

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0617/?insRED  
MGD:.....

1 INSERT 29/18 RED

2 SECTION 1. 48.685 (1) (c) of the statutes is amended to read:

3 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a  
4 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (~~3~~), (4), (5) or (6),  
5 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
6 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
7 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or  
8 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or  
9 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (~~3~~), (4), (5) or (6),  
10 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
11 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
12 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

13 History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186.

13 INSERT 35/16 RED

14 SECTION 2. 50.065 (1) (e) 1. of the statutes is amended to read:

15 50.065 (1) (e) 1. "Serious crime" means a violation of s. 940.19 (3), 1999 stats.,  
16 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (~~3~~), (4), (5) or (6),  
17 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1),  
18 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States  
19 jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s.  
20 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (~~3~~), (4), (5) or (6), 940.22 (2) or (3),  
21 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)  
22 (a) if committed in this state.

23 History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186.

23 INSERT 58/8 RED

s. 943.23

1999 stats.

1 SECTION 3. 301.048 (2) (bm) 1. a. of the statutes is amended to read:

2 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), ~~940.195 (3)~~, ~~943.23~~

3 ~~(1m)~~ or ~~(1r)~~, 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09,

4 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21,

5 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r.,

6 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30,

7 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23

8 (1g), ~~(1m)~~ or ~~(1r)~~, 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,

9 948.04, 948.05, 948.06, 948.07, 948.08, or 948.30.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 23; 1997 a. 27, 133, 181, 283; 1999 a. 9.

10 INSERT 158/10 RED

11 SECTION 4. 961.41 (1) (em) of the statutes is repealed.

12 INSERT 166/25 RED

13 SECTION 5. 961.41 (1m) (em) of the statutes is repealed.

14 INSERT 172/24 RED

15 SECTION 6. 961.41 (3g) (b) of the statutes is amended to read:

16 961.41 (3g) (b) Other drugs generally. Except as provided in pars. (c), (d), ~~(dm)~~,

17 (e) and (f), if the person possesses or attempts to possess a controlled substance or

18 controlled substance analog, other than a controlled substance included in schedule

19 I or II that is a narcotic drug or a controlled substance analog of a controlled

20 substance included in schedule I or II that is a narcotic drug, the person is guilty of

21 a misdemeanor, punishable under s. 939.61.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57.

22 INSERT 174/2 RED

23 SECTION 7. 961.41 (3g) (dm) of the statutes is repealed.

24 INSERT 178/1 RED

Substance on or near certain places.

SECTION 8. 961.49 (1) of the statutes is renumbered 961.49, and 961.49 (intro.) of the statutes, as renumbered, is amended to read:

Distribution of or possession with intent to deliver a controlled  
961.49 (intro.) If any person violates s. 961.41 (1) (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m) (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute; cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, methcathinone or any form of tetrahydrocannabinols or a controlled substance analog of any of these substances and the delivery, distribution or possession takes place under any of the following circumstances, the maximum term of imprisonment proscribed by law for that crime may be increased by 5 years:

History: 1985 a. 328; 1987 a. 332, 339, 403; 1989 a. 31, 107, 121; 1991 a. 39; 1993 a. 87, 98, 118, 281, 490, 491; 1995 a. 448 s. 289, 491; Stats. 1995 s. 961.49; 1997 a. 283, 327; 1999 a. 32, 48, 57.

INSERT 178/4A RED

SECTION 9. 961.55 (1) (d) 3. of the statutes is amended to read:

961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

History: 1971 c. 219, 307; 1981 c. 267; 1985 a. 245, 328; 1987 a. 339; 1989 a. 121; 1993 a. 118, 482; 1995 a. 448 ss. 297 to 305; Stats. 1995 s. 961.55; 1997 a. 220; 1999 a. 48, 57, 110.

