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~~\*-4548/2.659\* \*-0590/P5.400\* SECTION 937. 948.62 (1) (c) of the statutes is amended to read:~~

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

~~\*-4548/2.660\* \*-0590/P5.401\* SECTION 938. 949.03 (1) (b) of the statutes is amended to read:~~

~~949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24, 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), (1m) or (1r), 943.32, 948.02, 948.025, 948.03, 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.~~

~~\*-4548/2.661\* \*-3370/P2.6\* SECTION 939. 950.04 (1v) (g) of the statutes is amended to read:~~

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

(H)  
(I)

~~\*b3085/1.5\* SECTION 939m. 950.04 (1v) (gm) of the statutes is created to read:~~

~~950.04 (1v) (gm) To have reasonable attempts made to notify the victim of petitions for sentence adjustment as provided under s. 973.195 (1r) (d).~~

~~\*-4548/2.662\* \*-3370/P2.7\* SECTION 940. 950.04 (1v) (nt) of the statutes is created to read:~~

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

1           \*~~4548/2.663~~\* \*~~0590/P5.402~~\* **SECTION 941.** 951.18 (1) of the statutes is  
2 amended to read:

3           951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,  
4 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a  
5 Class C forfeiture. Any person who violates any of these provisions within 3 years  
6 after a humane officer issues an abatement order under s. 173.11 prohibiting the  
7 violation of that provision is subject to a Class A forfeiture. Any person who  
8 intentionally or negligently violates any of those sections is guilty of a Class A  
9 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the  
10 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any  
11 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that  
12 is the victim is used by a law enforcement agency to perform agency functions or  
13 duties and causing injury to the animal, is guilty of a Class ~~E~~ I felony.

14           \*~~4548/2.664~~\* \*~~0590/P5.403~~\* **SECTION 942.** 951.18 (2) of the statutes is  
15 amended to read:

16           951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A  
17 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I  
18 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or  
19 subsequent violation.

20           \*~~4548/2.665~~\* \*~~0590/P5.404~~\* **SECTION 943.** 951.18 (2m) of the statutes is  
21 amended to read:

22           951.18 (2m) Any person who violates s. 951.095 is subject to a Class B  
23 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing  
24 that the animal that is the victim is used by a law enforcement agency or fire  
25 department to perform agency or department functions or duties, is guilty of a Class

1 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the  
2 animal that is the victim is used by a law enforcement agency or fire department to  
3 perform agency or department functions or duties and causing injury to the animal,  
4 is guilty of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.095,  
5 knowing that the animal that is the victim is used by a law enforcement agency or  
6 fire department to perform agency or department functions or duties and causing  
7 death to the animal, is guilty of a Class ~~D~~ H felony.

8 \*~~4548/2.666~~\* \*~~3265/P1.7~~\* SECTION 944. 961.41 (1) (intro.) of the statutes is  
9 amended to read:

10 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as  
11 authorized by this chapter, it is unlawful for any person to manufacture, distribute  
12 or deliver a controlled substance or controlled substance analog. Any person who  
13 violates this subsection ~~with respect to~~ is subject to the following penalties:

14 \*~~4548/2.667~~\* \*~~3265/P1.8~~\* SECTION 945. 961.41 (1) (a) of the statutes is  
15 amended to read:

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

22 \*~~4548/2.668~~\* \*~~3265/P1.9~~\* SECTION 946. 961.41 (1) (b) of the statutes, as  
23 affected by 2001 Wisconsin Act 16, is amended to read:

24 961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as  
25 provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect

1 to any other controlled substance included in schedule I, II, or III, or a controlled  
2 substance analog of any other controlled substance included in schedule I or II, may  
3 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months  
4 or both the person is guilty of a Class H felony.

5 \*~~4548/2.669~~\* \*~~3265/P1.10~~\* **SECTION 947.** 961.41 (1) (cm) (intro.) of the  
6 statutes is amended to read:

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

11 \*~~4548/2.670~~\* \*~~3265/P1.11~~\* **SECTION 948.** 961.41 (1) (cm) 1. of the statutes  
12 is renumbered 961.41 (1) (cm) 1r. and amended to read:

13 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than  
14 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned  
15 for not more than 15 years is guilty of a Class F felony.

16 \*~~4548/2.671~~\* \*~~3265/P1.12~~\* **SECTION 949.** 961.41 (1) (cm) 1g. of the statutes  
17 is created to read:

18 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

19 \*~~4548/2.672~~\* \*~~3265/P1.13~~\* **SECTION 950.** 961.41 (1) (cm) 2. of the statutes  
20 is amended to read:

21 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person  
22 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~  
23 year nor more than 22 years and 6 months is guilty of a Class E felony.

24 \*~~4548/2.673~~\* \*~~3265/P1.14~~\* **SECTION 951.** 961.41 (1) (cm) 3. of the statutes  
25 is amended to read:

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

4           \*~~4548/2.674~~\* \*~~3265/P1.15~~\* **SECTION 952.** 961.41 (1) (cm) 4. of the statutes  
5 is amended to read:

6           961.41 (1) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the person  
7 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than 5~~  
8 ~~years nor more than 45 years~~ is guilty of a Class C felony.

9           \*~~4548/2.675~~\* \*~~3265/P1.16~~\* **SECTION 953.** 961.41 (1) (cm) 5. of the statutes  
10 is repealed.

11           \*~~4548/2.676~~\* \*~~3265/P1.17~~\* **SECTION 954.** 961.41 (1) (d) (intro.) of the  
12 statutes is amended to read:

13           961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with  
14 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~  
15 ~~penalties if~~ and the amount manufactured, distributed or delivered is:

16           \*~~4548/2.677~~\* \*~~3265/P1.18~~\* **SECTION 955.** 961.41 (1) (d) 1. of the statutes is  
17 amended to read:

18           961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~  
19 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~  
20 ~~and 6 months~~ is guilty of a Class F felony.

21           \*~~4548/2.678~~\* \*~~3265/P1.19~~\* **SECTION 956.** 961.41 (1) (d) 2. of the statutes is  
22 amended to read:

23           961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person  
24 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~

1 for not less than ~~6 months nor more than 22 years and 6 months~~ is guilty of a Class  
2 E felony.

3 \*~~4548/2.679~~\* \*~~3265/P1.20~~\* **SECTION 957.** 961.41 (1) (d) 3. of the statutes is  
4 amended to read:

5 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person  
6 shall be fined not less than ~~\$1,000 nor more than \$500,000~~ and shall be imprisoned  
7 for not less than ~~one year nor more than 22 years and 6 months~~ is guilty of a Class  
8 D felony.

9 \*~~4548/2.680~~\* \*~~3265/P1.21~~\* **SECTION 958.** 961.41 (1) (d) 4. of the statutes is  
10 amended to read:

11 961.41 (1) (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person  
12 shall be fined not less than ~~\$1,000 nor more than \$500,000~~ and shall be imprisoned  
13 for not less than ~~3 years nor more than 22 years and 6 months~~ is guilty of a Class C  
14 felony.

15 \*~~4548/2.681~~\* \*~~3265/P1.22~~\* **SECTION 959.** 961.41 (1) (d) 5. of the statutes is  
16 repealed.

17 \*~~4548/2.682~~\* \*~~3265/P1.23~~\* **SECTION 960.** 961.41 (1) (d) 6. of the statutes is  
18 repealed.

19 \*~~4548/2.683~~\* \*~~3265/P1.24~~\* **SECTION 961.** 961.41 (1) (e) (intro.) of the  
20 statutes is amended to read:

21 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and  
22 methcathinone. (intro.) Phencyclidine If the person violates this subsection with  
23 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a  
24 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or

1 methcathinone, is ~~subject to the following penalties if~~ and the amount  
2 manufactured, distributed, or delivered is:

3 ~~\*-4548/2.684\* \*-3265/P1.25\*~~ **SECTION 962.** 961.41 (1) (e) 1. of the statutes is  
4 amended to read:

5 961.41 (1) (e) 1. Three grams or less, the person ~~shall be fined not less than~~  
6 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~  
7 ~~6 months~~ is guilty of a Class F felony.

8 ~~\*-4548/2.685\* \*-3265/P1.26\*~~ **SECTION 963.** 961.41 (1) (e) 2. of the statutes is  
9 amended to read:

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

14 ~~\*-4548/2.686\* \*-3265/P1.27\*~~ **SECTION 964.** 961.41 (1) (e) 3. of the statutes is  
15 amended to read:

16 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person  
17 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~  
18 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class  
19 D felony.

20 ~~\*-4548/2.687\* \*-3265/P1.28\*~~ **SECTION 965.** 961.41 (1) (e) 4. of the statutes is  
21 amended to read:

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

1           \*~~4548/2.688~~\* \*~~3265/P1.29~~\* **SECTION 966.** 961.41 (1) (e) 5. of the statutes is  
2 repealed.

3           \*~~4548/2.689~~\* \*~~3265/P1.30~~\* **SECTION 967.** 961.41 (1) (e) 6. of the statutes is  
4 repealed.

5           \*~~4548/2.690~~\* **SECTION 968.** 961.41 (1) (em) of the statutes is repealed.

6           \*~~4548/2.691~~\* \*~~3265/P1.31~~\* **SECTION 969.** 961.41 (1) (f) (intro.) of the  
7 statutes is amended to read:

8           961.41 (1) (f) Lysergic acid diethylamide. (intro.) ~~Lysergie~~ If the person violates  
9 this subsection with respect to lysergic acid diethylamide or a controlled substance  
10 analog of lysergic acid diethylamide is subject to the following penalties if and the  
11 amount manufactured, distributed, or delivered is:

12           \*~~4548/2.692~~\* \*~~3265/P1.32~~\* **SECTION 970.** 961.41 (1) (f) 1. of the statutes is  
13 amended to read:

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

17           \*~~4548/2.693~~\* \*~~3265/P1.33~~\* **SECTION 971.** 961.41 (1) (f) 2. of the statutes is  
18 amended to read:

19           961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person ~~shall~~  
20 ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not~~  
21 ~~less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.~~

22           \*~~4548/2.694~~\* \*~~3265/P1.34~~\* **SECTION 972.** 961.41 (1) (f) 3. of the statutes is  
23 amended to read:



1           961.41 (1) (f) 3. More than 5 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           \*~~4548/2.695~~\* \*~~3265/P1.35~~\* SECTION 973. 961.41 (1) (g) (intro.) of the  
5           statutes is amended to read:

6           961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin If the person violates  
7           this subsection with respect to psilocin or psilocybin, or a controlled substance analog  
8           of psilocin or psilocybin, ~~is subject to the following penalties if~~ and the amount  
9           manufactured, distributed or delivered is:

10          \*~~4548/2.696~~\* \*~~3265/P1.36~~\* SECTION 974. 961.41 (1) (g) 1. of the statutes is  
11          amended to read:

12          961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less  
13          than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7  
14          years and 6 months is guilty of a Class G felony.

15          \*~~4548/2.697~~\* \*~~3265/P1.37~~\* SECTION 975. 961.41 (1) (g) 2. of the statutes is  
16          amended to read:

17          961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person  
18          shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
19          for not less than 6 months nor more than 7 years and 6 months is guilty of a Class  
20          F felony.

