

1 945.08 (1) Any person who, with intent to influence any participant to refrain
2 from exerting full skill, speed, strength or endurance, transfers or promises any
3 property or any personal advantage to or on behalf of any participant in a contest of
4 skill, speed, strength or endurance is guilty of a Class D H felony.

5 *~~4548/2.547~~* *~~0590/P5.291~~* **SECTION 825.** 946.02 (1) (intro.) of the statutes
6 is amended to read:

7 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F
8 felony:

9 *~~4548/2.548~~* *~~0590/P5.292~~* **SECTION 826.** 946.03 (1) (intro.) of the statutes
10 is amended to read:

11 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
12 felony:

13 *~~4548/2.549~~* *~~0590/P5.293~~* **SECTION 827.** 946.03 (2) of the statutes is
14 amended to read:

15 946.03 (2) Whoever permits any premises under his or her care, control or
16 supervision to be used by an assembly with knowledge that the purpose of the
17 assembly is to advocate or teach the duty, necessity, desirability or propriety of
18 overthrowing the government of the United States or this state by the use or threat
19 of physical violence with intent that such government be overthrown or, after
20 learning that the premises are being so used, permits such use to be continued is
21 guilty of a Class E I felony.

22 *~~4548/2.550~~* *~~0590/P5.294~~* **SECTION 828.** 946.05 (1) of the statutes is
23 amended to read:

24 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
25 contempt upon the flag is guilty of a Class E I felony.

1 *~~4548/2.551~~* *~~0590/P5.295~~* **SECTION 829.** 946.10 (intro.) of the statutes is
2 amended to read:

3 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
4 either of the following is guilty of a Class ~~D~~ H felony:

5 *~~4548/2.552~~* *~~0590/P5.296~~* **SECTION 830.** 946.11 (1) (intro.) of the statutes
6 is amended to read:

7 946.11 (1) (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

8 *~~4548/2.553~~* *~~0590/P5.297~~* **SECTION 831.** 946.12 (intro.) of the statutes is
9 amended to read:

10 **946.12 Misconduct in public office.** (intro.) Any public officer or public
11 employee who does any of the following is guilty of a Class ~~E~~ I felony:

12 *~~4548/2.554~~* *~~0590/P5.298~~* **SECTION 832.** 946.13 (1) (intro.) of the statutes
13 is amended to read:

14 946.13 (1) (intro.) Any public officer or public employee who does any of the
15 following is guilty of a Class ~~E~~ I felony:

16 *~~4548/2.555~~* *~~0590/P5.299~~* **SECTION 833.** 946.14 of the statutes is
17 amended to read:

18 **946.14 Purchasing claims at less than full value.** Any public officer or
19 public employee who in a private capacity directly or indirectly intentionally
20 purchases for less than full value or discounts any claim held by another against the
21 state or a political subdivision thereof or against any public fund is guilty of a Class
22 ~~E~~ I felony.

23 *~~4548/2.556~~* *~~0590/P5.300~~* **SECTION 834.** 946.15 (1) of the statutes is
24 amended to read:

1 946.15 (1) Any employer, or any agent or employee of an employer, who induces
2 any person who seeks to be or is employed pursuant to a public contract as defined
3 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
4 wage rate determination has been issued by the department of workforce
5 development under s. 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
6 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
7 waive or return any part of the compensation to which that person is entitled under
8 his or her contract of employment or under the prevailing wage rate determination
9 issued by the department or local governmental unit, or who reduces the hourly basic
10 rate of pay normally paid to an employee for work on a project on which a prevailing
11 wage rate determination has not been issued under s. 66.0903 (3) or (6), 103.49 (3),
12 103.50 (3) or 229.8275 (3) during a week in which the employee works both on a
13 project on which a prevailing wage rate determination has been issued and on a
14 project on which a prevailing wage rate determination has not been issued, is guilty
15 of a Class E I felony.

16 *~~4548/2.557~~* *~~0590/P5.301~~* **SECTION 835.** 946.15 (3) of the statutes is
17 amended to read:

18 946.15 (3) Any employer or labor organization, or any agent or employee of an
19 employer or labor organization, who induces any person who seeks to be or is
20 employed on a project on which a prevailing wage rate determination has been issued
21 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
22 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),
23 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
24 under the prevailing wage rate determination issued by the department or local
25 governmental unit to be deducted from the person's pay is guilty of a Class E I felony,

1 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
2 is working on a project that is subject to 40 USC 276c.

3 ~~*-4548/2.558*~~ ~~*-0590/P5.302*~~ **SECTION 836.** 946.31 (1) (intro.) of the statutes
4 is amended to read:

5 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
6 material statement which the person does not believe to be true, in any matter, cause,
7 action or proceeding, before any of the following, whether legally constituted or
8 exercising powers as if legally constituted, is guilty of a Class ~~D~~ H felony:

9 ~~*-4548/2.559*~~ ~~*-0590/P5.303*~~ **SECTION 837.** 946.32 (1) (intro.) of the statutes
10 is amended to read:

11 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class ~~D~~
12 H felony:

13 ~~*-4548/2.560*~~ ~~*-0590/P5.304*~~ **SECTION 838.** 946.41 (2m) (intro.) of the
14 statutes is amended to read:

15 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
16 circumstances is guilty of a Class ~~D~~ H felony:

17 ~~*-4548/2.561*~~ ~~*-0590/P5.305*~~ **SECTION 839.** 946.415 (2) (intro.) of the
18 statutes is amended to read:

19 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
20 a Class ~~E~~ I felony:

21 ~~*-4548/2.562*~~ ~~*-0590/P5.306*~~ **SECTION 840.** 946.42 (3) (intro.) of the statutes
22 is amended to read:

23 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
24 under any of the following circumstances is guilty of a Class ~~D~~ H felony:

1 *~~4548/2.563~~* *~~0590/P5.307~~* **SECTION 841.** 946.42 (4) of the statutes is
2 repealed.

3 *~~4548/2.564~~* *~~0590/P5.308~~* **SECTION 842.** 946.425 (1) of the statutes is
4 amended to read:

5 946.425 (1) Any person who is subject to a series of periods of imprisonment
6 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
7 required under the sentence is guilty of a Class D H felony.

8 *~~4548/2.565~~* *~~0590/P5.309~~* **SECTION 843.** 946.425 (1m) (b) of the statutes
9 is amended to read:

10 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
11 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
12 intentionally fails to report to the county jail as required under the sentence is guilty
13 of a Class D H felony.

14 *~~4548/2.566~~* *~~0590/P5.310~~* **SECTION 844.** 946.425 (1r) (b) of the statutes
15 is amended to read:

16 946.425 (1r) (b) Any person who is subject to a confinement order under s.
17 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
18 report to the county jail or house of correction as required under the order is guilty
19 of a Class D H felony.

20 *~~4548/2.567~~* *~~0590/P5.311~~* **SECTION 845.** 946.425 (2) of the statutes is
21 repealed.

22 *~~4548/2.568~~* **SECTION 846.** 946.43 (1m) (intro.) of the statutes is amended to
23 read:

1 946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,
2 county or municipal detention facility who intentionally does any of the following is
3 guilty of a Class C F felony:

4 *~~4548/2.569~~* **SECTION 847.** 946.43 (2m) (a) (intro.) of the statutes is amended
5 to read:

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

12 *~~4548/2.570~~* *~~0590/P5.313~~* **SECTION 848.** 946.44 (1) (intro.) of the statutes
13 is amended to read:

14 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

15 *~~4548/2.571~~* *~~0590/P5.314~~* **SECTION 849.** 946.44 (1g) of the statutes is
16 amended to read:

17 946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b)
18 is guilty of a Class C F felony.

19 *~~4548/2.572~~* *~~0590/P5.315~~* **SECTION 850.** 946.44 (1m) of the statutes is
20 amended to read:

21 946.44 (1m) Whoever intentionally introduces into an institution where
22 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
23 unloaded, or any article used or fashioned in a manner to lead another person to
24 believe it is a firearm, is guilty of a Class C F felony.

1 *~~4548/2.573~~* *~~0590/P5.316~~* **SECTION 851.** 946.47 (1) (intro.) of the statutes
2 is amended to read:

3 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class ~~E~~ I
4 felony:

5 *~~4548/2.574~~* *~~0590/P5.317~~* **SECTION 852.** 946.48 (1) of the statutes is
6 amended to read:

7 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
8 written or oral communication with intent to induce a false belief that the sender has
9 knowledge of the whereabouts, physical condition, or terms imposed upon the return
10 of a kidnapped or missing person is guilty of a Class ~~D~~ H felony.

11 *~~4548/2.575~~* *~~0590/P5.318~~* **SECTION 853.** 946.49 (1) (b) of the statutes is
12 amended to read:

13 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
14 of a Class ~~D~~ H felony.

15 *~~4548/2.576~~* *~~0590/P5.319~~* **SECTION 854.** 946.49 (2) of the statutes is
16 amended to read:

17 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
18 guilty of a Class ~~E~~ I felony for failure to appear as provided.

19 *~~4548/2.577~~* *~~0590/P5.320~~* **SECTION 855.** 946.50 (5d) of the statutes is
20 created to read:

21 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
22 committing an act that would be a Class F felony if committed by an adult.