INSERT 180/19 RED

SECTION 10. 971.365 (1) (a) of the statutes is amended to read:

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

History: 1985 a. 328; 1987 a. 339; 1989 a. 121; 1993 a. 98, 118, 490; 1995 a. 448; 1999 a. 48.

SECTION 11. 971.365 (1) (b) of the statutes is amended to read:



1           971.365 (1) (b) In any case under s. 961.41 (1m) (cm), (d), (e), ~~(em)~~<sup>✓</sup>, (f), (g) or (h)  
2 involving more than one violation, all violations may be prosecuted as a single crime  
3 if the violations were pursuant to a single intent and design.

**History:** 1985 a. 328; 1987 a. 339; 1989 a. 121; 1993 a. 98, 118, 490; 1995 a. 448; 1999 a. 48.

1

**ANALYSIS INSERT**

***Effective date***

The requirement that crime legislation be reviewed by the joint committee on criminal penalties takes effect on January 1, 2002. All other changes relating to crimes and criminal penalties described in this section of the analysis take effect on the first day of the fifth month beginning after its publication as an act.

*review*

*this bill's*

*Criminal penalties subsection ✓*

*Bold, III (I)*

3 <sup>LPs</sup> sets of  
inserts  
(may be out  
of order)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-06177?ins B  
MGD:.....

This is  
Insert B  
in electronic  
file.

1 INSERT 32/10

2 SECTION 1. 49.195 (3n) (k) ✓ of the statutes is amended to read:

3 49.195 (3n) (k) Any person who removes, deposits or conceals or aids in  
4 removing, depositing or concealing any property upon which a levy is authorized  
5 under this subsection with intent to evade or defeat the assessment or collection of  
6 any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years~~ ← strike  
7 ~~and 6 months or both, and shall be liable to the state for~~ <sup>is guilty of a Class H felony</sup> <sup>assessed</sup> the costs of prosecution.

History: 1977 c. 29; 1981 c. 93, 317; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 307; 1989 a. 31, 96, 173; 1993 a. 16; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9, 185.

8 ~~INSERT~~

9 SECTION 2. 49.195 (3n) (r) ✓ of the statutes is amended to read:

10 49.195 (3n) (r) No employer may discharge or otherwise discriminate with  
11 respect to the terms and conditions of employment against any employee by reason  
12 of the fact that his or her earnings have been subject to levy for any one levy or  
13 because of compliance with any provision of this subsection. Any person who violates  
14 this paragraph ~~may be fined not more than \$1,000 or imprisoned for not more than~~  
15 ~~2 years or both.~~ <sup>is guilty of a Class I felony</sup>

History: 1977 c. 29; 1981 c. 93, 317; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 307; 1989 a. 31, 96, 173; 1993 a. 16; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9, 185.

16 INSERT 40/13

17 SECTION 3. 101.9204 (2) ✓ of the statutes is amended to read:

18 101.9204 (2) Any person who knowingly makes a false statement in an  
19 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~  
20 ~~for not more than 5 years or both.~~ <sup>is guilty of a Class H felony ✓</sup>

History: 1999 a. 9, 53, 185; s. 13.93 (2) (c).

21 INSERT 48/10

22 SECTION 4. 139.85 (1) ✓ of the statutes is amended to read:

1 139.85 (1) The interest and penalties under s. 139.44 (2) to (7) and (9) to (12)  
2 apply to this subchapter. In addition, a person who violates s. 139.82 (8) ~~shall~~ <sup>may</sup> be fined  
3 not less than \$1,000 nor more than \$5,000, or imprisoned for not less than 90 days  
4 nor more than one year, or both. \$10,000

History: 1981 c. 20; 1987 a. 399; 1991 a. 39; 1999 a. 9.

