the period ending on
9 ~~April 30, 1999~~ June 30, 2000.

10 **SECTION 9111. Nonstatutory provisions; corrections.**

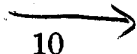
11 (1) INITIAL IMPLEMENTATION OF CASELOAD REDUCTION REQUIREMENTS. The
12 department of corrections shall develop a plan to implement section 301.03 (3a) of
13 the statutes, as created by this act, which it shall submit to the joint committee on
14 finance no later than May 1, 2000. No later than July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

18 **SECTION 9158. Nonstatutory provisions; other.**

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

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

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

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

8 (2) POSITION AUTHORIZATION. There is authorized for the sentencing commission
9 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position and
10 4.0 FTE GPR other positions to be funded from the appropriation under section
11 20.505 (4) (dr) of the statutes, as created by this act.

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

SECTION 9201. Appropriation changes; administration.

16 (1) ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS. In the schedule under
17 section 20.005 (3) of the statutes for the appropriation to the department of
18 administration under section 20.475 (1) (d) of the statutes, as affected by the acts of
19 1999, the dollar amount is increased by \$998,100 for fiscal year 2000–01 to increase
20 the authorized FTE positions for the department of administration by 20.75 GPR
21 positions on July 1, 2000, for assistant district attorney positions as follows: 0.25
22 position for Adams County; 1.0 position for Burnett County; 0.25 position for
23 Chippewa County; 0.5 position for Columbia County; 2.5 positions for Dane County;
24 0.25 position for Jefferson County; 0.5 position for Kenosha County; 0.5 position for
25

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4424/2ins
MGD:.....

1 **INSERT 202/9**

2 **SECTION 9101. Nonstatutory provisions; administration.**

3 **(1) DISTRICT ATTORNEY POSITION REALLOCATIONS.**

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

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

12 **INSERT 204/15**

13 **SECTION 9400. Effective dates; general.** Except as provided in SECTIONS
14 9401 to 9458 of this act, this act takes effect on the day after publication.

15 **SECTION 9401. Effective dates; administration.**

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

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1 LaCrosse County; 1.0 position for Manitowoc County; 1.0 position for Marathon
2 County; 7.0 positions for Milwaukee County; 0.5 position for Oneida County; 0.5
3 position for Outagamie County; 1.0 position for Polk County; 0.5 position for Portage
4 County; 0.75 position for Rock County; 1.0 position for Sauk County, to serve
5 Marquette and Sauk counties; 0.5 position for Sheboygan County; and 1.25 positions
6 for Winnebago County.

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

SECTION 9350. Initial applicability; transportation.

12
13 (1) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)
14 of the statutes first applies to offenses committed on the effective date of this
15 subsection.

Insert
204/15J →

16 **SECTION 9450. Effective dates; transportation.** This act takes effect on the
17 day after publication, except as follows:

18 (1) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)
19 of the statutes and SECTION 9350 (1) of this act take effect on whichever of the
20 following dates is later:

- 21 (a) The day after publication.
- 22 (b) May 1, 2001, or the date stated in the notice published by the secretary of
23 transportation in the Wisconsin Administrative Register under section 85.515 of the
24 statutes, whichever is earlier.