23 *~~4548/2.578~~* *~~0590/P5.321~~* **SECTION 856.** 946.50 (5h) of the statutes is
24 created to read:

1 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
2 committing an act that would be a Class G felony if committed by an adult.

3 *~~4548/2.579~~* *~~0590/P5.322~~* **SECTION 857.** 946.50 (5p) of the statutes is
4 created to read:

5 946.50 (5p) A Class H felony, if the person was adjudicated delinquent for
6 committing an act that would be a Class H felony if committed by an adult.

7 *~~4548/2.580~~* *~~0590/P5.323~~* **SECTION 858.** 946.50 (5t) of the statutes is
8 created to read:

9 946.50 (5t) A Class I felony, if the person was adjudicated delinquent for
10 committing an act that would be a Class I felony if committed by an adult.

11 *~~4548/2.581~~* *~~0590/P5.324~~* **SECTION 859.** 946.60 (1) of the statutes is
12 amended to read:

13 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
14 removes, withholds or transfers possession of a document, knowing that the
15 document has been subpoenaed by a court or by or at the request of a district attorney
16 or the attorney general, is guilty of a Class ~~E~~ I felony.

17 *~~4548/2.582~~* *~~0590/P5.325~~* **SECTION 860.** 946.60 (2) of the statutes is
18 amended to read:

19 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
20 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
21 withhold or transfer possession of a subpoenaed document, knowing that the
22 document has been subpoenaed by a court or by or at the request of a district attorney
23 or the attorney general, is guilty of a Class ~~E~~ I felony.

24 *~~4548/2.583~~* *~~0590/P5.326~~* **SECTION 861.** 946.61 (1) (intro.) of the statutes
25 is amended to read:

1 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
2 felony:

3 *~~4548/2.584~~* *~~0590/P5.327~~* **SECTION 862.** 946.64 of the statutes is
4 amended to read:

5 **946.61 Communicating with jurors.** Whoever, with intent to influence any
6 person, summoned or serving as a juror, in relation to any matter which is before that
7 person or which may be brought before that person, communicates with him or her
8 otherwise than in the regular course of proceedings in the trial or hearing of that
9 matter is guilty of a Class ~~E~~ I felony.

10 *~~4548/2.585~~* *~~0590/P5.328~~* **SECTION 863.** 946.65 (1) of the statutes is
11 amended to read:

12 946.65 (1) Whoever for a consideration knowingly gives false information to
13 any officer of any court with intent to influence the officer in the performance of
14 official functions is guilty of a Class ~~E~~ I felony.

15 *~~4548/2.586~~* *~~0590/P5.329~~* **SECTION 864.** 946.68 (1r) (a) of the statutes is
16 amended to read:

17 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
18 to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

19 *~~4548/2.587~~* *~~0590/P5.330~~* **SECTION 865.** 946.68 (1r) (b) of the statutes is
20 amended to read:

21 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
22 to induce payment of a claim, the person is guilty of a Class ~~D~~ H felony.

23 *~~4548/2.588~~* *~~0590/P5.331~~* **SECTION 866.** 946.68 (1r) (c) of the statutes is
24 amended to read:

1 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
2 the person is guilty of a Class D H felony.

3 *~~4548/2.589~~* *~~0590/P5.332~~* **SECTION 867.** 946.69 (2) (intro.) of the statutes
4 is amended to read:

5 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I
6 felony:

7 *~~4548/2.590~~* *~~0590/P5.333~~* **SECTION 868.** 946.70 (2) of the statutes is
8 amended to read:

9 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
10 the commission of a crime other than the crime under this section is guilty of a Class
11 D H felony.

12 *~~4548/2.591~~* *~~0590/P5.334~~* **SECTION 869.** 946.72 (1) of the statutes is
13 amended to read:

14 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
15 removes or conceals any public record is guilty of a Class D H felony.

16 *~~4548/2.592~~* *~~0590/P5.335~~* **SECTION 870.** 946.74 (2) of the statutes is
17 amended to read:

18 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
19 sexual morality with or upon the inmate of the institution is guilty of a Class D H
20 felony.

21 *~~4548/2.593~~* *~~0590/P5.336~~* **SECTION 871.** 946.76 of the statutes is
22 amended to read:

23 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
24 to its execution that a search warrant has been applied for or issued, except so far
25 as may be necessary to its execution, is guilty of a Class E I felony.

1 *~~4548/2.594~~* *~~0590/P5.337~~* SECTION 872. 946.82 (4) of the statutes, as
2 affected by 2001 Wisconsin Act 16, is amended to read:

3 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
4 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
5 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
6 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
7 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
8 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
9 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
10 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(e)~~ and
11 ~~(d)~~ (bf) to (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27,
12 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
13 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 944.205, 944.21
14 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,
15 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,
16 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

17 *~~4548/2.595~~* *~~0590/P5.338~~* SECTION 873. 946.84 (1) of the statutes is
18 amended to read:

19 946.84 (1) Any person convicted of engaging in racketeering activity in
20 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

21 *~~4548/2.596~~* *~~3266/P1.147~~* SECTION 874. 946.85 (1) of the statutes is
22 amended to read:

23 946.85 (1) Any person who engages in a continuing criminal enterprise shall
24 be imprisoned for not less than 10 years nor more than 30 years, and fined not more
25 than \$10,000 or as provided in s. 946.84 (2). ~~If the court imposes a sentence less than~~

1 the presumptive minimum sentence, it shall place its reasons for doing so on the
2 record is guilty of a Class E felony.

3 ***b2892/3.10* SECTION 874x.** 947.013 (1t) of the statutes is amended to read:

4 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E felony if the person
5 has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2),
6 (2e), (2m), or (3) or (3m) involving the same victim and the present violation occurs
7 within 7 years of the prior conviction.

8 ***b2892/3.11* SECTION 875b.** 947.013 (1t) of the statutes, as affected by 2001
9 Wisconsin Act (this act), is amended to read:

10 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
11 person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s.
12 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation
13 occurs within 7 years of the prior conviction.

14 ***-4548/2.598* *-0590/P5.341* SECTION 876.** 947.013 (1v) of the statutes is
15 amended to read:

16 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class D H felony if he or
17 she intentionally gains access to a record in electronic format that contains
18 personally identifiable information regarding the victim in order to facilitate the
19 violation under sub. (1r).

20 ***-4548/2.599* *-0590/P5.342* SECTION 877.** 947.013 (1x) (intro.) of the
21 statutes is amended to read:

22 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
23 circumstances is guilty of a Class D H felony:

24 ***b2892/3.12* SECTION 877g.** 947.013 (1x) (a) of the statutes is amended to
25 read:

1 947.013 (1x) (a) The person has a prior conviction under sub. (1r), (1t) or (1v)
2 or this subsection or s. 940.32 (2), (2e), (2m), or (3) ~~or (3m)~~.

3 *~~4548/2.600~~* *~~0590/P5.343~~* **SECTION 878.** 947.015 of the statutes is
4 amended to read:

5 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
6 conveyed any threat or false information, knowing such to be false, concerning an
7 attempt or alleged attempt being made or to be made to destroy any property by the
8 means of explosives is guilty of a Class ~~E~~ I felony.

9 *~~4548/2.601~~* *~~0590/P5.344~~* **SECTION 879.** 948.02 (2) of the statutes is
10 amended to read:

11 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
12 sexual intercourse with a person who has not attained the age of 16 years is guilty
13 of a Class ~~BC~~ C felony.

14 *~~4548/2.602~~* *~~0590/P5.345~~* **SECTION 880.** 948.02 (3) of the statutes is
15 amended to read:

16 948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who
17 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has
18 knowledge that another person intends to have, is having or has had sexual
19 intercourse or sexual contact with the child, is physically and emotionally capable
20 of taking action which will prevent the intercourse or contact from taking place or
21 being repeated, fails to take that action and the failure to act exposes the child to an
22 unreasonable risk that intercourse or contact may occur between the child and the
23 other person or facilitates the intercourse or contact that does occur between the
24 child and the other person.

1 *~~4548/2.603~~* *~~0590/P5.346~~* SECTION 881. 948.02 (3m) of the statutes is
2 repealed.

3 *~~4548/2.604~~* *~~0590/P5.347~~* SECTION 882. 948.025 (1) of the statutes is
4 renumbered 948.025 (1) (intro.) and amended to read:

5 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
6 or (2) within a specified period of time involving the same child is guilty of ~~a~~:

7 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

8 *~~4548/2.605~~* *~~0590/P5.348~~* SECTION 883. 948.025 (1) (b) of the statutes is
9 created to read:

10 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
11 of s. 948.02 (1).

12 *~~4548/2.606~~* *~~0590/P5.349~~* SECTION 884. 948.025 (2) of the statutes is
13 renumbered 948.025 (2) (b) and amended to read:

14 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
15 the defendant guilty the members of the jury must unanimously agree that at least
16 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
17 under sub. (1) of time but need not agree on which acts constitute the requisite
18 number and need not agree on whether a particular violation was a violation of s.
19 948.02 (1) or (2).

20 *~~4548/2.607~~* *~~0590/P5.350~~* SECTION 885. 948.025 (2) (a) of the statutes is
21 created to read:

22 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
23 the defendant guilty the members of the jury must unanimously agree that at least
24 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
25 agree on which acts constitute the requisite number.