~~INSERT~~

9 months

6 SECTION 5. 139.95 (2) of the statutes is amended to read:

7 139.95 (2) A dealer who possesses a schedule I controlled substance, a schedule  
8 II controlled substance or ketamine or flunitrazepam that does not bear evidence  
9 that the tax under s. 139.88 has been paid ~~may be fined not more than \$10,000 or~~  
10 ~~imprisoned for not more than 7 years and 6 months or both.~~

History: 1989 a. 122; 1991 a. 39; 1997 a. 27, 283; 1999 a. 57.

~~INSERT~~

is guilty of a  
Class H felony

12 SECTION 6. 139.95 (3) of the statutes is amended to read:

13 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits  
14 any stamp or procures or causes the same to be done or who knowingly utters,  
15 publishes, passes or tenders as true any false, altered or counterfeit stamp or who  
16 affixes a counterfeit stamp to a schedule I controlled substance, a schedule II  
17 controlled substance or ketamine or flunitrazepam or who possesses a schedule I  
18 controlled substance, a schedule II controlled substance or ketamine or  
19 flunitrazepam to which a false, altered or counterfeit stamp is affixed ~~may be fined~~  
20 ~~not more than \$10,000 or imprisoned for not less than one year nor more than 15~~  
21 ~~years or both.~~

is guilty of a Class F felony

History: 1989 a. 122; 1991 a. 39; 1997 a. 27, 283; 1999 a. 57.

~~INSERT~~ 58/24

23 SECTION 7. 301.45 (6) (a) 2. of the statutes is amended to read:

is guilty of a  
Class H felony

1 301.45 (6) (a) 2. For a 2nd or subsequent offense, the person may be fined not  
2 ~~more than \$10,000 or imprisoned for not more than 5 years or both.~~ For purposes  
3 of this subdivision, an offense is a 2nd or subsequent offense if, prior to committing  
4 the offense, the person has at any time been convicted of knowingly failing to comply  
5 with any requirement to provide information under subs. (2) to (4).

History: 1995 a. 440 ss. 26 to 49, 53 to 74; Stats. 1995 s. 301.45; 1997 a. 3, 35, 130, 191, 237, 283; 1999 a. 9, 89, 156, 186; s. 13.93 (2) (c).

6 INSERT 85/16

7 SECTION 8. 767.242 (8) of the statutes is amended to read:

8 767.242 (8) PENALTY. Whoever intentionally violates an injunction issued  
9 under sub. (5) (b) 2. c. ~~may be fined not more than \$10,000 or imprisoned for not more~~  
10 ~~than 2 years or both.~~

is guilty of a Class I felony

History: 1999 a. 9.

11 INSERT 92/6

12 SECTION 9. 939.50 (1) (intro.) of the statutes is amended to read:

13 939.50 (1) (intro.) ~~Except as provided in ss. 946.43 (2m) (a), 946.83 and 946.85,~~  
14 ~~felonies~~ in chs. 939 to 951 <sup>the statutes</sup> are classified as follows:

Felonies

History: 1977 c. 173; 1981 c. 280; 1987 a. 332 s. 64; 1993 a. 194; 1995 a. 69; 1997 a. 283; 1999 a. 188.

15 INSERT 121/5

16 SECTION 10. 943.207 (3m) (a) 1. of the statutes is amended to read:  
17 943.207 (3m) (a) 1. If the person transfers sounds into or onto fewer than 1,000  
18 recordings or advertises, offers for sale or rent, sells, rents, possesses or transports  
19 fewer than 1,000 recordings in violation of sub. (1) during a 180-day period, and the  
20 value of the recordings does not exceed \$2,500.

History: 1975 c. 300; 1977 c. 173; 1999 a. 51.

21 SECTION 11. 943.207 (3m) (a) 2. of the statutes is amended to read:

22 943.207 (3m) (a) 2. If the person transfers sounds on or to the Internet in  
23 violation of sub. (1), the transferred sounds are never replayed or are replayed by

↓



Ins 121/5  
cont

1 others from the Internet fewer than 1,000 times during a 180-day period, and the  
2 value of the transferred sounds does not exceed \$2,500.

