

2001 DRAFTING REQUEST

Bill

Received: 09/17/2001

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing: Kimber

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - drugs

Extra Copies: MGD

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Penalty for possession, in the presence of children, of drug paraphernalia for making methamphetamine

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 09/27/2001	rschluet 10/04/2001	jfrantze 10/08/2001	_____	lrb_docadmin 10/08/2001	lrb_docadminS&L 11/16/2001	

FE Sent For:

At intro.

<END>

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Penalty for possession of drug paraphernalia for making ^hme/amphetamine in the presence of children

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1/?	rryan	RS. 10-1-1	^{rcs} 10/8	Self 10/8			

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<END>

9/13

Kimber from Pettis' office

Meth. labs in homes where children are present;

- Is the penalty different if a child is present
- What is the current penalty for having a meth lab?

Ryan, Robin

From: Liedl, Kimberly
Sent: September 17, 2001 4:10 PM
To: Ryan, Robin
Subject: RE: Meth. labs

Hi, Robin, thanks for your informative e-mail. I talked to Rep. Pettis about it, and he would like to increase the penalty by 5 years and \$10,000 if a child is present in the home with meth paraphernalia. He would also like the legislation to have the penalty include those involved in the meth lab, such as people who are present at the meth site when the police arrive.

Thanks for your help,
Kimber

-----Original Message-----

From: Ryan, Robin
Sent: Monday, September 17, 2001 3:16 PM
To: Liedl, Kimberly
Subject: Meth. labs

The current penalty for possession of drug paraphernalia with intent to manufacture methamphetamine is a maximum fine of \$10,000 and a maximum sentence of 5 years (including time in prison and time on extended supervision). Current law does not make a distinction in penalty based on whether children live in the presence of the meth. paraphernalia.

In addition to possession of paraphernalia, a person could be charged with manufacture, distribution, delivery or possession of meth. The penalties for these offenses depend the amount of meth. involved and are provided in s. 961.41 (1) (em), (1m) (em), and (3g) (d).



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3791/1

RLR:.....

cs + cjs

In 9/27/01

2001 BILL

LPS
Fin Request sheet

Gen

- 1 AN ACT ...; relating to: possession with intent to use or use of drug paraphernalia
- 2 and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits possession with intent to use or use of drug paraphernalia for a variety of activities including growing, making, processing, analyzing, or storing a controlled substance. The penalty for violating this prohibition is confinement in jail for not more than 30 days or a fine not to exceed \$500 or both. If the paraphernalia is for prohibited activities related to methamphetamine or a controlled substance analog of methamphetamine, the penalty is a term of imprisonment (consisting of confinement in prison followed by extended supervision) not to exceed five years or a fine not to exceed \$10,000 or both.

This bill increases the penalty for possession with intent to use or use of drug paraphernalia for prohibited activities related to methamphetamine or a controlled substance analog of methamphetamine, to a term of imprisonment not to exceed 10 years or a fine not to exceed \$20,000 or both, if the possession or use occurs on a premises where a person who is under the age of 18 resides.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

BILL

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SECTION 1. 961.573 (4) of the statutes is created to read:

961.573 (4) Any person who violates sub. (3) while on a premises where a person who is under age 18 resides may be fined not more than \$20,000 or imprisoned for not more than 10 years or both.

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 8, 2001

MEMORANDUM

To: Representative Pettis

From: Robin L. Ryan, Legislative Attorney

Re: LRB-3791/1 Penalty for possession, in the presence of children, of drug paraphernalia for making methamphetamine

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.