21          \*~~4548/2.698~~\* \*~~3265/P1.38~~\* SECTION 976. 961.41 (1) (g) 3. of the statutes is  
22          amended to read:

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

1           \*~~4548/2.699~~\* \*~~3265/P1.39~~\* **SECTION 977.** 961.41 (1) (h) (intro.) of the  
2 statutes is amended to read:

3           961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the  
4 person violates this subsection with respect to tetrahydrocannabinols, included  
5 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is  
6 ~~subject to the following penalties if and~~ the amount manufactured, distributed or  
7 delivered is:

8           \*~~4548/2.700~~\* \*~~3265/P1.40~~\* **SECTION 978.** 961.41 (1) (h) 1. of the statutes is  
9 amended to read:

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

14           \*~~4548/2.701~~\* \*~~3265/P1.41~~\* **SECTION 979.** 961.41 (1) (h) 2. of the statutes is  
15 amended to read:

16           961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,  
17 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20  
18 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~  
19 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~  
20 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

21           \*~~4548/2.702~~\* \*~~3265/P1.42~~\* **SECTION 980.** 961.41 (1) (h) 3. of the statutes is  
22 amended to read:

23           961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,  
24 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50  
25 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~

1 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~  
2 ~~nor more than 15 years is guilty of a Class G felony.~~

3 \*~~4548/2.703~~\* \*~~3265/P1.43~~\* SECTION 981. 961.41 (1) (h) 4. of the statutes is  
4 created to read:

5 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or  
6 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants  
7 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

8 \*~~4548/2.704~~\* \*~~3265/P1.44~~\* SECTION 982. 961.41 (1) (h) 5. of the statutes is  
9 created to read:

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

12 \*~~4548/2.705~~\* SECTION 983. 961.41 (1) (hm) (intro.) of the statutes, as affected  
13 by 2001 Wisconsin Act 16, is amended to read:

14 961.41 (1) (hm) Certain other schedule I controlled substances and ketamine.  
15 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect  
16 to ~~gamma-hydroxybutyric~~ acid, gamma-butyrolactone,  
17 3,4-methylenedioxymethamphetamine,  
18 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,  
19 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,  
20 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,  
21 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is  
22 ~~subject to the following penalties if~~ and the amount manufactured, distributed, or  
23 delivered is:

24 \*~~4548/2.706~~\* SECTION 984. 961.41 (1) (hm) 1. of the statutes, as created by  
25 2001 Wisconsin Act 16, is amended to read:

1           961.41 (1) (hm) 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 7 years and~~  
3           ~~6 months~~ is guilty of a Class F felony.

4           \*~~4548/2.707~~\* **SECTION 985.** 961.41 (1) (hm) 2. of the statutes, as created by  
5           2001 Wisconsin Act 16, is amended to read:

6           961.41 (1) (hm) 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 7 years and 6 months~~ is guilty of a Class  
9           E felony.

10          \*~~4548/2.708~~\* **SECTION 986.** 961.41 (1) (hm) 3. of the statutes, as created by  
11          2001 Wisconsin Act 16, is amended to read:

12          961.41 (1) (hm) 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          \*~~4548/2.709~~\* **SECTION 987.** 961.41 (1) (hm) 4. of the statutes, as created by  
17          2001 Wisconsin Act 16, is amended to read:

18          961.41 (1) (hm) 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          \*~~4548/2.710~~\* **SECTION 988.** 961.41 (1) (hm) 5. of the statutes, as created by  
23          2001 Wisconsin Act 16, is repealed.

24          \*~~4548/2.711~~\* **SECTION 989.** 961.41 (1) (hm) 6. of the statutes, as created by  
25          2001 Wisconsin Act 16, is repealed.

1           \*~~4548/2.712~~\* \*~~3265/P1.45~~\* **SECTION 990.** 961.41 (1) (i) of the statutes is  
2 amended to read:

3           961.41 (1) (i) Schedule IV drugs generally. Except as provided in par. (im), if  
4 a person violates this subsection with respect to a substance included in schedule IV,  
5 may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6  
6 months or both the person is guilty of a Class H felony.

7           \*~~4548/2.713~~\* **SECTION 991.** 961.41 (1) (im) (intro.) of the statutes, as affected  
8 by 2001 Wisconsin Act 16, is amended to read:

9           961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~  
10 ~~following penalties if~~ If a person violates this subsection with respect to  
11 flunitrazepam and the amount manufactured, distributed, or delivered is:

12           \*~~4548/2.714~~\* **SECTION 992.** 961.41 (1) (im) 1. of the statutes, as created by  
13 2001 Wisconsin Act 16, is amended to read:

14           961.41 (1) (im) 1. Three grams or less, the person ~~shall be fined not less than~~  
15 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~  
16 ~~6 months~~ is guilty of a Class F felony.

17           \*~~4548/2.715~~\* **SECTION 993.** 961.41 (1) (im) 2. of the statutes, as created by  
18 2001 Wisconsin Act 16, is amended to read:

19           961.41 (1) (im) 2. More than 3 grams but not more than 10 grams, the person  
20 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~  
21 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class  
22 E felony.

23           \*~~4548/2.716~~\* **SECTION 994.** 961.41 (1) (im) 3. of the statutes, as created by  
24 2001 Wisconsin Act 16, is amended to read:

1           961.41 (1) (im) 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           \*~~4548/2.717~~\* **SECTION 995.** 961.41 (1) (im) 4. of the statutes, as created by  
6 2001 Wisconsin Act 16, is amended to read:

7           961.41 (1) (im) 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           \*~~4548/2.718~~\* **SECTION 996.** 961.41 (1) (im) 5. of the statutes, as created by  
12 2001 Wisconsin Act 16, is repealed.

13           \*~~4548/2.719~~\* **SECTION 997.** 961.41 (1) (im) 6. of the statutes, as created by  
14 2001 Wisconsin Act 16, is repealed.

15           \*~~4548/2.720~~\* \*~~3265/P1.46~~\* **SECTION 998.** 961.41 (1) (j) of the statutes is  
16 amended to read:

17           961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with  
18 respect to a substance included in schedule V, may be fined not more than \$5,000 or  
19 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

20           \*~~4548/2.721~~\* \*~~3265/P1.47~~\* **SECTION 999.** 961.41 (1m) (intro.) of the statutes  
21 is amended to read:

22           961.41 (1m) **POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.**  
23 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,  
24 with intent to manufacture, distribute or deliver, a controlled substance or a  
25 controlled substance analog. Intent under this subsection may be demonstrated by,

1 without limitation because of enumeration, evidence of the quantity and monetary  
2 value of the substances possessed, the possession of manufacturing implements or  
3 paraphernalia, and the activities or statements of the person in possession of the  
4 controlled substance or a controlled substance analog prior to and after the alleged  
5 violation. Any person who violates this subsection with respect to is subject to the  
6 following penalties:

7 \*~~4548/2.722~~\* \*~~3265/P1.48~~\* **SECTION 1000.** 961.41 (1m) (a) of the statutes is  
8 amended to read:

9 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided  
10 in par. (d), if a person violates this subsection with respect to a controlled substance  
11 included in schedule I or II which is a narcotic drug or a controlled substance analog  
12 of a controlled substance included in schedule I or II which is a narcotic drug, may  
13 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6  
14 months or both the person is guilty of a Class E felony.

15 \*~~4548/2.723~~\* \*~~3265/P1.49~~\* **SECTION 1001.** 961.41 (1m) (b) of the statutes,  
16 as affected by 2001 Wisconsin Act 16, is amended to read:

17 961.41 (1m) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as  
18 provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect  
19 to any other controlled substance included in schedule I, II, or III, or a controlled  
20 substance analog of any other controlled substance included in schedule I or II, may  
21 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months  
22 or both the person is guilty of a Class H felony.

23 \*~~4548/2.724~~\* \*~~3265/P1.50~~\* **SECTION 1002.** 961.41 (1m) (cm) (intro.) of the  
24 statutes is amended to read:

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

5           \*~~4548/2.725~~\* \*~~3265/P1.51~~\* **SECTION 1003.** 961.41 (1m) (cm) 1. of the  
6 statutes is renumbered 961.41 (1m) (cm) 1r. and amended to read:

7           961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than  
8 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~  
9 ~~for not more than 15 years~~ is guilty of a Class F felony.

10          \*~~4548/2.726~~\* \*~~3265/P1.52~~\* **SECTION 1004.** 961.41 (1m) (cm) 1g. of the  
11 statutes is created to read:

12          961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

13          \*~~4548/2.727~~\* \*~~3265/P1.53~~\* **SECTION 1005.** 961.41 (1m) (cm) 2. of the  
14 statutes is amended to read:

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

18          \*~~4548/2.728~~\* \*~~3265/P1.54~~\* **SECTION 1006.** 961.41 (1m) (cm) 3. of the  
19 statutes is amended to read:

20          961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the  
21 ~~person shall be fined not more than \$500,000 and shall be imprisoned for not less~~  
22 ~~than 3 years nor more than 30 years~~ is guilty of a Class D felony.

23          \*~~4548/2.729~~\* \*~~3265/P1.55~~\* **SECTION 1007.** 961.41 (1m) (cm) 4. of the  
24 statutes is amended to read:



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

4           \*~~4548/2.730~~\* \*~~3265/P1.56~~\* SECTION 1008. 961.41 (1m) (cm) 5. of the  
5 statutes is repealed.

6           \*~~4548/2.731~~\* \*~~3265/P1.57~~\* SECTION 1009. 961.41 (1m) (d) (intro.) of the  
7 statutes is amended to read:

8           961.41 (1m) (d) Heroin. (intro.) ~~Heroin~~ If a person violates this subsection with  
9 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~  
10 ~~penalties if~~ and the amount possessed, with intent to manufacture, distribute or  
11 deliver, is:

12           \*~~4548/2.732~~\* \*~~3265/P1.58~~\* SECTION 1010. 961.41 (1m) (d) 1. of the statutes  
13 is amended to read:

14           961.41 (1m) (d) 1. Three grams or less, the person ~~shall be fined not less than~~  
15 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years~~  
16 ~~and 6 months~~ is guilty of a Class F felony.

17           \*~~4548/2.733~~\* \*~~3265/P1.59~~\* SECTION 1011. 961.41 (1m) (d) 2. of the statutes  
18 is amended to read:

19           961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person  
20 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~  
21 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class  
22 E felony.

23           \*~~4548/2.734~~\* \*~~3265/P1.60~~\* SECTION 1012. 961.41 (1m) (d) 3. of the statutes  
24 is amended to read:

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           \*~~4548/2.735~~\* \*~~3265/P1.61~~\* **SECTION 1013.** 961.41 (1m) (d) 4. of the statutes  
6 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           \*~~4548/2.736~~\* \*~~3265/P1.62~~\* **SECTION 1014.** 961.41 (1m) (d) 5. of the statutes  
12 is repealed.

13           \*~~4548/2.737~~\* \*~~3265/P1.63~~\* **SECTION 1015.** 961.41 (1m) (d) 6. of the statutes  
14 is repealed.

15           \*~~4548/2.738~~\* \*~~3265/P1.64~~\* **SECTION 1016.** 961.41 (1m) (e) (intro.) of the  
16 statutes is amended to read:

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

23           \*~~4548/2.739~~\* \*~~3265/P1.65~~\* **SECTION 1017.** 961.41 (1m) (e) 1. of the statutes  
24 is amended to read:

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           \*~~4548/2.740~~\* \*~~3265/P1.66~~\* **SECTION 1018.** 961.41 (1m) (e) 2. of the statutes  
5           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          \*~~4548/2.741~~\* \*~~3265/P1.67~~\* **SECTION 1019.** 961.41 (1m) (e) 3. of the statutes  
11          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          \*~~4548/2.742~~\* \*~~3265/P1.68~~\* **SECTION 1020.** 961.41 (1m) (e) 4. of the statutes  
17          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          \*~~4548/2.743~~\* \*~~3265/P1.69~~\* **SECTION 1021.** 961.41 (1m) (c) 5. of the statutes  
23          is repealed.

24          \*~~4548/2.744~~\* \*~~3265/P1.70~~\* **SECTION 1022.** 961.41 (1m) (e) 6. of the statutes  
25          is repealed.

1           \*~~4548/2.745~~\* **SECTION 1023.** 961.41 (1m) (em) of the statutes is repealed.