1 *~~4548/2.608~~* *~~0590/P5.351~~* **SECTION 886.** 948.025 (2m) of the statutes is
2 repealed.

3 ***b2613/1.9*** **SECTION 886f.** 948.025 (3) of the statutes is amended to read:

4 948.025 (3) The state may not charge in the same action a defendant with a
5 violation of this section and with a felony violation involving the same child under
6 ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06,
7 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation
8 occurred outside of the time period applicable under sub. (1). This subsection does
9 not prohibit a conviction for an included crime under s. 939.66 when the defendant
10 is charged with a violation of this section.

11 *~~4548/2.609~~* *~~0590/P5.352~~* **SECTION 887.** 948.03 (2) (a) of the statutes is
12 amended to read:

13 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
14 guilty of a Class ~~C~~ E felony.

15 *~~4548/2.610~~* *~~0590/P5.353~~* **SECTION 888.** 948.03 (2) (b) of the statutes is
16 amended to read:

17 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
18 a Class ~~D~~ H felony.

19 *~~4548/2.611~~* *~~0590/P5.354~~* **SECTION 889.** 948.03 (2) (c) of the statutes is
20 amended to read:

21 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
22 which creates a high probability of great bodily harm is guilty of a Class ~~C~~ F felony.

23 *~~4548/2.612~~* *~~0590/P5.355~~* **SECTION 890.** 948.03 (3) (a) of the statutes is
24 amended to read:

1 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
2 of a Class D G felony.

3 *~~4548/2.613~~* *~~0590/P5.356~~* SECTION 891. 948.03 (3) (b) of the statutes is
4 amended to read:

5 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
6 Class E I felony.

7 *~~4548/2.614~~* *~~0590/P5.357~~* SECTION 892. 948.03 (3) (c) of the statutes is
8 amended to read:

9 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
10 which creates a high probability of great bodily harm is guilty of a Class D H felony.

11 *~~4548/2.615~~* *~~0590/P5.358~~* SECTION 893. 948.03 (4) (a) of the statutes is
12 amended to read:

13 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
14 C F felony if that person has knowledge that another person intends to cause, is
15 causing or has intentionally or recklessly caused great bodily harm to the child and
16 is physically and emotionally capable of taking action which will prevent the bodily
17 harm from occurring or being repeated, fails to take that action and the failure to act
18 exposes the child to an unreasonable risk of great bodily harm by the other person
19 or facilitates the great bodily harm to the child that is caused by the other person.

20 *~~4548/2.616~~* *~~0590/P5.359~~* SECTION 894. 948.03 (4) (b) of the statutes is
21 amended to read:

22 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
23 D H felony if that person has knowledge that another person intends to cause, is
24 causing or has intentionally or recklessly caused bodily harm to the child and is
25 physically and emotionally capable of taking action which will prevent the bodily

1 harm from occurring or being repeated, fails to take that action and the failure to act
2 exposes the child to an unreasonable risk of bodily harm by the other person or
3 facilitates the bodily harm to the child that is caused by the other person.

4 ***-4548/2.617* SECTION 895.** 948.03 (5) of the statutes is repealed.

5 ***-4548/2.618* *-0590/P5.360* SECTION 896.** 948.04 (1) of the statutes is
6 amended to read:

7 948.04 (1) Whoever is exercising temporary or permanent control of a child and
8 causes mental harm to that child by conduct which demonstrates substantial
9 disregard for the mental well-being of the child is guilty of a Class C F felony.

10 ***-4548/2.619* *-0590/P5.361* SECTION 897.** 948.04 (2) of the statutes is
11 amended to read:

12 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
13 felony if that person has knowledge that another person has caused, is causing or will
14 cause mental harm to that child, is physically and emotionally capable of taking
15 action which will prevent the harm, fails to take that action and the failure to act
16 exposes the child to an unreasonable risk of mental harm by the other person or
17 facilitates the mental harm to the child that is caused by the other person.

18 ***-4548/2.620* *-0590/P5.362* SECTION 898.** 948.05 (1) (intro.) of the statutes
19 is amended to read:

20 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
21 character and content of the sexually explicit conduct involving the child is guilty of
22 a Class C F felony:

23 ***-4548/2.621* *-0590/P5.363* SECTION 899.** 948.05 (1m) of the statutes, as
24 affected by 2001 Wisconsin Act 16, is amended to read:

1 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
2 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
3 sell or distribute, any recording of a child engaging in sexually explicit conduct is
4 guilty of a Class C F felony if the person knows the character and content of the
5 sexually explicit conduct involving the child and if the person knows or reasonably
6 should know that the child engaging in the sexually explicit conduct has not attained
7 the age of 18 years.

8 *~~4548/2.622~~* *~~0590/P5.364~~* **SECTION 900.** 948.05 (2) of the statutes is
9 amended to read:

10 948.05 (2) A person responsible for a child's welfare who knowingly permits,
11 allows or encourages the child to engage in sexually explicit conduct for a purpose
12 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

13 *~~4548/2.623~~* *~~0590/P5.365~~* **SECTION 901.** 948.055 (2) (a) of the statutes is
14 amended to read:

15 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
16 years.

17 *~~4548/2.624~~* *~~0590/P5.366~~* **SECTION 902.** 948.055 (2) (b) of the statutes is
18 amended to read:

19 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
20 but has not attained the age of 18 years.

21 *~~4548/2.625~~* *~~0590/P5.367~~* **SECTION 903.** 948.06 (intro.) of the statutes is
22 amended to read:

23 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
24 guilty of a Class BC C felony:

1 *~~4548/2.626~~* *~~0590/P5.368~~* **SECTION 904.** 948.07 (intro.) of the statutes is
2 amended to read:

3 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
4 following acts, causes or attempts to cause any child who has not attained the age
5 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
6 BC D felony:

7 ***b2613/1.10*** **SECTION 904m.** 948.075 of the statutes is created to read:

8 **948.075 Use of a computer to facilitate a child sex crime.** (1) Whoever
9 uses a computerized communication system to communicate with an individual who
10 the actor believes or has reason to believe has not attained the age of 16 years with
11 intent have sexual contact or sexual intercourse with the individual in violation of
12 s. 948.02 (1) or (2) is guilty of a Class BC felony.

13 (2) This section does not apply if, at the time of the communication, the actor
14 reasonably believed that the age of the person to whom the communication was sent
15 was no more than 24 months less than the age of the actor.

16 (3) Proof that the actor did an act, other than use a computerized
17 communication system to communicate with the individual, to effect the actor's
18 intent under sub. (1) shall be necessary to prove that intent.

19 ***b2613/1.10*** **SECTION 904n.** 948.075 (1) of the statutes, as created by 2001
20 Wisconsin Act (this act), is amended to read:

21 948.075 (1) Whoever uses a computerized communication system to
22 communicate with an individual who the actor believes or has reason to believe has
23 not attained the age of 16 years with intent have sexual contact or sexual intercourse
24 with the individual in violation of s. 948.02 (1) or (2) is guilty of a Class ~~BC~~ Class D
25 felony.

1 *~~4548/2.627~~* *~~0590/P5.369~~* **SECTION 905.** 948.08 of the statutes is
2 amended to read:

3 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
4 or causes any child to practice prostitution or establishes any child in a place of
5 prostitution is guilty of a Class **BC D** felony.

6 *~~4548/2.628~~* *~~0590/P5.370~~* **SECTION 906.** 948.095 (2) (intro.) of the
7 statutes is amended to read:

8 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
9 child who has attained the age of 16 years and who is not the defendant's spouse is
10 guilty of a Class **D H** felony if all of the following apply:

11 *~~4548/2.629~~* *~~0590/P5.371~~* **SECTION 907.** 948.11 (2) (a) (intro.) of the
12 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

13 948.11 (2) (a) (intro.) Whoever, with knowledge of the character and content of
14 the material, sells, rents, exhibits, plays, distributes, or loans to a child any harmful
15 material, with or without monetary consideration, is guilty of a Class **E I** felony if any
16 of the following applies:

17 *~~4548/2.630~~* *~~0590/P5.372~~* **SECTION 908.** 948.11 (2) (am) (intro.) of the
18 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

19 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
20 knowledge of the character and content of the description or narrative account,
21 verbally communicates, by any means, a harmful description or narrative account
22 to a child, with or without monetary consideration, is guilty of a Class **E I** felony if
23 any of the following applies:

24 *~~4548/2.631~~* *~~0590/P5.373~~* **SECTION 909.** 948.12 (1m) (intro.) of the
25 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

1 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic
2 negative, photograph, motion picture, videotape, or other recording of a child
3 engaged in sexually explicit conduct under all of the following circumstances is guilty
4 of a Class ~~E~~ I felony:

5 *~~4548/2.632~~* **SECTION 910.** 948.12 (2m) (intro.) of the statutes, as created by
6 2001 Wisconsin Act 16, is amended to read:

7 948.12 (2m) (intro.) Whoever exhibits or plays a recording of a child engaged
8 in sexually explicit conduct, if all of the following apply, is guilty of a Class ~~E~~ I felony:

9 ***b2613/1.11*** **SECTION 910v.** 948.13 (1) (a) of the statutes is amended to read:

10 948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim
11 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1),
12 948.025 (1), 948.05 (1) or (1m), 948.06 ~~or~~, 948.07 (1), (2), (3), or (4), or 948.075.

