BILL HISTORY FOR ASSEMBLY BILL 704 (LRB –3117)

An Act to amend 961.573 (1), 961.573 (2), 961.574 (1), 961.574 (2) and 961.575 (1); and to create 961.437, 961.573 (3), 961.574 (3) and 961.575 (3) of the statutes; relating to: possession and disposal of waste produced by the illegal manufacture of the controlled substance methamphetamine, possession of paraphernalia used in the manufacture of the controlled substance methamphetamine and providing penalties.

2000

02–01. A. Introduced by Representatives **Freese, Rhoades, Ainsworth, Balow, Brandemuehl, Gronemus, Gunderson, Hasenohrl, Huebsch, Kedzie, Kestell, Kreibich, Ladwig, M. Lehman, Montgomery, Musser, Ott, Pettis, Seratti, Stone, Suder, Sykora, Urban** and **Vrakas**; cosponsored by Senators **Clausing, Schultz, Baumgart, Burke, Darling, Moen, Plache, Roessler** and **Rosenzweig.**

02–01. A. Read first time and referred to committee on Criminal Justice 618

02–24. A. Public hearing held.

03–01. A. Executive action taken.

03–07. A. Report passage recommended by committee on Criminal Justice, Ayes 13, Noes 0 701

03–07. A. Referred to committee on Rules 701

03–07. A. Placed on calendar 3–9–2000 by committee on Rules.

03–09. A. Read a second time 730

03–09. A. Assembly amendment 1 offered by Representative Freese **(LRB a1593)** 730

03–09. A. Assembly amendment 1 **adopted** 730

03–09. A. Ordered to a third reading 730

03–09. A. Rules suspended 730

03–09. A. Read a third time and **passed**, Ayes 98, Noes 0 730

03–09. A. Ordered immediately messaged 730

03–14. S. Received from Assembly 495

03–14. S. Read first time and referred to committee on Judiciary and Consumer Affairs 496

03–27. S. Public hearing held.

03–28. S. Executive action taken.

03–29. S. Report concurrence recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0 549

03–29. S. Available for scheduling.

03–30. S. Read a second time.

03–30. S. Ordered to a third reading.

03–30. S. Rules suspended.

03–30. S. Read a third time and **concurred in.**

03–30. S. Ordered immediately messaged.

1999
ENROLLED BILL

99en A B- 704

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 99-3117/2

Amendments to above (if none, write "NONE"): AA1

Corrections – show date (if none, write "NONE"): none

Topic Manufacture of the controlled substance methamphetamine

4/4/00 Peter Dykman

Date **Enrolling Drafter**

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1999 ASSEMBLY BILL 704

February 1, 2000 – Introduced by Representatives FREESE, RHOADES, AINSWORTH, BALOW, BRANDEMUEHL, GRONEMUS, GUNDERSON, HASENOHRL, HUEBSCH, KEDZIE, KESTELL, KREIBICH, LADWIG, M. LEHMAN, MONTGOMERY, MUSSER, OTT, PETTIS, SERATTI, STONE, SUDER, SYKORA, URBAN and VRAKAS, cosponsored by Senators CLAUSING, SCHULTZ, BAUMGART, BURKE, DARLING, MOEN, PLACHE, ROESSLER and ROSENZWEIG. Referred to Committee on Criminal Justice.

AN ACT ***to amend*** 961.573 (1), 961.573 (2), 961.574 (1), 961.574 (2) and 961.575 (1); and ***to create*** 961.437, 961.573 (3), 961.574 (3) and 961.575 (3) of the statutes; **relating to:** possession and disposal of waste produced by the illegal manufacture of the controlled substance methamphetamine, possession of paraphernalia used in the manufacture of the controlled substance methamphetamine and providing penalties.

Analysis by the Legislative Reference Bureau

Possession and disposal of methamphetamine manufacturing waste

Current law regulates the storage, treatment and disposal of hazardous and solid waste and provides penalties for the improper disposal of hazardous or solid waste. Current law also prohibits the unlawful manufacture of the controlled substance methamphetamine or a controlled substance analog of methamphetamine.

This bill creates prohibitions relating to methamphetamine manufacturing waste, which is any material or article that results from or is produced by the unlawful manufacture of methamphetamine or a controlled substance analog of methamphetamine. Specifically, the bill prohibits a person from knowingly possessing methamphetamine manufacturing waste or intentionally disposing of methamphetamine manufacturing waste by discharging, depositing, injecting,

dumping, spilling, leaking or placing methamphetamine manufacturing waste into or on any land or water in a manner that may permit the waste to be emitted into the air, to be discharged into any waters of the state or otherwise to enter the environment. A person who violates the prohibitions created in the bill is subject to the following penalties:

1. For a first offense, the person must be fined not less than $1,000 nor more than $100,000 or imprisoned for not more than seven years and six months or both.

2. For a second or subsequent offense, the person must be fined not less than $5,000 nor more than $150,000 or imprisoned for not more than 15 years or both.

The prohibitions in the bill relating to methamphetamine manufacturing waste do not apply to a person who is possessing or disposing of methamphetamine manufacturing waste in compliance with current law governing the storage, treatment and disposal of hazardous or solid waste, if the waste had previously been possessed or disposed of in violation of the prohibitions.

Possession of paraphernalia used to manufacture methamphetamine

Current law prohibits the possession, use, manufacture and delivery of drug paraphernalia. Drug paraphernalia includes any object or item that is used, designed for use or primarily intended for use in unlawfully manufacturing, producing, processing, preparing or storing a controlled substance. A person who possesses or uses drug paraphernalia may be fined not more than $500 or imprisoned for not more than 30 days or both. A person who manufactures or delivers drug paraphernalia may be fined not more than $1,000 or imprisoned for not more than 90 days or both, except that if a person delivers drug paraphernalia to a minor the person may be fined not more than $10,000 or imprisoned for not more than nine months or both.