2           \*~~4548/2.746~~\* \*~~3265/P1.71~~\* **SECTION 1024.** 961.41 (1m) (f) (intro.) of the  
3 statutes is amended to read:

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

8           \*~~4548/2.747~~\* \*~~3265/P1.72~~\* **SECTION 1025.** 961.41 (1m) (f) 1. of the statutes  
9 is amended to read:

10           961.41 (1m) (f) 1. One gram or less, the person ~~shall be fined not less than~~  
11 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~  
12 ~~6 months~~ is guilty of a Class G felony.

13           \*~~4548/2.748~~\* \*~~3265/P1.73~~\* **SECTION 1026.** 961.41 (1m) (f) 2. of the statutes  
14 is amended to read:

15           961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person  
16 ~~shall be fined not less than \$1,000 nor more than \$200,000 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 F felony.

19           \*~~4548/2.749~~\* \*~~3265/P1.74~~\* **SECTION 1027.** 961.41 (1m) (f) 3. of the statutes  
20 is amended to read:

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

24           \*~~4548/2.750~~\* \*~~3265/P1.75~~\* **SECTION 1028.** 961.41 (1m) (g) (intro.) of the  
25 statutes is amended to read:

1           961.41 (1m) (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates  
2 this subsection with respect to psilocin or psilocybin, or a controlled substance analog  
3 of psilocin or psilocybin, is subject to the following penalties if and the amount  
4 possessed, with intent to manufacture, distribute or deliver, is:

5           \*~~4548/2.751~~\* \*~~3265/P1.76~~\* SECTION 1029. 961.41 (1m) (g) 1. of the statutes  
6 is amended to read:

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

10           \*~~4548/2.752~~\* \*~~3265/P1.77~~\* SECTION 1030. 961.41 (1m) (g) 2. of the statutes  
11 is amended to read:

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

16           \*~~4548/2.753~~\* \*~~3265/P1.78~~\* SECTION 1031. 961.41 (1m) (g) 3. of the statutes  
17 is amended to read:

18           961.41 (1m) (g) 3. More than 500 grams, the person ~~shall be fined not less than~~  
19 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~  
20 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

21           \*~~4548/2.754~~\* \*~~3265/P1.79~~\* SECTION 1032. 961.41 (1m) (h) (intro.) of the  
22 statutes is amended to read:

23           961.41 (1m) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a  
24 person violates this subsection with respect to tetrahydrocannabinols, included  
25 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is

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

3 \*~~4548/2.755~~\* \*~~3265/P1.80~~\* SECTION 1033. 961.41 (1m) (h) 1. of the statutes  
4 is amended to read:

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

9 \*~~4548/2.756~~\* \*~~3265/P1.81~~\* SECTION 1034. 961.41 (1m) (h) 2. of the statutes  
10 is amended to read:

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

16 \*~~4548/2.757~~\* \*~~3265/P1.82~~\* SECTION 1035. 961.41 (1m) (h) 3. of the statutes  
17 is amended to read:

18 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,  
19 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50  
20 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~  
21 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~  
22 ~~nor more than 15 years~~ is guilty of a Class G felony.

23 \*~~4548/2.758~~\* \*~~3265/P1.83~~\* SECTION 1036. 961.41 (1m) (h) 4. of the statutes  
24 is created to read:

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

4           \*~~4548/2.759~~\* \*~~3265/P1.84~~\* **SECTION 1037.** 961.41 (1m) (h) 5. of the statutes  
5 is created to read:

6           961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing  
7 tetrahydrocannabinols, the person is guilty of a Class E felony.

8           \*~~4548/2.760~~\* **SECTION 1038.** 961.41 (1m) (hm) (intro.) of the statutes, as  
9 created by 2001 Wisconsin Act 16, is amended to read:

10           961.41 (1m) (hm) Certain other schedule I controlled substances and ketamine.  
11 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect  
12 to ~~gamma-hydroxybutyric~~ acid, gamma-butyrolactone,  
13 3,4-methylenedioxymethamphetamine  
14 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,  
15 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,  
16 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine  
17 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is  
18 subject to the following penalties if the amount possessed, with intent to  
19 manufacture, distribute, or deliver is:

20           \*~~4548/2.761~~\* **SECTION 1039.** 961.41 (1m) (hm) 1. of the statutes, as created  
21 by 2001 Wisconsin Act 16, is amended to read:

22           961.41 (1m) (hm) 1. Three grams or less, the person ~~shall be fined not less than~~  
23 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~  
24 ~~6 months~~ is guilty of a Class F felony.

1           \*~~4548/2.762~~\* **SECTION 1040.** 961.41 (1m) (hm) 2. of the statutes, as created  
2 by 2001 Wisconsin Act 16, is amended to read:

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

7           \*~~4548/2.763~~\* **SECTION 1041.** 961.41 (1m) (hm) 3. of the statutes, as created  
8 by 2001 Wisconsin Act 16, is amended to read:

9           961.41 (1m) (hm) 3. More than 10 grams but not more than 50 grams, the  
10 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
11 imprisoned for not less than one year nor more than 22 years and 6 months is guilty  
12 of a Class D felony.

13           \*~~4548/2.764~~\* **SECTION 1042.** 961.41 (1m) (hm) 4. of the statutes, as created  
14 by 2001 Wisconsin Act 16, is amended to read:

15           961.41 (1m) (hm) 4. More than 50 grams ~~but not more than 200 grams~~, the  
16 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
17 imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty  
18 of a Class C felony.

19           \*~~4548/2.765~~\* **SECTION 1043.** 961.41 (1m) (hm) 5. of the statutes, as created  
20 by 2001 Wisconsin Act 16, is repealed.

21           \*~~4548/2.766~~\* **SECTION 1044.** 961.41 (1m) (hm) 6. of the statutes, as created  
22 by 2001 Wisconsin Act 16, is repealed.

23           \*~~4548/2.767~~\* \*~~3265/P1.85~~\* **SECTION 1045.** 961.41 (1m) (i) of the statutes is  
24 amended to read:



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

5           \*~~4548/2.768~~\* SECTION 1046. 961.41 (1m) (im) (intro.) of the statutes, as  
6 affected by 2001 Wisconsin Act 16, is amended to read:

7           961.41 (1m) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~  
8 ~~following penalties if~~ If a person violates this subsection with respect to  
9 flunitrazepam and the amount possessed, with intent to manufacture, distribute, or  
10 deliver, is:

11           \*~~4548/2.769~~\* SECTION 1047. 961.41 (1m) (im) 1. of the statutes, as created by  
12 2001 Wisconsin Act 16, is amended to read:

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

16           \*~~4548/2.770~~\* SECTION 1048. 961.41 (1m) (im) 2. of the statutes, as created by  
17 2001 Wisconsin Act 16, is amended to read:

18           961.41 (1m) (im) 2. More than 3 grams but not more than 10 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 E felony.

22           \*~~4548/2.771~~\* SECTION 1049. 961.41 (1m) (im) 3. of the statutes, as created by  
23 2001 Wisconsin Act 16, is amended to read:

24           961.41 (1m) (im) 3. More than 10 grams but not more than 50 grams, the person  
25 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned

1 ~~for not less than one year nor more than 22 years and 6 months is guilty of a Class~~  
2 ~~D felony.~~

3 \*~~4548/2.772~~\* **SECTION 1050.** 961.41 (1m) (im) 4. of the statutes, as created by  
4 2001 Wisconsin Act 16, is amended to read:

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

9 \*~~4548/2.773~~\* **SECTION 1051.** 961.41 (1m) (im) 5. of the statutes, as created by  
10 2001 Wisconsin Act 16, is repealed.

11 \*~~4548/2.774~~\* **SECTION 1052.** 961.41 (1m) (im) 6. of the statutes, as created by  
12 2001 Wisconsin Act 16, is repealed.

13 \*~~4548/2.775~~\* \*~~3265/P1.86~~\* **SECTION 1053.** 961.41 (1m) (j) of the statutes is  
14 amended to read:

15 961.41 (1m) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with  
16 respect to a substance included in schedule V, may be fined not more than \$5,000 or  
17 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

18 \*~~4548/2.776~~\* \*~~3265/P1.87~~\* **SECTION 1054.** 961.41 (1n) (c) of the statutes is  
19 amended to read:

20 961.41 (1n) (c) A person who violates par. (a) or (b) may be fined not more than  
21 \$250,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

22 \*~~4548/2.777~~\* \*~~3265/P1.88~~\* **SECTION 1055.** 961.41 (1q) of the statutes is  
23 amended to read:

24 961.41 (1q) **PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.**  
25 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) and s. 961.49 (2), if

1 different penalty provisions apply to a person depending on whether the weight of  
2 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is  
3 considered, the greater penalty provision applies.

4 \*~~4548/2.778~~\* \*~~3265/P1.89~~\* **SECTION 1056.** 961.41 (1r) of the statutes is  
5 amended to read:

6 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under  
7 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) and s. 961.49 (2) (b), an amount  
8 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid  
9 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,  
10 methcathinone or tetrahydrocannabinols or any controlled substance analog of any  
11 of these substances together with any compound, mixture, diluent, plant material  
12 or other substance mixed or combined with the controlled substance or controlled  
13 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)  
14 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14  
15 (4) (t) and includes the weight of any marijuana.

16 \*~~4548/2.779~~\* \*~~3265/P1.90~~\* **SECTION 1057.** 961.41 (2) (intro.) of the statutes  
17 is amended to read:

18 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this  
19 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or  
20 possess with intent to distribute or deliver, a counterfeit substance. Any person who  
21 violates this subsection ~~with respect to~~ is subject to the following penalties:

22 \*~~4548/2.780~~\* \*~~3265/P1.91~~\* **SECTION 1058.** 961.41 (2) (a) of the statutes is  
23 amended to read:

24 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person  
25 violates this subsection with respect to a counterfeit substance included in schedule

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

4 \*~~4548/2.781~~\* \*~~3265/P1.92~~\* **SECTION 1059.** 961.41 (2) (b) of the statutes, as  
5 affected by 2001 Wisconsin Act 16, is amended to read:

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

11 \*~~4548/2.782~~\* \*~~3265/P1.93~~\* **SECTION 1060.** 961.41 (2) (c) of the statutes is  
12 repealed.

13 \*~~4548/2.783~~\* **SECTION 1061.** 961.41 (2) (cm) (title) of the statutes is created  
14 to read:

15 961.41 (2) (cm) (title) Counterfeit flunitrazepam.

16 \*~~4548/2.784~~\* \*~~3265/P1.94~~\* **SECTION 1062.** 961.41 (2) (d) of the statutes is  
17 amended to read:

18 961.41 (2) (d) Counterfeit schedule V drugs. ~~-A-~~ If a person violates this  
19 subsection with respect to a counterfeit substance included in schedule V, may be  
20 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person  
21 is guilty of a Class I felony.

22 \*~~4548/2.785~~\* \*~~3265/P1.95~~\* **SECTION 1063.** 961.41 (3g) (a) 1. of the statutes  
23 is renumbered 961.41 (3g) (am) and amended to read:

24 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~  
25 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II

1 which is a narcotic drug, or possesses a controlled substance analog of a controlled  
2 substance included in schedule I or II which is a narcotic drug, the person ~~may, upon~~  
3 ~~a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2~~  
4 ~~years or both, and, for a 2nd or subsequent offense, the person may be fined not more~~  
5 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I  
6 felony.

7 \*~~4548/2.786~~\* \*~~3265/P1.96~~\* **SECTION 1064.** 961.41 (3g) (a) 2. of the statutes  
8 is repealed.

9 \*~~4548/2.787~~\* \*~~3265/P1.97~~\* **SECTION 1065.** 961.41 (3g) (a) 3. of the statutes  
10 is repealed.