13 *~~4548/2.633~~* *~~0590/P5.374~~* **SECTION 911.** 948.13 (2) of the statutes is
14 amended to read:

15 948.13 (2) Whoever has been convicted of a serious child sex offense and
16 subsequently engages in an occupation or participates in a volunteer position that
17 requires him or her to work or interact primarily and directly with children under
18 16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a
19 person who is exempt under a court order issued under sub. (2m).

20 *~~4548/2.634~~* *~~0590/P5.375~~* **SECTION 912.** 948.20 of the statutes is
21 amended to read:

22 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
23 leaves any child in a place where the child may suffer because of neglect is guilty of
24 a Class ~~D~~ G felony.

1 *~~4548/2.635~~* *~~0590/P5.376~~* **SECTION 913.** 948.21 (1) of the statutes is
2 amended to read:

3 948.21 (1) Any person who is responsible for a child's welfare who, through his
4 or her actions or failure to take action, intentionally contributes to the neglect of the
5 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
6 felony.

7 *~~4548/2.636~~* *~~0590/P5.377~~* **SECTION 914.** 948.22 (2) of the statutes is
8 amended to read:

9 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
10 to provide spousal, grandchild or child support which the person knows or reasonably
11 should know the person is legally obligated to provide is guilty of a Class E I felony.
12 A prosecutor may charge a person with multiple counts for a violation under this
13 subsection if each count covers a period of at least 120 consecutive days and there is
14 no overlap between periods.

15 *~~4548/2.637~~* *~~0590/P5.378~~* **SECTION 915.** 948.23 of the statutes is
16 amended to read:

17 **948.23 Concealing death of child.** Any person who conceals the corpse of
18 any issue of a woman's body with intent to prevent a determination of whether it was
19 born dead or alive is guilty of a Class E I felony.

20 *~~4548/2.638~~* *~~0590/P5.379~~* **SECTION 916.** 948.24 (1) (intro.) of the statutes
21 is amended to read:

22 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
23 felony:

24 *~~4548/2.639~~* *~~0590/P5.380~~* **SECTION 917.** 948.30 (1) (intro.) of the statutes
25 is amended to read:

1 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
2 following is guilty of a Class C E felony:

3 *~~4548/2.640~~* *~~0590/P5.381~~* **SECTION 918.** 948.30 (2) (intro.) of the statutes
4 is amended to read:

5 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
6 following is guilty of a Class B C felony:

7 *~~4548/2.641~~* *~~0590/P5.382~~* **SECTION 919.** 948.31 (1) (b) of the statutes is
8 amended to read:

9 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
10 causes a child to leave, takes a child away or withholds a child for more than 12 hours
11 beyond the court-approved period of physical placement or visitation period from a
12 legal custodian with intent to deprive the custodian of his or her custody rights
13 without the consent of the custodian is guilty of a Class C F felony. This paragraph
14 is not applicable if the court has entered an order authorizing the person to so take
15 or withhold the child. The fact that joint legal custody has been awarded to both
16 parents by a court does not preclude a court from finding that one parent has
17 committed a violation of this paragraph.

18 *~~4548/2.642~~* *~~0590/P5.383~~* **SECTION 920.** 948.31 (2) of the statutes is
19 amended to read:

20 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
21 child for more than 12 hours from the child's parents or, in the case of a nonmarital
22 child whose parents do not subsequently intermarry under s. 767.60, from the child's
23 mother or, if he has been granted legal custody, the child's father, without the consent
24 of the parents, the mother or the father with legal custody, is guilty of a Class E I

1 felony. This subsection is not applicable if legal custody has been granted by court
2 order to the person taking or withholding the child.

3 ***-4548/2.643* *-0590/P5.384* SECTION 921.** 948.31 (3) (intro.) of the statutes
4 is amended to read:

5 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
6 the parent, who does any of the following is guilty of a Class C F felony:

7 ***-4548/2.644* *-0590/P5.385* SECTION 922.** 948.35 of the statutes is
8 repealed.

9 ***-4548/2.645* *-0590/P5.386* SECTION 923.** 948.36 of the statutes is
10 repealed.

11 ***-4548/2.646* *-0590/P5.387* SECTION 924.** 948.40 (4) (a) of the statutes is
12 amended to read:

13 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
14 felony; or

15 ***-4548/2.647* *-0590/P5.388* SECTION 925.** 948.40 (4) (b) of the statutes is
16 amended to read:

17 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
18 violation of a state or federal criminal law which is punishable as a felony, the person
19 is guilty of a Class D H felony.

20 ***-4548/2.648* *-0590/P5.389* SECTION 926.** 948.51 (3) (b) of the statutes is
21 amended to read:

22 948.51 (3) (b) A Class E H felony if the act results in great bodily harm ~~or death~~
23 to another.

24 ***-4548/2.649* *-0590/P5.390* SECTION 927.** 948.51 (3) (c) of the statutes is
25 created to read:

1 948.51 (3) (c) A Class G felony if the act results in the death of another.

2 *~~4548/2.650~~* *~~0590/P5.391~~* **SECTION 928.** 948.60 (2) (b) of the statutes is
3 amended to read:

4 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
5 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
6 Class ~~E~~ I felony.

7 *~~4548/2.651~~* *~~0590/P5.392~~* **SECTION 929.** 948.60 (2) (c) of the statutes is
8 amended to read:

9 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
10 person under 18 years of age under par. (b) discharges the firearm and the discharge
11 causes death to himself, herself or another.

12 *~~4548/2.652~~* *~~0590/P5.393~~* **SECTION 930.** 948.605 (2) (a) of the statutes is
13 amended to read:

14 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
15 that the individual knows, or has reasonable cause to believe, is a school zone is
16 guilty of a Class ~~A misdemeanor~~ I felony.

17 *~~4548/2.653~~* *~~0590/P5.394~~* **SECTION 931.** 948.605 (3) (a) of the statutes is
18 amended to read:

19 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
20 the safety of another, discharges or attempts to discharge a firearm at a place the
21 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

22 *~~4548/2.654~~* *~~0590/P5.395~~* **SECTION 932.** 948.605 (4) of the statutes is
23 repealed.

24 *~~4548/2.655~~* *~~0590/P5.396~~* **SECTION 933.** 948.61 (2) (b) of the statutes is
25 amended to read:

1 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
2 subsequent violation of this section within a 5-year period, as measured from the
3 dates the violations occurred.

4 *~~4548/2.656~~* *~~0590/P5.397~~* **SECTION 934.** 948.62 (1) (a) of the statutes is
5 amended to read:

6 948.62 (1) (a) A Class ~~E~~ A misdemeanor, if the value of the property does
7 not exceed \$500.

8 *~~4548/2.657~~* *~~0590/P5.398~~* **SECTION 935.** 948.62 (1) (b) of the statutes is
9 amended to read:

10 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
11 does not exceed \$2,500.

12 *~~4548/2.658~~* *~~0590/P5.399~~* **SECTION 936.** 948.62 (1) (bm) of the statutes is
13 created to read:

14 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but
15 does not exceed \$5,000.

16 *~~4548/2.659~~* *~~0590/P5.400~~* **SECTION 937.** 948.62 (1) (c) of the statutes is
17 amended to read:

18 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
19 \$5,000.

20 *~~4548/2.660~~* *~~0590/P5.401~~* **SECTION 938.** 949.03 (1) (b) of the statutes is
21 amended to read:

22 949.03 (1) (b) The commission or the attempt to commit any crime specified in
23 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
24 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
25 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,

1 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
2 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

3 ***-4548/2.661* *-3370/P2.6* SECTION 939.** 950.04 (1v) (g) of the statutes is
4 amended to read:

5 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
6 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
7 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

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

9 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
10 petitions for sentence adjustment as provided under s. 973.195 (1r) (d).

11 ***-4548/2.662* *-3370/P2.7* SECTION 940.** 950.04 (1v) (nt) of the statutes is
12 created to read:

13 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
14 bifurcated sentence and provide a statement concerning modification of the
15 bifurcated sentence, as provided under s. 302.113 (9g) (d).

16 ***-4548/2.663* *-0590/P5.402* SECTION 941.** 951.18 (1) of the statutes is
17 amended to read:

18 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
19 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
20 Class C forfeiture. Any person who violates any of these provisions within 3 years
21 after a humane officer issues an abatement order under s. 173.11 prohibiting the
22 violation of that provision is subject to a Class A forfeiture. Any person who
23 intentionally or negligently violates any of those sections is guilty of a Class A
24 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
25 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any

1 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
2 is the victim is used by a law enforcement agency to perform agency functions or
3 duties and causing injury to the animal, is guilty of a Class E I felony.

4 ***-4548/2.664* *-0590/P5.403* SECTION 942.** 951.18 (2) of the statutes is
5 amended to read:

6 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
7 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class E I
8 felony for the first violation and is guilty of a Class D H felony for the 2nd or
9 subsequent violation.

