

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB661)

Received: 12/13/2001

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Donald Friske (608) 266-7694

By/Representing: Tim Gary

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - drugs

Extra Copies:

Submit via email: YES

Requester's email: Rep.Friske@legis.state.wi.us ✓

Carbon copy (CC:) to: tim.gary@legis.state.wi.us ✓

Pre Topic:

No specific pre topic given

Topic:

Penalty for possession of drug paraphernalia in the presence of a child age 16 or younger

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>
/?	rryan 01/03/2002	gilfokm 01/03/2002		_____			
/1			pgreensl 01/04/2002	_____	lrb_docadmin 01/04/2002	lrb_docadmin 01/04/2002	

01/04/2002 03:35:49 PM

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LRBa1005

FE Sent For:

<END>

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1?	rryan	1-1/3-02 img	1/4/02 ps	1/4/02 ps/ro			

FE Sent For:

<END>

Ryan, Robin

From: Gary, Tim
Sent: December 13, 2001 2:32 PM
To: Ryan, Robin
Subject: Meth bill (AB661) amendment

Please draft an amendment for AB 661 that does the following

Lines 2 & 3: **Strike the words:** "on a premises where a person who is under age 18 resides"

Insert the words: "in the presence or company of a minor child 16 years old or younger"

Thank you for your time and assistance.

Timothy Gary

Legislative Assistant for
Representative Donald Friske (35th)
312 North Capitol
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Madison, WI 53708-8952
Toll Free: (888) 534-0035
(608) 266-7694
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Email: Tim.Gary@legis.state.wi.us

www.FriskeNet.Net

Phone call to Tim on 1/3/02 :

higher penalty for person who is
18 or older who possesses or uses
meth. paraphernalia in presence
of person who is 16 or
younger.

Ryan, Robin

From: Gary, Tim
Sent: December 27, 2001 11:03 AM
To: Ryan, Robin
Subject: Amendment to AB661

Please draft an amendment for the Pettiss meth bill:

Paraphernalia is too broad of a term and paraphernalia for meth use could be anything (straw, paper money or whatever is laying around that can be used for snorting)

Change #1

delete "resides" and replace with "in the presence or company of a minor child 16 years old or younger.
Reason for lowering age: - is the automatic waiver into adult court for 17 year old offenders. 2

2001 ASSEMBLY BILL 661

December 3, 2001 - Introduced by Representatives PETTIS, SUDER, KRAWCZYK, MUSSER, SYKORA, BIES, FREESE and OTT, cosponsored by Senators HARSDORF,

DARLING and ROESSLER. Referred to Committee on Criminal Justice.

AN ACT to create 961.573 (4) of the statutes; relating to: possession with intent to use or use of drug paraphernalia 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.

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

SECTION 1 ASSEMBLY BILL 661

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)

Timothy Gary

Legislative Assistant for
Representative Donald Friske (35th)
312 North Capitol
PO Box 8952
Madison, WI 53708-8952
Toll Free: (888) 534-0035
(608) 266-7694



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa10057

RLR/.....

mg

In 1/03/02

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 661

RMR

SOON

SECTION 17. 961.573 (4) of the statutes is created to read:

~~the bill as follows:~~
Insert
1-3

At the locations indicated, amend the bill as follows:

1. Page 2, line 2; delete lines 3 to 4 and substitute:

3 961.573 (4) Any person who is 18 years of age or older and violates sub. (3)
4 while in the presence or company of a child who is 16 years of age or younger may
5 be fined not more than \$20,000 or imprisoned for not more than 10 years or both.”
6

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1005/lins
RLR:.....

1
2
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Insert 1-1:

✓
"SECTION 1g. 961.573 (3) of the statutes is amended to read:

961.573 (3) No person may use, or possess with the primary intent to use, drug paraphernalia 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~~ Subject to sub. (4), any person who violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

History: 1989 a. 121; 1991 a. 39, 140; 1995 a. 27, 77; 1995 a. 448 ss. B12 to 314, 492; Stats. 1995 s. 961.573; 1999 a. 129.