11 \*~~4548/2.788~~\* **SECTION 1066.** 961.41 (3g) (b) of the statutes is amended to read:  
12 961.41 (3g) (b) Other drugs generally. Except as provided in pars. (c), (d), ~~(dm)~~,  
13 (e) and (f), if the person possesses or attempts to possess a controlled substance or  
14 controlled substance analog, other than a controlled substance included in schedule  
15 I or II that is a narcotic drug or a controlled substance analog of a controlled  
16 substance included in schedule I or II that is a narcotic drug, the person is guilty of  
17 a misdemeanor, punishable under s. 939.61.

18 \*~~4548/2.789~~\* \*~~3265/P1.99~~\* **SECTION 1067.** 961.41 (3g) (c) of the statutes is  
19 amended to read:

20 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to  
21 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine  
22 base, the person shall be fined not more than \$5,000 and may be imprisoned for not  
23 more than one year in the county jail upon a first conviction and is guilty of a Class  
24 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense  
25 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the

1 offense, the offender has at any time been convicted of any felony or misdemeanor  
2 under this chapter or under any statute of the United States or of any state relating  
3 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,  
4 or depressant, stimulant, or hallucinogenic drugs.

5 **\*-4548/2.790\* \*-3265/P1.100\* SECTION 1068.** 961.41 (3g) (d) of the statutes  
6 is amended to read:

7 961.41 (3g) (d) *Certain hallucinogenic and stimulant drugs.* If a person  
8 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,  
9 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a  
10 controlled substance analog of lysergic acid diethylamide, phencyclidine,  
11 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person  
12 may be fined not more than \$5,000 or imprisoned for not more than one year in the  
13 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd  
14 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd  
15 or subsequent offense if, prior to the offender's conviction of the offense, the offender  
16 has at any time been convicted of any felony or misdemeanor under this chapter or  
17 under any statute of the United States or of any state relating to controlled  
18 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,  
19 stimulant, or hallucinogenic drugs.

20 **\*-4548/2.791\* SECTION 1069.** 961.41 (3g) (dm) of the statutes is repealed.

21 **\*-4548/2.792\* \*-3265/P1.101\* SECTION 1070.** 961.41 (3g) (e) of the statutes  
22 is amended to read:

23 961.41 (3g) (e) *Tetrahydrocannabinols.* If a person possesses or attempts to  
24 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled  
25 substance analog of tetrahydrocannabinols, the person may be fined not more than

1     \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and  
2     is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this  
3     paragraph, an offense is considered a 2nd or subsequent offense if, prior to the  
4     offender's conviction of the offense, the offender has at any time been convicted of any  
5     felony or misdemeanor under this chapter or under any statute of the United States  
6     or of any state relating to controlled substances, controlled substance analogs,  
7     narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

8           \*~~4548/2.793~~\* **SECTION 1071.** 961.41 (3g) (f) of the statutes is amended to read:

9           961.41 (3g) (f) Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine,  
10          or flunitrazepam. If a person possesses or attempts to possess  
11          gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,  
12          the person ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years~~  
13          ~~or both~~ is guilty of a Class H felony.

14           \*~~4548/2.794~~\* \*~~3265/P1.103~~\* **SECTION 1072.** 961.41 (4) (am) 3. of the statutes  
15          is amended to read:

16           961.41 (4) (am) 3. A person ~~convicted of violating who violates~~ this paragraph  
17          ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~  
18          is guilty of a Class I felony.

19           \*~~4548/2.795~~\* \*~~3265/P1.104~~\* **SECTION 1073.** 961.42 (2) of the statutes is  
20          amended to read:

21           961.42 (2) Any person who violates this section ~~may be fined not more than~~  
22          ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

23           \*~~4548/2.796~~\* \*~~3265/P1.105~~\* **SECTION 1074.** 961.43 (2) of the statutes is  
24          amended to read:

1           961.43 (2) Any person who violates this section ~~may be fined not more than~~  
2           ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

3           \*~~4548/2.797~~\* **SECTION 1075.** 961.437 (4) (a) of the statutes is amended to read:

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

7           \*~~4548/2.798~~\* **SECTION 1076.** 961.437 (4) (b) of the statutes is amended to read:

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

11           \*~~4548/2.799~~\* \*~~3265/P1.106~~\* **SECTION 1077.** 961.438 of the statutes is  
12           repealed.

13           \*~~4548/2.800~~\* \*~~3265/P1.107~~\* **SECTION 1078.** 961.455 (1) of the statutes is  
14           amended to read:

15           961.455 (1) Any person who has attained the age of 17 years who knowingly  
16           solicits, hires, directs, employs or uses a person who is under the age of 17 years of  
17           ~~age or under~~ for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~  
18           ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

19           \*~~4548/2.801~~\* \*~~0590/P5.405~~\* **SECTION 1079.** 961.455 (3) of the statutes is  
20           amended to read:

21           961.455 (3) Solicitation under sub. (1) occurs in the manner described under  
22           s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.  
23           ~~939.30 or 948.35.~~

24           \*~~4548/2.802~~\* \*~~3265/P1.108~~\* **SECTION 1080.** 961.46 (1) of the statutes is  
25           renumbered 961.46 and amended to read:



1           **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~  
2           ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing  
3           or delivering a controlled substance included in schedule I or II which is a narcotic  
4           drug or a controlled substance analog of a controlled substance included in schedule  
5           I or II which is a narcotic drug to a person 17 years of age or under who is at least  
6           3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or  
7           a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the  
8           applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the  
9           offense may be increased by not more than 5 years.

10           \*~~4548/2.803~~\* \*~~3265/P1.109~~\* **SECTION 1081.** 961.46 (2) of the statutes is  
11           repealed.

12           \*~~4548/2.804~~\* \*~~3265/P1.110~~\* **SECTION 1082.** 961.46 (3) of the statutes is  
13           repealed.

14           \*~~4548/2.805~~\* \*~~3265/P1.111~~\* **SECTION 1083.** 961.465 of the statutes is  
15           repealed.

16           \*~~4548/2.806~~\* \*~~3265/P1.112~~\* **SECTION 1084.** 961.472 (2) of the statutes is  
17           amended to read:

18           961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found  
19           guilty of possession or attempted possession of a controlled substance or controlled  
20           substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c), or (d) ~~or (dm)~~, the court shall  
21           order the person to comply with an assessment of the person's use of controlled  
22           substances. The court's order shall designate a facility that is operated by or  
23           pursuant to a contract with the county department established under s. 51.42 and  
24           that is certified by the department of health and family services to provide  
25           assessment services to perform the assessment and, if appropriate, to develop a

1 proposed treatment plan. The court shall notify the person that noncompliance with  
2 the order limits the court's ability to determine whether the treatment option under  
3 s. 961.475 is appropriate. The court shall also notify the person of the fee provisions  
4 under s. 46.03 (18) (fm).

5 ~~\*-4548/2.807\*~~ ~~\*-3265/P1.113\*~~ **SECTION 1085.** 961.48 (1) of the statutes is  
6 renumbered 961.48 (1) (intro.) and amended to read:

7 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who  
8 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or  
9 subsequent offense as provided under this chapter sub. (3) and the person is  
10 convicted of that 2nd or subsequent offense may be fined an amount up to twice that  
11 otherwise authorized or imprisoned for a term up to twice the term otherwise  
12 authorized or both, the maximum term of imprisonment for the offense may be  
13 increased as follows:

14 ~~\*-4548/2.808\*~~ ~~\*-3265/P1.114\*~~ **SECTION 1086.** 961.48 (1) (a) and (b) of the  
15 statutes are created to read:

16 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

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

18 ~~\*-4548/2.809\*~~ ~~\*-3265/P1.115\*~~ **SECTION 1087.** 961.48 (2) of the statutes is  
19 repealed.

20 ~~\*-4548/2.810\*~~ ~~\*-3265/P1.116\*~~ **SECTION 1088.** 961.48 (2m) (a) of the statutes  
21 is amended to read:

22 961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this  
23 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is  
24 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior  
25 convictions are alleged in the complaint, indictment or information or in an amended

1 complaint, indictment or information that is filed under par. (b) 1. A person is not  
2 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of  
3 applicable prior convictions is withdrawn by an amended complaint filed under par.  
4 (b) 2.

5 \*~~4548/2.811~~\* \*~~3265/P1.117~~\* **SECTION 1089.** 961.48 (3) of the statutes is  
6 amended to read:

7 961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter  
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 offense under this chapter or under any statute of the United States or of any state  
11 relating to controlled substances or controlled substance analogs, narcotic drugs,  
12 marijuana or depressant, stimulant or hallucinogenic drugs.

13 \*~~4548/2.812~~\* \*~~3265/P1.118~~\* **SECTION 1090.** 961.48 (4) of the statutes is  
14 repealed.

15 \*~~4548/2.813~~\* **SECTION 1091.** 961.49 (1) of the statutes is renumbered 961.49,  
16 and 961.49 (intro.), as renumbered, is amended to read:

17 **961.49 Distribution of or possession with intent to deliver a controlled**  
18 **substance on or near certain places.** (intro.) If any person violates s. 961.41 (1)  
19 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m)  
20 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute,  
21 cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin,  
22 psilocybin, amphetamine, methamphetamine, methcathinone or any form of  
23 tetrahydrocannabinols or a controlled substance analog of any of these substances  
24 and the delivery, distribution or possession takes place under any of the following

1 circumstances, the maximum term of imprisonment prescribed by law for that crime  
2 may be increased by 5 years:

3 \*~~4548/2.814~~\* \*~~3265/P1.120~~\* **SECTION 1092.** 961.49 (2) of the statutes is  
4 repealed.

5 \*~~4548/2.815~~\* \*~~3265/P1.121~~\* **SECTION 1093.** 961.49 (3) of the statutes is  
6 repealed.

7 \*~~4548/2.816~~\* \*~~3265/P1.122~~\* **SECTION 1094.** 961.492 of the statutes is  
8 repealed.

9 \*~~4548/2.817~~\* **SECTION 1095.** 961.55 (1) (d) 3. of the statutes is amended to  
10 read:

11 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41  
12 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

13 \*~~4548/2.818~~\* **SECTION 1096.** 961.573 (3) of the statutes is amended to read:

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

20 \*~~4548/2.819~~\* **SECTION 1097.** 961.574 (3) of the statutes is amended to read:

21 961.574 (3) No person may deliver, possess with intent to deliver, or  
22 manufacture with intent to deliver, drug paraphernalia, knowing that it will be  
23 primarily used to manufacture, compound, convert, produce, process, prepare, test,  
24 analyze, pack, repack or store methamphetamine or a controlled substance analog  
25 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 ~~\*-4548/2.820\*~~ SECTION 1098. 961.575 (3) of the statutes is amended to read:

4 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by  
5 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~  
6 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a  
7 Class G felony.

8 ~~\*-4548/2.821\*~~ SECTION 1099. 967.04 (9) of the statutes is amended to read:

9 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under  
10 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken  
11 under subs. (7) and (8) without an additional hearing under s. 908.08. In any  
12 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the  
13 hearing examiner may order and preside at the taking of a videotaped deposition  
14 using the procedure provided in subs. (7) and (8) and may admit the videotaped  
15 deposition into evidence without an additional hearing under s. 908.08.