10 ***-4548/2.665* *-0590/P5.404* SECTION 943.** 951.18 (2m) of the statutes is
11 amended to read:

12 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
13 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
14 that the animal that is the victim is used by a law enforcement agency or fire
15 department to perform agency or department functions or duties, is guilty of a Class
16 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
17 animal that is the victim is used by a law enforcement agency or fire department to
18 perform agency or department functions or duties and causing injury to the animal,
19 is guilty of a Class E I felony. Any person who intentionally violates s. 951.095,
20 knowing that the animal that is the victim is used by a law enforcement agency or
21 fire department to perform agency or department functions or duties and causing
22 death to the animal, is guilty of a Class D H felony.

23 ***-4548/2.666* *-3265/P1.7* SECTION 944.** 961.41 (1) (intro.) of the statutes is
24 amended to read:

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

5 *~~4548/2.667~~* *~~3265/P1.8~~* SECTION 945. 961.41 (1) (a) of the statutes is
6 amended to read:

7 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
8 in par. (d), if a person violates this subsection with respect to a controlled substance
9 included in schedule I or II which is a narcotic drug, or a controlled substance analog
10 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
11 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
12 ~~months or both~~ the person is guilty of a Class E felony.

13 *~~4548/2.668~~* *~~3265/P1.9~~* SECTION 946. 961.41 (1) (b) of the statutes, as
14 affected by 2001 Wisconsin Act 16, is amended to read:

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

21 *~~4548/2.669~~* *~~3265/P1.10~~* SECTION 947. 961.41 (1) (cm) (intro.) of the
22 statutes is amended to read:

23 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
24 this subsection with respect to cocaine or cocaine base, or a controlled substance

1 analog of cocaine or cocaine base, is subject to the following penalties if and the
2 amount manufactured, distributed, or delivered is:

3 ~~*-4548/2.670* *-3265/P1.11*~~ **SECTION 948.** 961.41 (1) (cm) 1. of the statutes
4 is renumbered 961.41 (1) (cm) 1r. and amended to read:

5 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
6 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
7 for not more than 15 years is guilty of a Class F felony.

8 ~~*-4548/2.671* *-3265/P1.12*~~ **SECTION 949.** 961.41 (1) (cm) 1g. of the statutes
9 is created to read:

10 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

11 ~~*-4548/2.672* *-3265/P1.13*~~ **SECTION 950.** 961.41 (1) (cm) 2. of the statutes
12 is amended to read:

13 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
14 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
15 year ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

16 ~~*-4548/2.673* *-3265/P1.14*~~ **SECTION 951.** 961.41 (1) (cm) 3. of the statutes
17 is amended to read:

18 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
19 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
20 years ~~nor more than 30 years~~ is guilty of a Class D felony.

21 ~~*-4548/2.674* *-3265/P1.15*~~ **SECTION 952.** 961.41 (1) (cm) 4. of the statutes
22 is amended to read:

23 961.41 (1) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the person
24 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
25 years ~~nor more than 45 years~~ is guilty of a Class C felony.

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

3 *~~4548/2.676~~* *~~3265/P1.17~~* SECTION 954. 961.41 (1) (d) (intro.) of the
4 statutes is amended to read:

5 961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with
6 respect to heroin or a controlled substance analog of heroin is subject to the following
7 penalties if and the amount manufactured, distributed or delivered is:

8 *~~4548/2.677~~* *~~3265/P1.18~~* SECTION 955. 961.41 (1) (d) 1. of the statutes is
9 amended to read:

10 961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~
11 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~
12 ~~and 6 months is guilty of a Class F felony.~~

13 *~~4548/2.678~~* *~~3265/P1.19~~* SECTION 956. 961.41 (1) (d) 2. of the statutes is
14 amended to read:

15 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
16 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
17 ~~for not less than 6 months nor more than 22 years and 6 months is guilty of a Class~~
18 ~~E felony.~~

19 *~~4548/2.679~~* *~~3265/P1.20~~* SECTION 957. 961.41 (1) (d) 3. of the statutes is
20 amended to read:

21 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
22 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
23 ~~for not less than one year nor more than 22 years and 6 months is guilty of a Class~~
24 ~~D felony.~~

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

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

7 *~~4548/2.681~~* *~~3265/P1.22~~* SECTION 959. 961.41 (1) (d) 5. of the statutes is
8 repealed.

9 *~~4548/2.682~~* *~~3265/P1.23~~* SECTION 960. 961.41 (1) (d) 6. of the statutes is
10 repealed.

11 *~~4548/2.683~~* *~~3265/P1.24~~* SECTION 961. 961.41 (1) (e) (intro.) of the
12 statutes is amended to read:

13 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and
14 methcathinone. (intro.) Phencyclidine If the person violates this subsection with
15 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
16 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
17 methcathinone, is subject to the following penalties if and the amount
18 manufactured, distributed, or delivered is:

19 *~~4548/2.684~~* *~~3265/P1.25~~* SECTION 962. 961.41 (1) (e) 1. of the statutes is
20 amended to read:

21 961.41 (1) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
22 ~~\$1,000 nor more than \$200,000~~ and ~~may be imprisoned for not more than 7 years and~~
23 ~~6 months~~ is guilty of a Class F felony.

24 *~~4548/2.685~~* *~~3265/P1.26~~* SECTION 963. 961.41 (1) (e) 2. of the statutes is
25 amended to read:

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

5 *~~4548/2.686~~* *~~3265/P1.27~~* **SECTION 964.** 961.41 (1) (e) 3. of the statutes is
6 amended to read:

7 961.41 (1) (e) 3. More than 10 grams but not more than 50 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 one year nor more than 22 years and 6 months is guilty of a Class
10 D felony.

11 *~~4548/2.687~~* *~~3265/P1.28~~* **SECTION 965.** 961.41 (1) (e) 4. of the statutes is
12 amended to read:

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

17 *~~4548/2.688~~* *~~3265/P1.29~~* **SECTION 966.** 961.41 (1) (e) 5. of the statutes is
18 repealed.

19 *~~4548/2.689~~* *~~3265/P1.30~~* **SECTION 967.** 961.41 (1) (e) 6. of the statutes is
20 repealed.

21 *~~4548/2.690~~* **SECTION 968.** 961.41 (1) (em) of the statutes is repealed.

22 *~~4548/2.691~~* *~~3265/P1.31~~* **SECTION 969.** 961.41 (1) (f) (intro.) of the
23 statutes is amended to read:

24 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the person violates
25 this subsection with respect to lysergic acid diethylamide or a controlled substance

1 analog of lysergic acid diethylamide is subject to the following penalties if and the
2 amount manufactured, distributed, or delivered is:

3 ***-4548/2.692* *-3265/P1.32* SECTION 970.** 961.41 (1) (f) 1. of the statutes is
4 amended to read:

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

8 ***-4548/2.693* *-3265/P1.33* SECTION 971.** 961.41 (1) (f) 2. of the statutes is
9 amended to read:

10 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person ~~shall~~
11 ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not~~
12 ~~less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class F felony.

13 ***-4548/2.694* *-3265/P1.34* SECTION 972.** 961.41 (1) (f) 3. of the statutes is
14 amended to read:

15 961.41 (1) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
16 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
17 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

18 ***-4548/2.695* *-3265/P1.35* SECTION 973.** 961.41 (1) (g) (intro.) of the
19 statutes is amended to read:

20 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin ~~If the person violates~~
21 ~~this subsection with respect to psilocin or psilocybin, or a controlled substance analog~~
22 ~~of psilocin or psilocybin, is subject to the following penalties if~~ and the amount
23 manufactured, distributed or delivered is:

24 ***-4548/2.696* *-3265/P1.36* SECTION 974.** 961.41 (1) (g) 1. of the statutes is
25 amended to read:

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

4 *~~4548/2.697~~* *~~3265/P1.37~~* **SECTION 975.** 961.41 (1) (g) 2. of the statutes is
5 amended to read:

6 961.41 (1) (g) 2. More than 100 grams but not more than 500 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 F felony.

10 *~~4548/2.698~~* *~~3265/P1.38~~* **SECTION 976.** 961.41 (1) (g) 3. of the statutes is
11 amended to read:

12 961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than
13 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
14 nor more than 22 years and 6 months is guilty of a Class E felony.

15 *~~4548/2.699~~* *~~3265/P1.39~~* **SECTION 977.** 961.41 (1) (h) (intro.) of the
16 statutes is amended to read:

17 961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the
18 person violates this subsection with respect to tetrahydrocannabinols, included
19 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
20 subject to the following penalties if and the amount manufactured, distributed or
21 delivered is:

22 *~~4548/2.700~~* *~~3265/P1.40~~* **SECTION 978.** 961.41 (1) (h) 1. of the statutes is
23 amended to read:

24 961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
25 containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor

1 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months
2 is guilty of a Class I felony.

3 *~~4548/2.701~~* *~~3265/P1.41~~* **SECTION 979.** 961.41 (1) (h) 2. of the statutes is
4 amended to read:

5 961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than 2,500 ~~1,000~~ grams,
6 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
7 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
8 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
9 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

10 *~~4548/2.702~~* *~~3265/P1.42~~* **SECTION 980.** 961.41 (1) (h) 3. of the statutes is
11 amended to read:

12 961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
13 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
14 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
15 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
16 ~~nor more than 15 years~~ is guilty of a Class G felony.