This bill increases the penalties for methamphetamine–related violations of the current drug paraphernalia prohibitions. Specifically, under the bill a person may be fined not more than $10,000 or imprisoned for not more than five years or both if the person uses or delivers drug paraphernalia, or possesses or manufactures drug paraphernalia with intent to use or deliver the paraphernalia, knowing that the drug paraphernalia will be primarily used to unlawfully manufacture, compound, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine. The bill also provides that a person may be fined not more than $50,000 or imprisoned for not more than ten years or both if the person delivers drug paraphernalia to a minor knowing that the drug paraphernalia will be primarily used to unlawfully manufacture, compound, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine.

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

1 **SECTION 1.** 961.437 of the statutes is created to read:

961.437 Possession and disposal of waste from manufacture of methamphetamine. (1) In this section:

(a) "Dispose of" means discharge, deposit, inject, dump, spill, leak or place methamphetamine manufacturing waste into or on any land or water in a manner that may permit the waste to be emitted into the air, to be discharged into any waters of the state or otherwise to enter the environment.

(b) "Intentionally" has the meaning given in s. 939.23 (3).

(c) "Methamphetamine manufacturing waste" means any solid, semisolid, liquid or contained gaseous material or article that results from or is produced by the manufacture of methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter.

3-17 AA1

(2) No person may do any of the following:

(a) Knowingly possess methamphetamine manufacturing waste.

(b) Intentionally dispose of methamphetamine manufacturing waste.

(3) Subsection (2) does not apply to a person who possesses or disposes of methamphetamine manufacturing waste under all of the following circumstances:

(a) The person is storing, treating or disposing of the waste in compliance with chs. 287, 289, 291 and 292. 3-18 AA1

(b) The methamphetamine manufacturing waste had previously been possessed or disposed of by another person in violation of sub. (2).

(4) A person who violates sub. (2) is subject to the following penalties:

(a) For a first offense, the person shall be fined not less than $1,000 nor more than $100,000 or imprisoned for not more than 7 years and 6 months or both.

(b) For a 2nd or subsequent offense, the person shall be fined not less than $5,000 nor more than $150,000 or imprisoned for not more than 15 years or both.

1 **(5)** Each day of a continuing violation of sub. (2) (a) or (b) constitutes a separate
2 offense.

3 **SECTION 2.** 961.573 (1) of the statutes is amended to read:

4 961.573 **(1)** No person may use, or possess with the primary intent to use, drug
5 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
6 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
7 contain, conceal, inject, ingest, inhale or otherwise introduce into the human body
8 a controlled substance or controlled substance analog in violation of this chapter.
9 Any person who violates this ~~section~~ subsection may be fined not more than $500 or
10 imprisoned for not more than 30 days or both.

11 **SECTION 3.** 961.573 (2) of the statutes is amended to read:

12 961.573 **(2)** Any person who violates ~~this section~~ sub. (1) who is under 17 years
13 of age is subject to a disposition under s. 938.344 (2e).

14 **SECTION 4.** 961.573 (3) of the statutes is created to read:

15 961.573 **(3)** No person may use, or possess with the primary intent to use, drug
16 paraphernalia to manufacture, compound, convert, produce, process, prepare, test,
17 analyze, pack, repack or store methamphetamine or a controlled substance analog
18 of methamphetamine in violation of this chapter. Any person who violates this
19 subsection may be fined not more than $10,000 or imprisoned for not more than 5
20 years or both.

21 **SECTION 5.** 961.574 (1) of the statutes is amended to read:

22 961.574 **(1)** No person may deliver, possess with intent to deliver, or
23 manufacture with intent to deliver, drug paraphernalia, knowing that it will be
24 primarily used to plant, propagate, cultivate, grow, harvest, manufacture,
25 compound, convert, produce, process, prepare, test, analyze, pack, repack, store,

contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this ~~section~~ subsection may be fined not more than $1,000 or imprisoned for not more than 90 days or both.

SECTION 6. 961.574 (2) of the statutes is amended to read:

961.574 **(2)** Any person who violates ~~this section~~ sub. (1) who is under 17 years of age is subject to a disposition under s. 938.344 (2e).

SECTION 7. 961.574 (3) of the statutes is created to read:

961.574 **(3)** No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter. Any person who violates this subsection may be fined not more than $10,000 or imprisoned for not more than 5 years or both.

SECTION 8. 961.575 (1) of the statutes is amended to read:

961.575 **(1)** Any person 17 years of age or over who violates s. 961.574 (1) by delivering drug paraphernalia to a person 17 years of age or under who is at least 3 years younger than the violator may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

SECTION 9. 961.575 (3) of the statutes is created to read:

961.575 **(3)** Any person 17 years of age or over who violates s. 961.574 (3) by delivering drug paraphernalia to a person 17 years of age or under may be fined not more than $50,000 or imprisoned for not more than 10 years or both.

(END)

1999 – 2000 LEGISLATURE

LRBa1593/1
JEO:kmg:km

ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 704

March 9, 2000 – Offered by Representative FREESE.

3-17

At the locations indicated, amend the bill as follows:

1. Page 3, line 17: before "waste" insert "methamphetamine manufacturing".

2. Page 3, line 18: after "292" insert "or the person has notified a law enforcement agency of the existence of the methamphetamine manufacturing waste".

3-18

(END)