16 ~~\*-4548/2.822\*~~ ~~\*-0590/P5.406\*~~ SECTION 1100. 968.255 (1) (a) 2. of the statutes  
17 is amended to read:

18 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20  
19 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

20 ~~\*-4548/2.823\*~~ ~~\*-3266/P1.148\*~~ SECTION 1101. 968.31 (1) (intro.) of the  
21 statutes is amended to read:

22 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or  
23 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~  
24 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
25 ~~or both~~ is guilty of a Class H felony:

1           \*~~4548/2.824~~\* \*~~3266/P1.149~~\* **SECTION 1102.** 968.34 (3) of the statutes is  
2 amended to read:

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

5           \*~~4548/2.825~~\* \*~~3266/P1.150~~\* **SECTION 1103.** 968.43 (3) of the statutes is  
6 amended to read:

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

10           \*~~4548/2.826~~\* \*~~0590/P5.407~~\* **SECTION 1104.** 969.08 (10) (a) of the statutes  
11 is amended to read:

12           969.08 (10) (a) “Commission of a serious crime” includes a solicitation,  
13 conspiracy or attempt, under s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 ~~or~~  
14 ~~948.35~~, to commit a serious crime.

15           \*~~4548/2.827~~\* \*~~0590/P5.408~~\* **SECTION 1105.** 969.08 (10) (b) of the statutes  
16 is amended to read:

17           969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),  
18 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,  
19 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,  
20 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,  
21 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),  
22 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r),  
23 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,  
24 948.04, 948.05, 948.06, 948.07 or 948.30.

1           \*~~4548/2.828~~\* \*~~0590/P5.409~~\* **SECTION 1106.** 971.17 (1) of the statutes is  
2 renumbered 971.17 (1) (a) and amended to read:

3           971.17 (1) (a) *Felonies committed before the effective date of this paragraph ...*  
4 *[revisor inserts date].* ~~When~~ Except as provided in par. (c), when a defendant is found  
5 not guilty by reason of mental disease or mental defect of a felony committed before  
6 the effective date of this paragraph ... [revisor inserts date], the court shall commit  
7 the person to the department of health and family services for a specified period not  
8 exceeding two-thirds of the maximum term of imprisonment that could be imposed  
9 ~~under s. 973.15 (2) (a) against an offender convicted of the same crime or crimes~~  
10 felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m),~~  
11 ~~939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)~~  
12 ~~and 961.48 and other~~ any applicable penalty enhancement statutes, as applicable,  
13 subject to the credit provisions of s. 973.155.

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

18           \*~~4548/2.829~~\* \*~~0590/P5.410~~\* **SECTION 1107.** 971.17 (1) (b) of the statutes is  
19 created to read:

20           971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*  
21 *... [revisor inserts date].* Except as provided in par. (c), when a defendant is found  
22 not guilty by reason of mental disease or mental defect of a felony committed on or  
23 after the effective date of this paragraph ... [revisor inserts date], the court shall  
24 commit the person to the department of health and family services for a specified  
25 period not exceeding the maximum term of confinement in prison that could be

1 imposed on an offender convicted of the same felony, plus imprisonment authorized  
2 by any applicable penalty enhancement statutes, subject to the credit provisions of  
3 s. 973.155.

4 ~~\*-4548/2.830\*~~ ~~\*-0590/P5.411\*~~ **SECTION 1108.** 971.17 (1) (d) of the statutes is  
5 created to read:

6 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason  
7 of mental disease or mental defect of a misdemeanor, the court shall commit the  
8 person to the department of health and family services for a specified period not  
9 exceeding two-thirds of the maximum term of imprisonment that could be imposed  
10 against an offender convicted of the same misdemeanor, including imprisonment  
11 authorized by any applicable penalty enhancement statutes, subject to the credit  
12 provisions of s. 973.155.

13 ~~\*b2613/1.12\*~~ **SECTION 1108d.** 971.17 (1m) (b) 2m. of the statutes is amended  
14 to read:

15 971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason  
16 of mental disease or defect for a violation, or for the solicitation, conspiracy, or  
17 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02  
18 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11  
19 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was  
20 a minor and the defendant was not the victim's parent, the court shall require the  
21 defendant to comply with the reporting requirements under s. 301.45 unless the  
22 court determines, after a hearing on a motion made by the defendant, that the  
23 defendant is not required to comply under s. 301.45 (1m).

24 ~~\*-4548/2.831\*~~ **SECTION 1109.** 971.365 (1) (a) of the statutes is amended to read:



1           971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)  
2 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) involving more than one violation, all violations may  
3 be prosecuted as a single crime if the violations were pursuant to a single intent and  
4 design.

5           \*~~4548/2.832~~\* **SECTION 1110.** 971.365 (1) (b) of the statutes is amended to read:

6           971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41  
7 (1m) (cm), (d), (e), ~~(em)~~, (f), (g) or (h) involving more than one violation, all violations  
8 may be prosecuted as a single crime if the violations were pursuant to a single intent  
9 and design.

10           \*~~4548/2.833~~\* \*~~3265/P1.123~~\* **SECTION 1111.** 971.365 (1) (c) of the statutes is  
11 amended to read:

12           971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41  
13 (3g) (dm), 1999 stats., or s. 961.41 (3g) (a) 2. (am), (c), (d), ~~(dm)~~ or (e) involving more  
14 than one violation, all violations may be prosecuted as a single crime if the violations  
15 were pursuant to a single intent and design.

16           \*~~4548/2.834~~\* \*~~3265/P1.124~~\* **SECTION 1112.** 971.365 (2) of the statutes is  
17 amended to read:

18           971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent  
19 prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m)  
20 (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats.,  
21 or s. 961.41 (1) (cm), (d), (e), ~~(em)~~, (f), (g), or (h), (1m) (cm), (d), (e), ~~(em)~~, (f), (g), or (h)  
22 or (3g) (a) 2. (am), (c), (d), ~~(dm)~~ or (e) on which no evidence was received at the trial  
23 on the original charge.

24           \*~~4548/2.835~~\* **SECTION 1113.** 972.15 (2c) of the statutes is amended to read:

1           972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and  
2 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing  
3 the presentence investigation report shall include in the report a recommendation  
4 as to whether the defendant should be eligible for the challenge incarceration  
5 program under s. 302.045.

6           \*~~4548/2.836~~\* \*~~0590/P5.412~~\* **SECTION 1114.** 973.01 (1) of the statutes is  
7 amended to read:

8           973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),  
9 whenever a court sentences a person to imprisonment in the Wisconsin state prisons  
10 for a felony committed on or after December 31, 1999, or a misdemeanor committed  
11 on or after the effective date of this subsection .... [revisor inserts date], the court  
12 shall impose a bifurcated sentence ~~that consists of a term of confinement in prison~~  
13 ~~followed by a term of extended supervision under s. 302.113~~ this section.

14           \*~~4548/2.837~~\* **SECTION 1115.** 973.01 (2) (intro.) of the statutes is amended to  
15 read:

16           973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~  
17 ~~that a~~ A bifurcated sentence is a sentence that consists of a term of confinement in  
18 prison followed by a term of extended supervision under s. 302.113. The total length  
19 of a bifurcated sentence equals the length of the term of confinement in prison plus  
20 the length of the term of extended supervision. An order imposing a bifurcated  
21 sentence imposed under sub. (1) complies ~~this section shall comply~~ with all of the  
22 following:

23           \*~~4548/2.838~~\* **SECTION 1116.** 973.01 (2) (a) of the statutes is amended to read:

24           973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),  
25 the total length of the bifurcated sentence may not exceed the maximum period of

1 imprisonment for the specified in s. 939.50 (3), if the crime is a classified felony, or  
2 the maximum term of imprisonment provided by statute for the crime, if the crime  
3 is not a classified felony, plus additional imprisonment authorized by any applicable  
4 penalty enhancement statutes.

5 \*~~4548/2.839~~\* \*~~0590/P5.414~~\* SECTION 1117. 973.01 (2) (b) (intro.) of the  
6 statutes is amended to read:

7 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*  
8 (intro.) The portion of the bifurcated sentence that imposes a term of confinement  
9 in prison may not be less than one year, ~~subject to any minimum sentence prescribed~~  
10 ~~for the felony~~, and, except as provided in par. (c), ~~may not exceed~~ is subject to  
11 whichever of the following limits is applicable:

12 \*~~4548/2.840~~\* \*~~0590/P5.416~~\* SECTION 1118. 973.01 (2) (b) 2. of the statutes  
13 is repealed.

14 \*~~4548/2.841~~\* \*~~0590/P5.417~~\* SECTION 1119. 973.01 (2) (b) 3. of the statutes  
15 is amended to read:

16 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may  
17 not exceed ~~10~~ 25 years.

18 \*~~4548/2.842~~\* \*~~0590/P5.418~~\* SECTION 1120. 973.01 (2) (b) 4. of the statutes  
19 is amended to read:

20 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may  
21 not exceed ~~5~~ 15 years.

22 \*~~4548/2.843~~\* \*~~0590/P5.419~~\* SECTION 1121. 973.01 (2) (b) 5. of the statutes  
23 is amended to read:

24 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may  
25 not exceed ~~2~~ 10 years.

1           \*~~4548/2.844~~\* \*~~0590/P5.420~~\* **SECTION 1122.** 973.01 (2) (b) 6. of the statutes  
2 is renumbered 973.01 (2) (b) 10. (intro.) and amended to read:

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

6           \*~~4548/2.845~~\* \*~~0590/P5.421~~\* **SECTION 1123.** 973.01 (2) (b) 6m. of the statutes  
7 is created to read:

8           973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may  
9 not exceed 7 years and 6 months.

10          \*~~4548/2.846~~\* \*~~0590/P5.422~~\* **SECTION 1124.** 973.01 (2) (b) 7. of the statutes  
11 is created to read:

12          973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may  
13 not exceed 5 years.

14          \*~~4548/2.847~~\* \*~~0590/P5.423~~\* **SECTION 1125.** 973.01 (2) (b) 8. of the statutes  
15 is created to read:

16          973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may  
17 not exceed 3 years.

18          \*~~4548/2.848~~\* \*~~0590/P5.424~~\* **SECTION 1126.** 973.01 (2) (b) 9. of the statutes  
19 is created to read:

20          973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not  
21 exceed one year and 6 months.

22          \*~~4548/2.849~~\* **SECTION 1127.** 973.01 (2) (b) 10. a. and b. of the statutes are  
23 created to read:

24          973.01 (2) (b) 10. a. A felony specified in subds. 1. to 9.

1           b. An attempt to commit a classified felony if the attempt is punishable under  
2 s. 939.32 (1) (intro.).

3           \*~~4548/2.850~~\* **SECTION 1128.** 973.01 (2) (c) of the statutes is renumbered  
4 973.01 (2) (c) 1. and amended to read:

5           973.01 (2) (c) 1. The Subject to the minimum period of extended supervision  
6 required under par. (d), the maximum term of confinement in prison specified in par.  
7 (b) may be increased by any applicable penalty enhancement statute. If the  
8 maximum term of confinement in prison specified in par. (b) is increased under this  
9 paragraph, the total length of the bifurcated sentence that may be imposed is  
10 increased by the same amount.

11           \*~~4548/2.851~~\* **SECTION 1129.** 973.01 (2) (c) 2. of the statutes is created to read:  
12 973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes  
13 apply to a crime, the court shall apply them in the order listed in calculating the  
14 maximum term of imprisonment for that crime:

15           a. Sections 939.621, 939.632, 939.645, 961.46, and 961.49.

16           b. Section 939.63.

17           c. Section 939.62 (1) or 961.48.

18           \*~~4548/2.852~~\* \*~~0590/P5.426~~\* **SECTION 1130.** 973.01 (2) (d) of the statutes is  
19 renumbered 973.01 (2) (d) (intro.) and amended to read:

20           973.01 (2) (d) Minimum and maximum term of extended supervision. (intro.)  
21 The term of extended supervision ~~that follows the term of confinement in prison~~ may  
22 not be less than 25% of the length of the term of confinement in prison imposed under  
23 par. (b)- and, for a classified felony, is subject to whichever of the following limits is  
24 applicable:

1           \*~~4548/2.853~~\* \*~~0590/P5.427~~\* **SECTION 1131.** 973.01 (2) (d) 1. to 6. of the  
2 statutes are created to read:

3           973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not  
4 exceed 20 years.