17 *~~4548/2.703~~* *~~3265/P1.43~~* **SECTION 981.** 961.41 (1) (h) 4. of the statutes is
18 created to read:

19 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
20 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
21 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

22 *~~4548/2.704~~* *~~3265/P1.44~~* **SECTION 982.** 961.41 (1) (h) 5. of the statutes is
23 created to read:

24 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
25 tetrahydrocannabinols, the person is guilty of a Class E felony.

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

3 961.41 (1) (hm) Certain other schedule I controlled substances and ketamine.
4 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect
5 to _____ gamma-hydroxybutyric acid, gamma-butyrolactone,
6 3,4-methylenedioxymethamphetamine,
7 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
8 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
9 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,
10 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
11 subject to the following penalties if and the amount manufactured, distributed, or
12 delivered is:

13 *~~4548/2.706~~* **SECTION 984.** 961.41 (1) (hm) 1. of the statutes, as created by
14 2001 Wisconsin Act 16, is amended to read:

15 961.41 (1) (hm) 1. Three grams or less, the person ~~shall be fined not less than~~
16 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
17 ~~6 months is guilty of a Class F felony.~~

18 *~~4548/2.707~~* **SECTION 985.** 961.41 (1) (hm) 2. of the statutes, as created by
19 2001 Wisconsin Act 16, is amended to read:

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

24 *~~4548/2.708~~* **SECTION 986.** 961.41 (1) (hm) 3. of the statutes, as created by
25 2001 Wisconsin Act 16, is amended to read:

1 961.41 (1) (hm) 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 *~~4548/2.709~~* SECTION 987. 961.41 (1) (hm) 4. of the statutes, as created by
6 2001 Wisconsin Act 16, is amended to read:

7 961.41 (1) (hm) 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 *~~4548/2.710~~* SECTION 988. 961.41 (1) (hm) 5. of the statutes, as created by
12 2001 Wisconsin Act 16, is repealed.

13 *~~4548/2.711~~* SECTION 989. 961.41 (1) (hm) 6. of the statutes, as created by
14 2001 Wisconsin Act 16, is repealed.

15 *~~4548/2.712~~* *~~3265/P1.45~~* SECTION 990. 961.41 (1) (i) of the statutes is
16 amended to read:

17 961.41 (1) (i) Schedule IV drugs generally. Except as provided in par. (im), if
18 a person violates this subsection with respect to a substance included in schedule IV,
19 may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6
20 months or both the person is guilty of a Class H felony.

21 *~~4548/2.713~~* SECTION 991. 961.41 (1) (im) (intro.) of the statutes, as affected
22 by 2001 Wisconsin Act 16, is amended to read:

23 961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~
24 following penalties if If a person violates this subsection with respect to
25 flunitrazepam and the amount manufactured, distributed, or delivered is:

1 *~~4548/2.714~~* **SECTION 992.** 961.41 (1) (im) 1. of the statutes, as created by
2 2001 Wisconsin Act 16, is amended to read:

3 961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than
4 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
5 6 months is guilty of a Class F felony.

6 *~~4548/2.715~~* **SECTION 993.** 961.41 (1) (im) 2. of the statutes, as created by
7 2001 Wisconsin Act 16, is amended to read:

8 961.41 (1) (im) 2. More than 3 grams but not more than 10 grams, the person
9 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
10 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
11 E felony.

12 *~~4548/2.716~~* **SECTION 994.** 961.41 (1) (im) 3. of the statutes, as created by
13 2001 Wisconsin Act 16, is amended to read:

14 961.41 (1) (im) 3. More than 10 grams but not more than 50 grams, the person
15 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
16 for not less than one year nor more than 22 years and 6 months is guilty of a Class
17 D felony.

18 *~~4548/2.717~~* **SECTION 995.** 961.41 (1) (im) 4. of the statutes, as created by
19 2001 Wisconsin Act 16, is amended to read:

20 961.41 (1) (im) 4. More than 50 grams but not more than 200 grams, the person
21 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
22 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
23 felony.

24 *~~4548/2.718~~* **SECTION 996.** 961.41 (1) (im) 5. of the statutes, as created by
25 2001 Wisconsin Act 16, is repealed.

1 ***-4548/2.719*** **SECTION 997.** 961.41 (1) (im) 6. of the statutes, as created by
2 2001 Wisconsin Act 16, is repealed.

3 ***-4548/2.720*** ***-3265/P1.46*** **SECTION 998.** 961.41 (1) (j) of the statutes is
4 amended to read:

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

8 ***-4548/2.721*** ***-3265/P1.47*** **SECTION 999.** 961.41 (1m) (intro.) of the statutes
9 is amended to read:

10 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
11 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
12 with intent to manufacture, distribute or deliver, a controlled substance or a
13 controlled substance analog. Intent under this subsection may be demonstrated by,
14 without limitation because of enumeration, evidence of the quantity and monetary
15 value of the substances possessed, the possession of manufacturing implements or
16 paraphernalia, and the activities or statements of the person in possession of the
17 controlled substance or a controlled substance analog prior to and after the alleged
18 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
19 following penalties:

20 ***-4548/2.722*** ***-3265/P1.48*** **SECTION 1000.** 961.41 (1m) (a) of the statutes is
21 amended to read:

22 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
23 in par. (d), if a person violates this subsection with respect to a controlled substance
24 included in schedule I or II which is a narcotic drug or a controlled substance analog
25 of a controlled substance included in schedule I or II which is a narcotic drug, may

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

3 *~~4548/2.723~~* *~~3265/P1.49~~* **SECTION 1001.** 961.41 (1m) (b) of the statutes,
4 as affected by 2001 Wisconsin Act 16, is amended to read:

5 961.41 (1m) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
6 provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect
7 to any other controlled substance included in schedule I, II, or III, or a controlled
8 substance analog of any other controlled substance included in schedule I or II, may
9 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
10 ~~or both the person is guilty of a Class H felony.~~

11 *~~4548/2.724~~* *~~3265/P1.50~~* **SECTION 1002.** 961.41 (1m) (cm) (intro.) of the
12 statutes is amended to read:

13 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
14 this subsection with respect to cocaine or cocaine base, or a controlled substance
15 analog of cocaine or cocaine base, is subject to the following penalties if and the
16 amount possessed, with intent to manufacture, distribute or deliver, is:

17 *~~4548/2.725~~* *~~3265/P1.51~~* **SECTION 1003.** 961.41 (1m) (cm) 1. of the
18 statutes is renumbered 961.41 (1m) (cm) 1r. and amended to read:

19 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
20 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
21 ~~for not more than 15 years~~ is guilty of a Class F felony.

22 *~~4548/2.726~~* *~~3265/P1.52~~* **SECTION 1004.** 961.41 (1m) (cm) 1g. of the
23 statutes is created to read:

24 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

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

3 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
4 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
5 year nor more than ~~22 years and 6 months~~ is guilty of a Class E felony.

6 *~~4548/2.728~~* *~~3265/P1.54~~* SECTION 1006. 961.41 (1m) (cm) 3. of the
7 statutes is amended to read:

8 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
9 person shall be fined not more than \$500,000 and shall be imprisoned for not less
10 than ~~3 years nor more than 30 years~~ is guilty of a Class D felony.

11 *~~4548/2.729~~* *~~3265/P1.55~~* SECTION 1007. 961.41 (1m) (cm) 4. of the
12 statutes is amended to read:

13 961.41 (1m) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the
14 person shall be fined not more than \$500,000 and shall be imprisoned for not less
15 than ~~5 years nor more than 45 years~~ is guilty of a Class C felony.

16 *~~4548/2.730~~* *~~3265/P1.56~~* SECTION 1008. 961.41 (1m) (cm) 5. of the
17 statutes is repealed.

18 *~~4548/2.731~~* *~~3265/P1.57~~* SECTION 1009. 961.41 (1m) (d) (intro.) of the
19 statutes is amended to read:

20 961.41 (1m) (d) Heroin. (intro.) ~~Heroin~~ If a person violates this subsection with
21 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~
22 ~~penalties if~~ and the amount possessed, with intent to manufacture, distribute or
23 deliver, is:

24 *~~4548/2.732~~* *~~3265/P1.58~~* SECTION 1010. 961.41 (1m) (d) 1. of the statutes
25 is amended to read:

1 961.41 (1m) (d) 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 22 years
3 and 6 months is guilty of a Class F felony.

4 *~~4548/2.733~~* *~~3265/P1.59~~* **SECTION 1011.** 961.41 (1m) (d) 2. of the statutes
5 is amended to read:

6 961.41 (1m) (d) 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 22 years and 6 months is guilty of a Class
9 E felony.

10 *~~4548/2.734~~* *~~3265/P1.60~~* **SECTION 1012.** 961.41 (1m) (d) 3. of the statutes
11 is amended to read:

12 961.41 (1m) (d) 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 *~~4548/2.735~~* *~~3265/P1.61~~* **SECTION 1013.** 961.41 (1m) (d) 4. of the statutes
17 is amended to read:

18 961.41 (1m) (d) 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 *~~4548/2.736~~* *~~3265/P1.62~~* **SECTION 1014.** 961.41 (1m) (d) 5. of the statutes
23 is repealed.