History: 1975 c. 300; 1977 c. 173; 1999 a. 51.

3 **SECTION 12.** 943.207 (3m) (b) (intro.) of the statutes is amended to read:

4 943.207 (3m) (b) (intro.) Whoever violates this section is guilty of a Class D  
5 felony under any of the following circumstances:

✓  
I  
II

History: 1975 c. 300; 1977 c. 173; 1999 a. 51.

6 ~~**SECTION 13.** 943.207 (3m) (b) 1. of the statutes is amended to read:~~

7 ~~943.207 (3m) (b) 1. If the person transfers sounds into or onto fewer than 1,000  
8 recordings or advertises, offers for sale or rent, sells, rents, possesses or transports  
9 fewer than 1,000 recordings in violation of sub. (1) during a 180-day period, and the  
10 value of the recordings exceeds \$2,500.~~

History: 1975 c. 300; 1977 c. 173; 1999 a. 51.

11 ~~**SECTION 14.** 943.207 (3m) (b) 2. of the statutes is amended to read:~~

12 ~~943.207 (3m) (b) 2. If the person transfers sounds on or to the Internet in  
13 violation of sub. (1), the transferred sounds are replayed by others from the Internet  
14 fewer than 1,000 times during a 180-day period, and the value of the transferred  
15 sounds involved in the violation exceeds \$2,500.~~

History: 1975 c. 300; 1977 c. 173; 1999 a. 51.

16 **SECTION 15.** 943.207 (3m) (c) (intro.) of the statutes is amended to read:

17 943.207 (3m) (c) (intro.) Whoever violates this section is guilty of a Class C  
18 felony under any of the following circumstances:

✓  
H  
I

History: 1975 c. 300; 1977 c. 173; 1999 a. 51.

19 ~~**SECTION 16.** 943.208 (2) (a) of the statutes is amended to read:~~

20 ~~943.208 (2) (a) Whoever violates sub. (1) is guilty of a Class A misdemeanor if  
21 the person creates, advertises, offers for sale or rent, sells, rents, transports or  
22 possesses fewer than 1,000 recordings embodying sound or fewer than 100~~



INS 121/5  
cont

1 audiovisual recordings in violation of sub. (1) during a 180-day period, and the value  
2 of the recordings does not exceed ~~\$2,500.~~ \$2,000

History: 1999 a. 51.

3 SECTION 17. 943.208 (2) (b) of the statutes is amended to read:

4 943.208 (2) (b) Whoever violates sub. (1) is guilty of a Class ~~D~~ <sup>I</sup> felony if the  
5 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses  
6 fewer than 1,000 recordings embodying sound or fewer than 100 audiovisual  
7 recordings in violation of sub. (1) during a 180-day period, and the value of the  
8 recordings exceeds \$2,500.

History: 1999 a. 51.

9 SECTION 18. 943.208 (2) (c) of the statutes is amended to read:

10 943.208 (2) (c) Whoever violates sub. (1) is guilty of a Class ~~E~~ <sup>H</sup> felony if the  
11 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses  
12 at least 1,000 recordings embodying sound or at least 100 audiovisual recordings in  
13 violation of sub. (1) during a 180-day period or if the violation occurs after the person  
14 has been convicted under this section.

History: 1999 a. 51.

15 SECTION 19. 943.209 (2) (a) of the statutes is amended to read:

16 943.209 (2) (a) Whoever violates sub. (1) is guilty of a Class A misdemeanor if  
17 the person advertises, offers for sale or rent, sells, rents, transports or possesses  
18 fewer than 100 recordings in violation of sub. (1) during a 180-day period, and the  
19 value of the recordings does not exceed \$2,500.

History: 1999 a. 51.