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

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

9           4. For a Class E, F, or G felony, the term of extended supervision may not exceed  
10 5 years.

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

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

~~14~~       \***b2613/1.13**\* **SECTION 1131m.** 973.01 (3m) of the statutes is amended to read:

15       973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing  
16 a bifurcated sentence under this section on a person convicted of a crime other than  
17 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,  
18 948.07, 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its  
19 sentencing discretion, decide whether the person being sentenced is eligible or  
20 ineligible for the challenge incarceration program under s. 302.045 during the term  
~~21~~ of confinement in prison portion of the bifurcated sentence.

22       \*~~4548/2.854~~\* \*~~3370/P2.8~~\* **SECTION 1132.** 973.01 (4) of the statutes is  
23 amended to read:

24       973.01 (4) **NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A  
25 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of

1 confinement in prison portion of the sentence without reduction for good behavior.

2 The term of confinement in prison portion is subject to extension under s. 302.113 (3)

3 and, if applicable, to reduction under s. 302.045 (3m), 302.113 (9g), or 973.195 (1r).

4 ~~\*-4548/2.855\*~~ SECTION 1133. 973.01 (6) of the statutes is amended to read:

5 973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under

6 sub. (1) is not eligible for release on parole under that sentence.

7 ~~\*b2613/1.14\*~~ SECTION 1134f. 973.0135 (1) (b) 2. of the statutes is amended to

8 read:

9 973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09

10 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,

11 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),

12 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,

13 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

14

15 ~~\*b2613/1.14\*~~ SECTION 1134g. 973.0135 (1) (b) 2. of the statutes, as affected by

16 2001 Wisconsin Act .... (this act), is amended to read:

17 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)

18 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.

19 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,

20 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),

21 (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),

22 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c), or 948.36.~~

23 ~~\*-4548/2.857\*~~ ~~\*-0590/P5.429\*~~ SECTION 1135. 973.017 of the statutes is

24 created to read:

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

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

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

16           (ad) The protection of the public.

17           (ag) The gravity of the offense.

18           (ak) The rehabilitative needs of the defendant.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16           **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON.** (a)  
17 In this subsection:

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

19           2. “Violent felony” means any felony under s. 940.19 (2), (4), (5), or (6), 940.225  
20 (1), (2), or (3), 940.23, or 943.32.

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

1           **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**  
2           **PERSONS.** (a) In this subsection, “person responsible for the welfare the child”  
3           includes the child’s parent, stepparent, guardian, foster parent, or treatment foster  
4           parent; an employee of a public or private residential home, institution, or agency;  
5           any other person legally responsible for the child’s welfare in a residential setting;  
6           or a person employed by one who is legally responsible for the child’s welfare to  
7           exercise temporary control or care for the child.

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

12          **(7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.**  
13          When making a sentencing decision concerning a person convicted of a violation of  
14          s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact  
15          that, at the time of the violation, there was a minor passenger under 16 years of age  
16          or an unborn child in the person’s motor vehicle.

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

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

1           (b) *Distribution or delivery on public transit vehicles.* When making a  
2 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),  
3 the court shall consider as an aggravating factor the fact that the violation involved  
4 delivering, distributing, or possessing with intent to deliver or distribute a controlled  
5 substance included in schedule I or II or a controlled substance analog of any  
6 controlled substance included in schedule I or II and that the person knowingly used  
7 a public transit vehicle during the violation.

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

13           **(10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL.** The requirement  
14 under sub. (2) (a) that a court consider sentencing guidelines adopted by the  
15 sentencing commission or the criminal penalties study committee does not require  
16 a court to make a sentencing decision that is within any range or consistent with a  
17 recommendation specified in the guidelines, and there is no right to appeal a court's  
18 sentencing decision based on the court's decision to depart in any way from any  
19 guideline. In any appeal from a court's sentencing decision, the appellate court may  
20 reverse the sentencing decision if it determines that the sentencing court  
21 erroneously exercised its discretion in making the sentencing decision or there is not  
22 substantial evidence in the record to support the sentencing decision.

23           **(10m) STATEMENT OF REASONS FOR SENTENCING DECISION.** (a) The court shall  
24 state the reasons for its sentencing decision and, except as provided in par. (b), shall  
25 do so in open court and on the record.

1 (b) If the court determines that it is not in the interest of the defendant for it  
2 to state the reasons for its sentencing decision in the defendant's presence, the court  
3 shall state the reasons for its sentencing decision in writing and include the written  
4 statement in the record.

5 \*~~4548/2.858~~\* \*~~0590/P5.430~~\* **SECTION 1136.** 973.03 (3) (e) 1. and 2. of the  
6 statutes are amended to read:

7 973.03 (3) (e) 1. A crime which is a Class A ~~or~~ B, or C felony.

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

10 \*~~4548/2.859~~\* \*~~0590/P5.431~~\* **SECTION 1137.** 973.03 (3) (e) 3. of the statutes  
11 is repealed.

12 \*~~4548/2.860~~\* \*~~0590/P5.432~~\* **SECTION 1138.** 973.032 (4) (c) 2. of the statutes  
13 is amended to read:

14 973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~  
15 to a sentence of imprisonment concurrent with the sentence to the intensive  
16 sanctions program.

~~17~~ \***b2613/1.15**\* **SECTION 1138k.** 973.034 of the statutes is amended to read:

18 **973.034 Sentencing; restriction on child sex offender working with**  
19 **children.** Whenever a court imposes a sentence or places a defendant on probation  
20 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is  
21 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1),  
22 948.025 (1), 948.05 (1) or (1m), 948.06 ~~or~~ 948.07 (1), (2), (3), or (4), or 948.075, the  
23 court shall inform the defendant of the requirements and penalties under s. 948.13.

24 \***b2613/1.15**\* **SECTION 1138n.** 973.048 (2m) of the statutes is amended to read:

1           973.048 (2m) If a court imposes a sentence or places a person on probation for  
2 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.  
3 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,  
4 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or  
5 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
6 victim's parent, the court shall require the person to comply with the reporting  
7 requirements under s. 301.45 unless the court determines, after a hearing on a  
8 motion made by the person, that the person is not required to comply under s. 301.45  
9 (1m).

10           ~~\*-4548/2.863\*~~ ~~\*-0590/P5.435\*~~ **SECTION 1141.** 973.09 (2) (b) 1. of the statutes  
11 is amended to read:

12           973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one  
13 year nor more than either the statutory maximum term of imprisonment  
14 confinement in prison for the crime or 3 years, whichever is greater.

15           ~~\*-4548/2.864\*~~ **SECTION 1142.** 973.15 (2m) of the statutes is created to read:  
16 973.15 (2m) (a) *Definitions.* In this subsection:

17           1. "Determinate sentence" means a bifurcated sentence imposed under s.  
18 973.01 or a life sentence under which a person is eligible for release to extended  
19 supervision under s. 973.014 (1g) (a) 1. or 2.

20           2. "Indeterminate sentence" means a sentence to the Wisconsin state prisons  
21 other than one of the following:

22           a. A determinate sentence.

23           b. A sentence under which the person is not eligible for release on parole under  
24 s. 939.62 (2m) (c) or 973.014 (1) (c).

1           3. “Period of confinement in prison,” with respect to any sentence to the  
2 Wisconsin state prisons, means any time during which a person is incarcerated  
3 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113  
4 (3), or 302.114 (3) and any period of confinement in prison required to be served under  
5 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

6           (b) *Determinate sentences imposed to run concurrent with or consecutive to*  
7 *determinate sentences.* 1. If a court provides that a determinate sentence is to run  
8 concurrent with another determinate sentence, the person sentenced shall serve the  
9 periods of confinement in prison under the sentences concurrently and the terms of  
10 extended supervision under the sentences concurrently.

11           2. If a court provides that a determinate sentence is to run consecutive to  
12 another determinate sentence, the person sentenced shall serve the periods of  
13 confinement in prison under the sentences consecutively and the terms of extended  
14 supervision under the sentences consecutively and in the order in which the  
15 sentences have been pronounced.

16           (c) *Determinate sentences imposed to run concurrent with or consecutive to*  
17 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run  
18 concurrent with an indeterminate sentence, the person sentenced shall serve the  
19 period of confinement in prison under the determinate sentence concurrent with the  
20 period of confinement in prison under the indeterminate sentence and the term of  
21 extended supervision under the determinate sentence concurrent with the parole  
22 portion of the indeterminate sentence.

23           2. If a court provides that a determinate sentence is to run consecutive to an  
24 indeterminate sentence, the person sentenced shall serve the period of confinement  
25 in prison under the determinate sentence consecutive to the period of confinement



1 in prison under the indeterminate sentence and the parole portion of the  
2 indeterminate sentence consecutive to the term of extended supervision under the  
3 determinate sentence.

4 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*  
5 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run  
6 concurrent with a determinate sentence, the person sentenced shall serve the period  
7 of confinement in prison under the indeterminate sentence concurrent with the  
8 period of confinement in prison under the determinate sentence and the parole  
9 portion of the indeterminate sentence concurrent with the term of extended  
10 supervision required under the determinate sentence.

11 2. If a court provides that an indeterminate sentence is to run consecutive to  
12 a determinate sentence, the person sentenced shall serve the period of confinement  
13 in prison under the indeterminate sentence consecutive to the period of confinement  
14 in prison under the determinate sentence and the parole portion of the  
15 indeterminate sentence consecutive to the term of extended supervision under the  
16 determinate sentence.

17 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent  
18 determinate sentences and extended supervision is revoked in each case, or if a  
19 person is serving a determinate sentence concurrent with an indeterminate sentence  
20 and both extended supervision and parole are revoked, the person shall concurrently  
21 serve any periods of confinement in prison required under those sentences under s.  
22 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

23 \*~~4548/2.865~~ SECTION 1143. 973.155 (1) (b) of the statutes is amended to read:  
24 973.155 (1) (b) The categories in par. (a) include custody of the convicted  
25 offender which is in whole or in part the result of a probation, extended supervision

1 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed  
2 upon the person for the same course of conduct as that resulting in the new  
3 conviction.

4 **\*b3085/1.9\* SECTION 1143m.** 973.195 of the statutes is created to read:

5 **973.195 Sentence adjustment. (1g) DEFINITION.** In this section, “applicable  
6 percentage” means 85% for a Class C to E felony and 75% for a Class F to I felony.

7 **(1r) CONFINEMENT IN PRISON.** (a) An inmate who is serving a sentence imposed  
8 under s. 973.01 for a crime other than a Class B felony may petition the sentencing  
9 court to adjust the sentence if the inmate has served at least the applicable  
10 percentage of the term of confinement in prison portion of the sentence. If an inmate  
11 is subject to more than one sentence imposed under this section, the sentences shall  
12 be treated individually for purposes of sentence adjustment under this subsection.

13 (b) Any of the following is a ground for a petition under par. (a):

14 1. The inmate’s conduct, efforts at and progress in rehabilitation, or  
15 participation and progress in education, treatment, or other correctional programs  
16 since he or she was sentenced.

17 3. A change in law or procedure related to sentencing or revocation of extended  
18 supervision effective after the inmate was sentenced that would have resulted in a  
19 shorter term of confinement in prison or, if the inmate was returned to prison upon  
20 revocation of extended supervision, a shorter period of confinement in prison upon  
21 revocation, if the change had been applicable when the inmate was sentenced.

22 4. The inmate is subject to a sentence of confinement in another state or the  
23 inmate is in the United States illegally and may be deported.

24 5. Sentence adjustment is otherwise in the interests of justice.