24 *~~4548/2.737~~* *~~3265/P1.63~~* **SECTION 1015.** 961.41 (1m) (d) 6. of the statutes
25 is repealed.

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

3 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and
4 methcathinone. (intro.) Phencyclidine If a person violates this subsection with
5 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
6 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
7 methcathinone, is subject to the following penalties if and the amount possessed,
8 with intent to manufacture, distribute, or deliver, is:

9 *~~4548/2.739~~* *~~3265/P1.65~~* SECTION 1017. 961.41 (1m) (e) 1. of the statutes
10 is amended to read:

11 961.41 (1m) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
12 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
13 ~~6 months~~ is guilty of a Class F felony.

14 *~~4548/2.740~~* *~~3265/P1.66~~* SECTION 1018. 961.41 (1m) (e) 2. of the statutes
15 is amended to read:

16 961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person
17 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
18 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
19 E felony.

20 *~~4548/2.741~~* *~~3265/P1.67~~* SECTION 1019. 961.41 (1m) (e) 3. of the statutes
21 is amended to read:

22 961.41 (1m) (e) 3. More than 10 grams but not more than 50 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 one year nor more than 22 years and 6 months~~ is guilty of a Class
25 D felony.

1 *~~4548/2.742~~* *~~3265/P1.68~~* **SECTION 1020.** 961.41 (1m) (e) 4. of the statutes
2 is amended to read:

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

7 *~~4548/2.743~~* *~~3265/P1.69~~* **SECTION 1021.** 961.41 (1m) (e) 5. of the statutes
8 is repealed.

9 *~~4548/2.744~~* *~~3265/P1.70~~* **SECTION 1022.** 961.41 (1m) (e) 6. of the statutes
10 is repealed.

11 *~~4548/2.745~~* **SECTION 1023.** 961.41 (1m) (em) of the statutes is repealed.

12 *~~4548/2.746~~* *~~3265/P1.71~~* **SECTION 1024.** 961.41 (1m) (f) (intro.) of the
13 statutes is amended to read:

14 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates
15 this subsection with respect to lysergic acid diethylamide or a controlled substance
16 analog of lysergic acid diethylamide is subject to the following penalties if and the
17 amount possessed, with intent to manufacture, distribute or deliver, is:

18 *~~4548/2.747~~* *~~3265/P1.72~~* **SECTION 1025.** 961.41 (1m) (f) 1. of the statutes
19 is amended to read:

20 961.41 (1m) (f) 1. One gram or less, the person shall be fined not less than
21 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and
22 6 months is guilty of a Class G felony.

23 *~~4548/2.748~~* *~~3265/P1.73~~* **SECTION 1026.** 961.41 (1m) (f) 2. of the statutes
24 is amended to read:

1 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
2 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
3 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
4 F felony.

5 *~~4548/2.749~~* *~~3265/P1.74~~* **SECTION 1027.** 961.41 (1m) (f) 3. of the statutes
6 is amended to read:

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

10 *~~4548/2.750~~* *~~3265/P1.75~~* **SECTION 1028.** 961.41 (1m) (g) (intro.) of the
11 statutes is amended to read:

12 961.41 (1m) (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates
13 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
14 of psilocin or psilocybin, is subject to the following penalties if and the amount
15 possessed, with intent to manufacture, distribute or deliver, is:

16 *~~4548/2.751~~* *~~3265/P1.76~~* **SECTION 1029.** 961.41 (1m) (g) 1. of the statutes
17 is amended to read:

18 961.41 (1m) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
19 ~~than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~
20 ~~years and 6 months~~ is guilty of a Class G felony.

21 *~~4548/2.752~~* *~~3265/P1.77~~* **SECTION 1030.** 961.41 (1m) (g) 2. of the statutes
22 is amended to read:

23 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
24 ~~person shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~

1 imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty
2 of a Class F felony.

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

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

8 *~~4548/2.754~~* *~~3265/P1.79~~* **SECTION 1032.** 961.41 (1m) (h) (intro.) of the
9 statutes is amended to read:

10 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a
11 person violates this subsection with respect to tetrahydrocannabinols, included
12 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
13 subject to the following penalties if and the amount possessed, with intent to
14 manufacture, distribute, or deliver, is:

15 *~~4548/2.755~~* *~~3265/P1.80~~* **SECTION 1033.** 961.41 (1m) (h) 1. of the statutes
16 is amended to read:

17 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
18 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
19 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
20 is guilty of a Class I felony.

21 *~~4548/2.756~~* *~~3265/P1.81~~* **SECTION 1034.** 961.41 (1m) (h) 2. of the statutes
22 is amended to read:

23 961.41 (1m) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000
24 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
25 ~~50~~ 20 plants containing tetrahydrocannabinols, the person ~~shall be fined not less~~

1 than ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3~~
2 ~~months nor more than 7 years and 6 months~~ is guilty of a Class H felony.

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

5 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~
6 ~~or more than 50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50~~
7 ~~plants containing tetrahydrocannabinols,~~ the person ~~shall be fined not less than~~
8 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
9 ~~nor more than 15 years~~ is guilty of a Class G felony.

10 *~~4548/2.758~~* *~~3265/P1.83~~* SECTION 1036. 961.41 (1m) (h) 4. of the statutes
11 is created to read:

12 961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
13 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
14 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

15 *~~4548/2.759~~* *~~3265/P1.84~~* SECTION 1037. 961.41 (1m) (h) 5. of the statutes
16 is created to read:

17 961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing
18 tetrahydrocannabinols, the person is guilty of a Class E felony.

19 *~~4548/2.760~~* SECTION 1038. 961.41 (1m) (hm) (intro.) of the statutes, as
20 created by 2001 Wisconsin Act 16, is amended to read:

21 961.41 (1m) (hm) Certain other schedule I controlled substances and ketamine.
22 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect
23 to gamma-hydroxybutyric acid, gamma-butyrolactone,
3,4-methylenedioxymethamphetamine
24 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,

1 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
2 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine
3 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
4 subject to the following penalties if the amount possessed, with intent to
5 manufacture, distribute, or deliver is:

6 *~~4548/2.761~~* **SECTION 1039.** 961.41 (1m) (hm) 1. of the statutes, as created
7 by 2001 Wisconsin Act 16, is amended to read:

8 961.41 (1m) (hm) 1. Three grams or less, the person ~~shall be fined not less than~~
9 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
10 ~~6 months is guilty of a Class F felony.~~

11 *~~4548/2.762~~* **SECTION 1040.** 961.41 (1m) (hm) 2. of the statutes, as created
12 by 2001 Wisconsin Act 16, is amended to read:

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

17 *~~4548/2.763~~* **SECTION 1041.** 961.41 (1m) (hm) 3. of the statutes, as created
18 by 2001 Wisconsin Act 16, is amended to read:

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

23 *~~4548/2.764~~* **SECTION 1042.** 961.41 (1m) (hm) 4. of the statutes, as created
24 by 2001 Wisconsin Act 16, is amended to read:

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

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

7 *~~4548/2.766~~* **SECTION 1044.** 961.41 (1m) (hm) 6. of the statutes, as created
8 by 2001 Wisconsin Act 16, is repealed.

9 *~~4548/2.767~~* *~~3265/P1.85~~* **SECTION 1045.** 961.41 (1m) (i) of the statutes is
10 amended to read:

11 961.41 (1m) (i) Schedule IV drugs generally. Except as provided in par. (im),
12 if a person violates this subsection with respect to a substance included in schedule
13 IV, may be fined not more than \$10,000 or imprisoned for not more than 4 years and
14 6 months or both the person is guilty of a Class H felony.

15 *~~4548/2.768~~* **SECTION 1046.** 961.41 (1m) (im) (intro.) of the statutes, as
16 affected by 2001 Wisconsin Act 16, is amended to read:

17 961.41 (1m) (im) Flunitrazepam. (intro.) Flunitrazepam is subject to the
18 following penalties if If a person violates this subsection with respect to
19 flunitrazepam and the amount possessed, with intent to manufacture, distribute, or
20 deliver, is:

21 *~~4548/2.769~~* **SECTION 1047.** 961.41 (1m) (im) 1. of the statutes, as created by
22 2001 Wisconsin Act 16, is amended to read:

23 961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than
24 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
25 6 months is guilty of a Class F felony.

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

3 961.41 (1m) (im) 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 *~~4548/2.771~~* **SECTION 1049.** 961.41 (1m) (im) 3. of the statutes, as created by
8 2001 Wisconsin Act 16, is amended to read:

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

13 *~~4548/2.772~~* **SECTION 1050.** 961.41 (1m) (im) 4. of the statutes, as created by
14 2001 Wisconsin Act 16, is amended to read:

15 961.41 (1m) (im) 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 *~~4548/2.773~~* **SECTION 1051.** 961.41 (1m) (im) 5. of the statutes, as created by
20 2001 Wisconsin Act 16, is repealed.

21 *~~4548/2.774~~* **SECTION 1052.** 961.41 (1m) (im) 6. of the statutes, as created by
22 2001 Wisconsin Act 16, is repealed.