20 SECTION 20. 943.209 (2) (b) of the statutes is amended to read:

21 943.209 (2) (b) Whoever violates sub. (1) is guilty of a Class ~~D~~ <sup>I</sup> felony if the  
22 person advertises, offers for sale or rent, sells, rents, transports or possesses fewer



INS 12/1/5  
CORR

1 than 100 recordings in violation of sub. (1) during a 180-day period, and the value  
2 of the recordings exceeds \$2,500.

History: 1999 a. 51.

3 **SECTION 21.** 943.209 (2) (c) of the statutes is amended to read:

4 943.209 (2) (c) Whoever violates sub. (1) is guilty of a Class ~~E~~<sup>H</sup> felony if the  
5 person advertises, offers for sale or rent, sells, rents, transports or possesses at least  
6 100 recordings in violation of sub. (1) during a 180-day period or if the violation  
7 occurs after the person has been convicted under this section.

History: 1999 a. 51.

8 **INSERT** 128/19

9 **SECTION 22.** 943.49 (2) (b) 2. of the statutes is amended to read:

10 943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class ~~D~~<sup>I</sup> felony if  
11 the violation occurs after the person has been convicted under this subsection.

History: 1999 a. 51.

12 **INSERT** 130/22

13 **SECTION 23.** 943.75 (2m) of the statutes is amended to read:

14 943.75 (2m) Whoever intentionally releases an animal that is lawfully  
15 confined for scientific, farming, restocking, research or commercial purposes, acting  
16 without the consent of the owner or custodian of the animal, is guilty of a Class ~~E~~<sup>H</sup>  
17 felony.

History: 1991 a. 20, 269, 1993 a. 27, 1995 a. 79; 1997 a. 27, 192, 248; 1999 a. 45.

18 **INSERT** 136/14

19 **SECTION 24.** 946.43 (1m) (intro.) of the statutes is amended to read:

20 946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,  
21 county or municipal detention facility who intentionally does any of the following  
22 is guilty of a Class ~~E~~<sup>F</sup> felony.

History: 1977 c. 173, 273; 1999 a. 188.

23 **SECTION 25.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

1 946.43 (2m) (a) (intro.) Any prisoner confined to a state prison or other state,  
2 county or municipal detention facility who throws or expels blood, semen, vomit,  
3 saliva, urine, feces or other bodily substance at or toward an officer, employee or  
4 visitor of the prison or facility or another prisoner of the prison or facility under all  
5 of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for~~  
6 ~~not more than 2 years or both:~~

History: 1977 c. 173, 273; 1999 a. 188.

7 **INSERT** 161/12

*is guilty of a Class I felony* ✓

8 ~~§ 3265/P1.457~~ SECTION 26. 961.41 (1) (i) of the statutes, as affected by 1997

9 Wisconsin Act 283 and 1999 Wisconsin Act 57, is amended to read:

10 961.41 (1) (i) Schedule IV drugs. Except as provided in par. (im), if a person  
11 violates this subsection with respect to a substance included in schedule IV, may be  
12 fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months  
13 or both the person is guilty of a Class H felony. ✓

14 **INSERT**

15 SECTION 27. 961.41 (1) (im) of the statutes, as affected by 1999 Wisconsin Act

16 57, is repealed and recreated to read:

17 961.41 (1) (im) <sup>*Flunitrazepam*</sup> If a person violates this subsection with respect to  
18 flunitrazepam, the person is guilty of a Class G felony.

19 **INSERT** 170/2

20 ~~§ 3265/P1.85~~ SECTION 28. 961.41 (1m) (i) of the statutes, as affected by 1997

21 Wisconsin Act 283 and 1999 Wisconsin Act 57, is amended to read:

22 961.41 (1m) (i) Schedule IV drugs. Except as provided in par. (im), if a person  
23 violates this subsection with respect to a substance included in schedule IV, may be

1 ~~fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months~~  
2 ~~or both the person is guilty of a Class H felony.~~

3 ~~INSERT~~

4 SECTION 29. 961.41 (1m) (im) of the statutes, as affected by 1999 Wisconsin Act

5 57 is repealed and recreated to read:

6 961.41 (1m) (im) If a person violates this subsection with respect to  
7 flunitrazepam, the person is guilty of a Class G felony.