1           (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny  
2 the petition or hold the petition for further consideration. If the court holds the  
3 petition for further consideration, the court shall notify the district attorney of the  
4 inmate's petition. If the district attorney objects to adjustment of the inmate's  
5 sentence within 45 days of receiving notification under this paragraph, the court  
6 shall deny the inmate's petition.

7           (d) If the sentence for which the inmate seek's adjustment is for an offense  
8 under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not  
9 object to the petition within 10 days of receiving notice under par. (c), the district  
10 attorney shall notify the the victim, as defined under s. 950.02 (4), of the inmate's  
11 petition. The notice to the victim shall include information on the sentence  
12 adjustment petition process under this subsection, including information on how to  
13 object to the inmate's petition. If the victim objects to adjustment of the inmate's  
14 sentence within 45 days of the date on which the district attorney received notice  
15 under par. (c), the court shall deny the inmate's petition.

16           (e) Notwithstanding the confidentiality of victim address information obtained  
17 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a  
18 victim under par. (d) may obtain from the clerk of the circuit court victim address  
19 information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

20           (f) If the sentencing court receives no objection to sentence adjustment from the  
21 district attorney under par. (c) or the victim under par. (d) and the court determines  
22 that sentence adjustment is in the public interest, the court may adjust the inmate's  
23 sentence as provided under par. (g). The court shall include in the record written  
24 reasons for any sentence adjustment granted under this subsection.

1           (g) Except as provided under par. (h), the only sentence adjustments that a  
2 court may make under this subsection are as follows:

3           1. If the inmate is serving the term of confinement in prison portion of the  
4 sentence, a reduction in the term of confinement in prison by the amount of time  
5 remaining in the term of confinement in prison portion of the sentence, less up to 30  
6 days, and a corresponding increase in the term of extended supervision.

7           2. If the inmate is confined in prison upon revocation of extended supervision,  
8 a reduction in the amount of time remaining in the period of confinement in prison  
9 imposed upon revocation, less up to 30 days, and a corresponding increase in the term  
10 of extended supervision.

11           (h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in  
12 law or procedure as provided under par. (b) 3. and the total sentence length of the  
13 adjusted sentence is greater than the maximum sentence length that the offender  
14 could have received if the change in law or procedure had been applicable when the  
15 inmate was originally sentenced, the court may reduce the length of the term of  
16 extended supervision so that the total sentence length does not exceed the maximum  
17 sentence length that the offender could have received if the change in law or  
18 procedure had been applicable when the inmate was originally sentenced.

19           2. If the court adjusts a sentence under par. (g) on the basis of a change in law  
20 or procedure as provided under par. (b) 3. and the adjusted term of extended  
21 supervision is greater than the maximum term of extended supervision that the  
22 offender could have received if the change in law or procedure had been applicable  
23 when the inmate was originally sentenced, the court may reduce the length of the  
24 term of extended supervision so that the term of extended supervision does not  
25 exceed the maximum term of extended supervision that the offender could have

1 received if the change in law or procedure had been applicable when the inmate was  
2 originally sentenced.

3 (i) An inmate may submit only one petition under this subsection for each  
4 sentence imposed under s. 973.01.

5 ~~\*-4548/2.866\*~~ ~~\*-3361/P2.14\*~~ **SECTION 1144.** 973.30 of the statutes is created  
6 to read:

7 **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission  
8 shall do all of the following:

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

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

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

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

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

20 (f) Publish and distribute to all circuit judges hearing criminal cases an annual  
21 report regarding its work, which shall include all sentencing guidelines and all  
22 changes in existing sentencing guidelines adopted during the 12 months preceding  
23 the report.

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

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

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

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

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

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

20 (3) **SUNSET.** This section does not apply after December 31, 2007.

21 **\*-4548/2.867\* \*-3370/P2.9\* SECTION 1145.** 977.05 (4) (jm) of the statutes is  
22 created to read:

23 977.05 (4) (jm) At the request of an inmate determined by the state public  
24 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent  
25 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113

1 (9g) before a program review committee and the sentencing court, if the state public  
2 defender determines the case should be pursued.

3 ~~\*-4548/2.868\*~~ ~~\*-3266/P1.151\*~~ **SECTION 1146.** 977.06 (2) (b) of the statutes is  
4 amended to read:

5 977.06 (2) (b) A person who makes a false representation that he or she does  
6 not believe is true for purposes of qualifying for assignment of counsel shall be fined  
7 not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both  
8 is guilty of a Class I felony.

9 ~~\*-4548/2.869\*~~ **SECTION 1147.** 978.13 (1) (intro.) of the statutes is amended to  
10 read:

11 978.13 (1) (intro.) The Subject to sub. (1m), the state shall assume financial  
12 responsibility for all of the following:

13 ~~\*-4548/2.870\*~~ **SECTION 1148.** 978.13 (1) (b) of the statutes is amended to read:

14 978.13 (1) (b) In counties having a population of 500,000 or more, the salary  
15 and fringe benefit costs of 2 clerk positions providing clerical services to the  
16 prosecutors in the district attorney's office handling cases involving felony violations  
17 under ch. 961. The state treasurer shall pay the amount authorized under this  
18 ~~paragraph subsection~~ to the county treasurer pursuant to a voucher submitted by  
19 the district attorney to the department of administration from the appropriation  
20 under s. 20.475 (1) (i). ~~The amount paid under this paragraph may not exceed~~  
21 ~~\$75,200 in the 1999–2000 fiscal year and \$77,500 in the 2000–01 fiscal year.~~

22 ~~\*-4548/2.871\*~~ **SECTION 1149.** 978.13 (1) (c) of the statutes is amended to read:

23 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and  
24 fringe benefit costs of clerk positions in the district attorney's office necessary for the  
25 prosecution of violent crime cases primarily involving felony violations under s.

1 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,  
2 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32 (2). The state treasurer shall  
3 pay the amount authorized under this ~~paragraph~~ subsection to the county treasurer  
4 pursuant to a voucher submitted by the district attorney to the secretary of  
5 administration from the appropriation under s. 20.475 (1) (i). ~~The amount paid~~  
6 ~~under this paragraph may not exceed \$94,400 in the 1999–2000 fiscal year and~~  
7 ~~\$97,200 in the 2000–01 fiscal year.~~

8 \*~~4548/2.872~~\* **SECTION 1150.** 978.13 (1) (d) of the statutes, as affected by 2001  
9 Wisconsin Act 16, is amended to read:

10 978.13 (1) (d) In counties having a population of 500,000 or more, the salary  
11 and fringe benefit costs of 2 clerk positions providing clerical services to the  
12 prosecutors in the district attorney's office handling cases involving the unlawful  
13 possession or use of firearms. The state treasurer shall pay the amount authorized  
14 under this ~~paragraph~~ subsection to the county treasurer from the appropriation  
15 under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the  
16 department of administration. ~~The amount paid under this paragraph may not~~  
17 ~~exceed the amount appropriated under s. 20.475 (1) (f).~~

18 \*~~4548/2.873~~\* **SECTION 1151.** 978.13 (1m) of the statutes is created to read:

19 978.13 (1m) The amount paid under sub. (1) (b) and (c) combined may not  
20 exceed the amount appropriated under s. 20.475 (1) (i). The amount paid under sub.  
21 (1) (d) may not exceed the amount appropriated under s. 20.475 (1) (f).

~~22~~ \***b2391/1.13**\* **SECTION 1151r.** 979.012 of the statutes is created to read:

23 **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
24 medical examiner is aware of the death of a person who, at the time of his or her  
25 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner



1 or medical examiner shall report the illness or health condition to the department  
2 of health and family services and to the local health department, as defined in s.  
3 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing  
4 or by electronic transmission within 24 hours of learning of the deceased's illness or  
5 health condition.

6 (2) In a report under sub. (1), the coroner or medical examiner shall include all  
7 of the following information if such information is available:

8 (a) The illness or health condition of the deceased.

9 (b) The name, date of birth, gender, race, occupation, and home and work  
10 addresses of the deceased.

11 (c) The name and address of the coroner or medical examiner.

12 (d) If the illness or health condition was related to an animal or insect bite, the  
13 suspected location where the bite occurred and the name and address of the owner  
14 of the animal or insect, if an owner is identified.

15 ~~\*4548/2.874\*~~ SECTION 1157. 1997 Wisconsin Act 283, section 454 (1) (f) is  
16 amended to read:

17 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~  
18 The committee shall submit a report of its findings and recommendations to the  
19 legislature in the manner provided under section 13.172 (2) of the statutes and to the  
20 governor. The report shall include any proposed legislation that is necessary to  
21 implement the recommendations made by the committee in its report.

22 ~~\*b3109/1.1\*~~ SECTION 1157s. 1999 Wisconsin Act 9, section 9158 (8w) (e) is  
23 amended to read:

24 ~~\*b3109/1.1\*~~ [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the  
25 procedures for dissolution of a regional planning commission that are specified under

1 section 66.945 (15) of the statutes, the Dane County regional planning commission  
2 shall be dissolved on October 1, ~~2002~~ 2004. All unexpended funds of the commission  
3 on that date shall be applied to any outstanding indebtedness of the commission. If  
4 any outstanding indebtedness of the commission remains after the application of the  
5 unexpended funds to such debts, the remaining indebtedness shall be assessed to  
6 Dane County. If the commission has no outstanding indebtedness and has  
7 unexpended funds, such funds shall be returned to the cities, villages, towns or  
8 county that supplied them.

9 \*b2280/2.3\* **SECTION 1158b.** 1999 Wisconsin Act 113, section 32 (7) is repealed.

10 \*b2319/1.2\* **SECTION 1160m.** 2001 Wisconsin Act 16, section 9137 (6f) is  
11 amended to read:

12 [2001 Wisconsin Act 16] Section 9137 (6f) **STUDY ON WILD CRANES.** From the  
13 appropriation under section 20.370 (1) (kk) of the statutes, as created by this act, the  
14 department of natural resources shall provide in fiscal year 2001–02 a total of  
15 ~~\$20,000~~ \$30,000 and in fiscal year 2002–03 a total of \$30,000 to the University of  
16 Wisconsin System and the International Crane Foundation jointly for a study of crop  
17 damage caused in this state by wild cranes.

18 \*b2816/1.2\* **SECTION 1160p.** 2001 Wisconsin Act 16, section 9157 (7e) is  
19 amended to read:

20 [2001 Wisconsin Act 16] Section 9157 (7e) **COST-EFFECTIVE TRANSPORTATION**  
21 **SERVICES FOR VETERANS.** The department of veterans affairs and the department of  
22 administration, jointly, shall determine the most cost-effective methods for  
23 providing statewide transportation services to ~~disabled~~ veterans under section 45.43  
24 (7m) of the statutes, as created by this act.

1           **\*b2909/2.2\* SECTION 1160p.** 2001 Wisconsin Act 16, section 9158 (8x) is  
2 amended to read:

3           [2001 Wisconsin Act 16] Section 9158 (8x) COMMUNITY YOUTH GRANTS.  
4 Notwithstanding section 49.175 (1) (z) of the statutes, as affected by this act, from  
5 the moneys allocated under section 49.175 (1) (z) of the statutes, as affected by this  
6 act, the department of workforce development shall provide grants in each fiscal year  
7 of the 2001–03 fiscal biennium to the Wisconsin chapters of the Boys and Girls Clubs  
8 of America to improve social, academic, and employment skills of youth who are  
9 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.  
10 The total amount of grants that are provided under this subsection in each fiscal year  
11 of the 2001–03 fiscal biennium shall be ~~\$50,000~~ \$300,000.