8 INSERT 171/22

9 ~~3265/P1.92~~ SECTION 30. 961.41 (2) (b) of the statutes, as affected by 1997

10 Wisconsin Act 283 and 1999 Wisconsin Act 57, is amended to read:

11 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Any Except as  
12 provided in par. (cm), if a person violates this subsection with respect to any other  
13 counterfeit substance included in schedule I, II or, III or IV, may be fined not more  
14 than \$15,000 or imprisoned for not more than 7 years and 6 months or both the  
15 person is guilty of a Class H felony.

16 INSERT 172/6

17 SECTION 31. 961.41 (2) (cm) of the statutes, as affected by 1999 Wisconsin Act

18 57, is amended to read:

19 961.41 (2) (cm) Counterfeit flunitrazepam.  
20 ~~A~~ If a person violates this subsection with respect to a  
21 counterfeit substance which is flunitrazepam, may be fined not more than \$15,000  
22 or imprisoned for not more than 7 years and 6 months or both the person is guilty  
of a Class G felony.

23 INSERT 175/8

24 SECTION 32. 961.437 (4) (a) of the statutes, as affected by 1999 Wisconsin Act

25 129, is amended to read:

1           961.437 (4) (a) ✓ For a first offense, the person shall be fined not less than \$1,000  
2           nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both  
3           is guilty of a Class H felony.

4           SECTION 33. 961.437 (4) (b) ✓ of the statutes, as affected by 1999 Wisconsin Act

5           129, is amended to read:

6           961.437 (4) (b) For a 2nd or subsequent offense, the person shall be fined not  
7           less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years  
8           or both is guilty of a Class F felony.

9           INSERT 178/4 B

10          SECTION 34. 961.573 (3) ✓ of the statutes, as affected by 1999 Wisconsin Act 29,

11          is amended to read:

12          961.573 (3) No person may use, or possess with the primary intent to use, drug  
13          paraphernalia to manufacture, compound, convert, produce, process, prepare, test,  
14          analyze, pack, repack or store methamphetamine or a controlled substance analog  
15          of methamphetamine in violation of this chapter. Any person who violates this  
16          subsection may be fined not more than \$10,000 or imprisoned for not more than 5  
17          years or both is guilty of a Class H felony. ✓

18          SECTION 35. 961.574 (3) ✓ of the statutes, as affected by 1999 Wisconsin Act 129,

19          is amended to read:

20          961.574 (3) No person may deliver, possess with intent to deliver, or  
21          manufacture with intent to deliver, drug paraphernalia, knowing that it will be  
22          primarily used to manufacture, compound, convert, produce, process, prepare, test,  
23          analyze, pack, repack or store methamphetamine or a controlled substance analog  
24          of methamphetamine in violation of this chapter. Any person who violates this

1 subsection may be fined not more than \$10,000 or imprisoned for not more than 5  
2 years or both is guilty of a Class H felony.

3 SECTION 36. 961.575 (3) of the statutes, as affected by 1999 Wisconsin Act 129,  
4 is amended to read:

5 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by  
6 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~  
7 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a  
8 Class G felony.

9 **INSERT** ~~201/9~~ 201/9 ~~B~~ STET

10 **SECTION 9332. Initial applicability; legislature.**

11 **(1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES.** The treatment of section  
12 13.525 (5) of the statutes first applies to bills introduced on the effective date of this  
13 subsection.

14 **INSERT** 201/9 206/12

15 **SECTION 9432. Effective dates; legislature.**

16 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of sections  
17 13.525 (5) of the statutes takes effect on January 1, 2002.

and SECTION 9332 (1) of this act  
↑  
auto ref A