12           **\*b2287/1.1\* SECTION 1160r.** 2001 Wisconsin Act 16, section 9315 (1k) is  
13 amended to read:

14           [2001 Wisconsin Act 16] Section 9315 (1k) TRAINING AND CERTIFICATION OF CHIEF  
15 INSPECTORS. The treatment of sections 7.03 (1) (a), 7.15 (1) (e), 7.30 (1) and (6) (b), and  
16 7.31 (2) of the statutes first applies with respect to elections held on September 1,  
17 ~~2002~~ 2004.

18           **\*b2863/1.6\* SECTION 1160rd.** 2001 Wisconsin Act 16, section 9323 (18k),  
19 (18m), (18n), (18pk), (18pm) and (18pn) are repealed.

20           **\*b2863/1.6\* SECTION 1160ut.** 2001 Wisconsin Act 16, section 9423 (18k) is  
21 repealed.

22           **\*-4509/2.9101\* SECTION 9101. Nonstatutory provisions;**  
23 **administration.**

24           (1) COMMISSION ON LOCAL GOVERNMENT.

1 (a) There is created a special committee to be called the commission on local  
2 government, which shall consist of members appointed by the governor.

3 (b) The governor shall appoint or determine the method of appointment of the  
4 officers of the commission and shall call the first meeting of the commission.

5 (c) The department of administration shall provide necessary administrative  
6 support services to the commission.

7 (d) The department of administration shall reimburse members of the  
8 commission for their actual and necessary expenses incurred in carrying out their  
9 functions from the appropriation under section 20.505 (4) (ba) of the statutes, within  
10 the budget of the committee authorized under section 16.40 (14) of the statutes.

11 (e) The commission shall:

12 1. Examine the organization, authority, and efficiency of local governments, the  
13 services provided by each type of local government, and the services required of local  
14 governments by the state.

15 2. Review the relationship of local governments with the state, examine  
16 spending by local governments, and identify ways to increase efficiency in the  
17 delivery of local governmental services.

18 (f) No later than February 1, 2003, the commission shall report its findings and  
19 recommendations to the governor, and to the legislature in the manner provided in  
20 section 13.172 (2) of the statutes. Upon submittal of its report, the commission ceases  
21 to exist.

22 **\*-4548/2.9101\*** (2) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding  
23 section 15.105 (27) (c) 1. of the statutes, as created by this act, the initial members  
24 of the sentencing commission shall be appointed for the following terms:

1 (a) Two members appointed under section 15.105 (27) (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 circuit judge, and one prosecutor, for terms expiring on January 1,  
4 2004.

5 (b) Three members appointed under section 15.105 (27) (a) 3. of the statutes,  
6 as created by this act, one of whom is not employed by any unit of federal, state, or  
7 local government, and one circuit judge, for terms expiring on January 1, 2005.

8 (c) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as  
9 created by this act, one representative of crime victims, and one attorney in private  
10 practice, for terms expiring on January 1, 2006.

11 (3) POSITION AUTHORIZATION. There is authorized for the sentencing commission  
12 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position, and  
13 4.0 FTE GPR other positions to be funded from the appropriation under section  
14 20.505 (4) (dr) of the statutes, as created by this act.

15 (4) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing  
16 commission created under section 973.30 of the statutes, as created by this act, are  
17 appointed, the criminal penalties study committee shall provide information to  
18 lawyers, judges, the legislature, and the public regarding changes made in the  
19 substance and structure of criminal penalties to be imposed under this act.

20 ~~20~~ \*b2470/2.1\* (6e) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP  
21 DUES IN NATIONAL, STATE, AND LOCAL NONGOVERNMENTAL ORGANIZATIONS ARE PAID.

22 (a) In this subsection:

23 1. "Secretary" means the secretary of administration.

24 2. "State agency" has the meaning given in section 20.001 (1) of the statutes.

1           **\*b2470/2.1\*** (b) The secretary shall determine for each state agency the  
2 amount expended by the state agency for membership dues for any national, state,  
3 or local nongovernmental organization in the 2000–01 fiscal year that was funded  
4 from general purpose revenue and the appropriation from which the dues were paid.

5           (c) From each sum certain appropriation of general purpose revenue identified  
6 in paragraph (b), the secretary shall lapse to the general fund in the 2002–03 fiscal  
7 year an amount that equals 20% of the amount specified in paragraph (b) for that  
8 appropriation. After the secretary makes the lapse, each of the sum certain  
9 appropriations is decreased by the amount of the lapse.

10           (d) For each sum sufficient appropriation of general purpose revenue identified  
11 in paragraph (b), the expenditure estimate for the appropriation during the 2002–03  
12 fiscal year is reestimated to subtract an amount that equals 20% of the amount  
13 specified in paragraph (b) for that appropriation.

14           **\*b2278/1.1\*** (6v) REALLOCATION OF CERTAIN APPROPRIATION REDUCTIONS.

15           (a) In this subsection, “state operations” means any purpose other than aids to  
16 individuals and organizations.

17           (b) The secretary of administration may submit a request to the cochairpersons  
18 of the joint committee on finance to reallocate any portion of the appropriation  
19 reduction under SECTION 9201 (4v) of this act to one or more other appropriations to  
20 the department of administration for state operations made from general purpose  
21 revenue. If the committee approves such a request, the amounts in the schedule for  
22 the affected appropriations are adjusted to reflect the the approved reallocation.

23           **\*b2268/1.6\*** (6z) HOUSING GRANTS AND LOANS FUNDING DECREASE.

24 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
25 under section 16.42 of the statutes for the purposes of the 2003–05 biennial budget

1 bill, the department of administration shall submit information concerning the  
2 appropriation under section 20.505 (7) (b) of the statutes as though the decreases in  
3 that appropriation by SECTION 9201 (1) of this act had not been made.

4 **\*-4666/1.9101\*** (7) ELIMINATION OF CERTAIN UNFUNDED STATE AGENCY POSITIONS.

5 (a) In this subsection:

6 1. "Secretary" means the secretary of administration.

7 2. "State agency" has the meaning given in section 20.001 (1) of the statutes.

8 (b) No later than September 30, 2002, the secretary shall determine the  
9 number of positions in each state agency that were not funded as a result of any  
10 reduction in state agency operations appropriations under 2001 Wisconsin Act 16 for  
11 the 2001–03 fiscal biennium and any reduction in such appropriations required  
12 under this act.

13 (c) After making the determination under paragraph (b), the secretary shall  
14 notify the joint committee on finance in writing of the determination. If the  
15 cochairpersons of the committee do not notify the secretary within 14 working days  
16 after the date of the secretary's notification that the committee has scheduled a  
17 meeting to review the determination, the secretary shall reduce each state agency's  
18 authorized positions for the 2002–03 fiscal year by the number of unfunded positions  
19 for that state agency as determined under paragraph (b). If, within 14 working days  
20 after the date of the secretary's notification, the cochairpersons of the committee  
21 notify the secretary that the committee has scheduled a meeting to review the  
22 determination, the secretary may make the reductions in the authorized positions  
23 only upon approval of the committee.

24 **\*b2281/1.1\*** (7q) SALE OF CERTAIN STATE-OWNED AIRCRAFT. In addition to the  
25 aircraft that are directed to be sold under 2001 Wisconsin Act 16, section 9101 (20j),

1 the department of administration shall, no later than June 30, 2003, offer for sale 21  
2 aircraft selected by the department that are owned by the state on the effective date  
3 of this subsection. The department of administration shall credit the proceeds of any  
4 sales to offset any liabilities created for the aircraft under section 20.903 (2) (b) of the  
5 statutes. The department of administration shall deposit any remaining proceeds of  
6 the sales in the general fund as general purpose revenue — earned.

7 **\*b3044/2.2\*** (8w) TUITION APPROPRIATION EXPENDITURE ESTIMATE INCREASE.

8 When amending the schedule under section 20.004 (2) of the statutes, in addition to  
9 making any other reduction required by law, the department of administration shall  
10 increase the estimated expenditure amount that appears in the schedule for the  
11 appropriation account under section 20.285 (1) (im) of the statutes by \$6,700,000 to  
12 reflect additional academic fees and tuition that may be received under section 36.27  
13 (1) (cm) of the statutes, as created by this act.

14 **\*b2248/1.1\*** (8y) FUNDING FOR LENGTH-OF-SERVICE PAYMENTS. Notwithstanding  
15 section 20.928 (1) of the statutes, during the 2001–03 fiscal biennium, no state  
16 agency, as defined in section 20.001 (1) of the statutes, may include in any  
17 certification to the department of administration under section 20.928 (1) of the  
18 statutes, and the department of administration may not include in any  
19 determination forwarded to the joint committee on finance under section 20.928 (2m)  
20 of the statutes, any sum to pay the cost of a length-of-service payment for classified  
21 employees.

22 **\*b2282/2.1\*** (8z) PRINTED PUBLICATIONS.

23 (a) In this subsection:

24 1. “Department” has the meaning given for “executive branch agency” in  
25 section 16.70 (4) of the statutes.



1           2. “Federal revenues” has the meaning given in section 20.001 (2) (e) of the  
2 statutes.

3           3. “General purpose revenues” has the meaning given in section 20.001 (2) (a)  
4 of the statutes.

5           4. “Program revenues” has the meaning given in section 20.001 (2) (b) or (c) of  
6 the statutes.

7           5. “Segregated fund revenues” has the meaning given in section 20.001 (2) (d)  
8 or (da) of the statutes.

9           (b) Notwithstanding section 16.50 (1) of the statutes, the secretary of  
10 administration shall require submission of an expenditure estimate under section  
11 16.50 (2) of the statutes for each department that proposes to expend moneys that  
12 are not encumbered on the effective date of this paragraph from any revenue source  
13 other than federal revenues for printing of any publication during the 2001–03 fiscal  
14 biennium that is not required to be printed by the constitution or by law.  
15 Notwithstanding section 16.50 (2) of the statutes, the secretary shall disapprove any  
16 such estimate for printing of a publication unless the secretary finds that printing  
17 of the publication is essential.

18           (c) The secretary of administration shall, during the fiscal year for which an  
19 expenditure estimate is submitted under paragraph (b), lapse to the general fund the  
20 amount of any estimate disapproved under paragraph (b) for expenditure of moneys  
21 that are appropriated from any appropriation, other than a sum sufficient  
22 appropriation, made from general purpose revenues. The secretary shall, during the  
23 fiscal year for which an expenditure estimate is submitted under paragraph (b),  
24 transfer to the general fund the amount of any estimate disapproved under  
25 paragraph (b) for the expenditure of moneys that are appropriated from any

1 appropriation, other than a sum sufficient appropriation, made from program  
2 revenues or segregated fund revenues. The secretary shall reestimate to subtract  
3 from the expenditure estimate published in the acts of 2001 under section 20.005 (3)  
4 of the statutes the amount of any estimate disapproved under paragraph (b) for  
5 expenditure of moneys that are appropriated from any sum sufficient appropriation.  
6 The secretary shall include any reestimate under this paragraph in his or her  
7 submission under section 20.004 (2) of the statutes.

8 (d) If the secretary of administration disapproves an expenditure estimate for  
9 the printing of any publication under paragraph (b), the department submitting the  
10 estimate shall post the content of the publication that would have been printed on  
11 the Internet.

12 (e) The secretary of administration shall submit a report to the cochairpersons  
13 of the joint committee on finance no later than July 1, 2002, identifying the amount  
14 and sources of any savings achieved as a result of implementation of this subsection.

15 ~~15~~ \*b3042/2.3\* (9b) SALE OR LEASE OF STATE SURPLUS PROPERTY.

16 (a) In this subsection:

- 17 1. "State agency" has the meaning given in section 20.001 (1) of the statutes.
- 18 2. "State property" means land and improvements thereto that are owned by  
19 this state.
- 20 3. "Surplus property" means state property under the jurisdiction of the  
21 building commission or any other state agency that is not used or needed to carry out  
22 the program responsibilities of a state agency and is not included in the plan of a state  
23 agency for construction or development.