23 *~~4548/2.775~~* *~~3265/P1.86~~* **SECTION 1053.** 961.41 (1m) (j) of the statutes is
24 amended to read:

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

4 *~~4548/2.776~~* *~~3265/P1.87~~* **SECTION 1054.** 961.41 (1n) (c) of the statutes is
5 amended to read:

6 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
7 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

8 *~~4548/2.777~~* *~~3265/P1.88~~* **SECTION 1055.** 961.41 (1q) of the statutes is
9 amended to read:

10 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
11 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) and s. 961.49 (2), if
12 different penalty provisions apply to a person depending on whether the weight of
13 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
14 considered, the greater penalty provision applies.

15 *~~4548/2.778~~* *~~3265/P1.89~~* **SECTION 1056.** 961.41 (1r) of the statutes is
16 amended to read:

17 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
18 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) and s. 961.49 (2) (b), an amount
19 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
20 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
21 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
22 of these substances together with any compound, mixture, diluent, plant material
23 or other substance mixed or combined with the controlled substance or controlled
24 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)

1 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14

2 (4) (t) and includes the weight of any marijuana.

3 *~~4548/2.779~~* *~~3265/P1.90~~* **SECTION 1057.** 961.41 (2) (intro.) of the statutes
4 is amended to read:

5 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
6 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
7 possess with intent to distribute or deliver, a counterfeit substance. Any person who
8 violates this subsection ~~with respect to~~ is subject to the following penalties:

9 *~~4548/2.780~~* *~~3265/P1.91~~* **SECTION 1058.** 961.41 (2) (a) of the statutes is
10 amended to read:

11 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person
12 violates this subsection with respect to a counterfeit substance included in schedule
13 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
14 for not more than 22 years and 6 months or both the person is guilty of a Class E
15 felony.

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

18 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Except as provided
19 in pars. (a) and (bm), and (cm), if a person violates this subsection with respect to any
20 other counterfeit substance included in schedule I, II or, III, may be fined not more
21 than \$15,000 or imprisoned for not more than 7 years and 6 months or both or IV, the
22 person is guilty of a Class H felony.

23 *~~4548/2.782~~* *~~3265/P1.93~~* **SECTION 1060.** 961.41 (2) (c) of the statutes is
24 repealed.

1 *~~4548/2.783~~* **SECTION 1061.** 961.41 (2) (cm) (title) of the statutes is created
2 to read:

3 961.41 (2) (cm) (title) *Counterfeit flunitrazepam.*

4 *~~4548/2.784~~* *~~3265/P1.94~~* **SECTION 1062.** 961.41 (2) (d) of the statutes is
5 amended to read:

6 961.41 (2) (d) *Counterfeit schedule V drugs.* ~~A- If a person violates this~~
7 ~~subsection with respect to a counterfeit substance included in schedule V, may be~~
8 ~~fined not more than \$5,000 or imprisoned for not more than 2 years or both the person~~
9 ~~is guilty of a Class I felony.~~

10 *~~4548/2.785~~* *~~3265/P1.95~~* **SECTION 1063.** 961.41 (3g) (a) 1. of the statutes
11 is renumbered 961.41 (3g) (am) and amended to read:

12 961.41 (3g) (am) *Schedule I and II narcotic drugs.* ~~Except as provided in subd.~~
13 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
14 which is a narcotic drug, or possesses a controlled substance analog of a controlled
15 substance included in schedule I or II which is a narcotic drug, the person may, upon
16 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
17 years or both, and, for a 2nd or subsequent offense, the person may be fined not more
18 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I
19 felony.

20 *~~4548/2.786~~* *~~3265/P1.96~~* **SECTION 1064.** 961.41 (3g) (a) 2. of the statutes
21 is repealed.

22 *~~4548/2.787~~* *~~3265/P1.97~~* **SECTION 1065.** 961.41 (3g) (a) 3. of the statutes
23 is repealed.

24 *~~4548/2.788~~* **SECTION 1066.** 961.41 (3g) (b) of the statutes is amended to read:

1 961.41 (3g) (b) Other drugs generally. Except as provided in pars. (c), (d), (dm),
2 (e) and (f), if the person possesses or attempts to possess a controlled substance or
3 controlled substance analog, other than a controlled substance included in schedule
4 I or II that is a narcotic drug or a controlled substance analog of a controlled
5 substance included in schedule I or II that is a narcotic drug, the person is guilty of
6 a misdemeanor, punishable under s. 939.61.

7 *~~4548/2.789~~* *~~3265/P1.99~~* **SECTION 1067.** 961.41 (3g) (c) of the statutes is
8 amended to read:

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

19 *~~4548/2.790~~* *~~3265/P1.100~~* **SECTION 1068.** 961.41 (3g) (d) of the statutes
20 is amended to read:

21 961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person
22 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
23 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a
24 controlled substance analog of lysergic acid diethylamide, phencyclidine,
25 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person

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

9 *~~4548/2.791~~* **SECTION 1069.** 961.41 (3g) (dm) of the statutes is repealed.

10 *~~4548/2.792~~* *~~3265/P1.101~~* **SECTION 1070.** 961.41 (3g) (e) of the statutes
11 is amended to read:

12 961.41 (3g) (e) Tetrahydrocannabinols. If a person possesses or attempts to
13 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
14 substance analog of tetrahydrocannabinols, the person may be fined not more than
15 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and
16 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
17 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
18 offender's conviction of the offense, the offender has at any time been convicted of any
19 felony or misdemeanor under this chapter or under any statute of the United States
20 or of any state relating to controlled substances, controlled substance analogs,
21 narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

22 *~~4548/2.793~~* **SECTION 1071.** 961.41 (3g) (f) of the statutes is amended to read:

23 961.41 (3g) (f) Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine,
24 or flunitrazepam. If a person possesses or attempts to possess
25 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,

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

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

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

8 *~~4548/2.795~~* *~~3265/P1.104~~* **SECTION 1073.** 961.42 (2) of the statutes is
9 amended to read:

10 961.42 (2) Any person who violates this section ~~may be fined not more than~~
11 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

12 *~~4548/2.796~~* *~~3265/P1.105~~* **SECTION 1074.** 961.43 (2) of the statutes is
13 amended to read:

14 961.43 (2) Any person who violates this section ~~may be fined not more than~~
15 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

16 *~~4548/2.797~~* **SECTION 1075.** 961.437 (4) (a) of the statutes is amended to read:

17 961.437 (4) (a) For a first offense, the person ~~shall be fined not less than \$1,000~~
18 ~~nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both~~
19 is guilty of a Class H felony.

20 *~~4548/2.798~~* **SECTION 1076.** 961.437 (4) (b) of the statutes is amended to read:

21 961.437 (4) (b) For a 2nd or subsequent offense, the person ~~shall be fined not~~
22 ~~less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years~~
23 ~~or both~~ is guilty of a Class F felony.

24 *~~4548/2.799~~* *~~3265/P1.106~~* **SECTION 1077.** 961.438 of the statutes is
25 repealed.

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

3 961.455 (1) Any person who has attained the age of 17 years who knowingly
4 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
5 ~~age or under~~ for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
6 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

7 *~~4548/2.801~~* *~~0590/P5.405~~* **SECTION 1079.** 961.455 (3) of the statutes is
8 amended to read:

9 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
10 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
11 939.30 ~~or 948.35.~~

12 *~~4548/2.802~~* *~~3265/P1.108~~* **SECTION 1080.** 961.46 (1) of the statutes is
13 renumbered 961.46 and amended to read:

14 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
15 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing
16 or delivering a controlled substance included in schedule I or II which is a narcotic
17 drug or a controlled substance analog of a controlled substance included in schedule
18 I or II which is a narcotic drug to a person 17 years of age or under who is at least
19 3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or
20 a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the
21 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the
22 offense may be increased by not more than 5 years.

23 *~~4548/2.803~~* *~~3265/P1.109~~* **SECTION 1081.** 961.46 (2) of the statutes is
24 repealed.

1 *~~4548/2.804~~* *~~3265/P1.110~~* **SECTION 1082.** 961.46 (3) of the statutes is
2 repealed.

3 *~~4548/2.805~~* *~~3265/P1.111~~* **SECTION 1083.** 961.465 of the statutes is
4 repealed.

5 *~~4548/2.806~~* *~~3265/P1.112~~* **SECTION 1084.** 961.472 (2) of the statutes is
6 amended to read:

7 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
8 guilty of possession or attempted possession of a controlled substance or controlled
9 substance analog under s. 961.41 (3g) ~~(a) 2. (am), (c), or (d) or (dm)~~, the court shall
10 order the person to comply with an assessment of the person's use of controlled
11 substances. The court's order shall designate a facility that is operated by or
12 pursuant to a contract with the county department established under s. 51.42 and
13 that is certified by the department of health and family services to provide
14 assessment services to perform the assessment and, if appropriate, to develop a
15 proposed treatment plan. The court shall notify the person that noncompliance with
16 the order limits the court's ability to determine whether the treatment option under
17 s. 961.475 is appropriate. The court shall also notify the person of the fee provisions
18 under s. 46.03 (18) (fm).

19 *~~4548/2.807~~* *~~3265/P1.113~~* **SECTION 1085.** 961.48 (1) of the statutes is
20 renumbered 961.48 (1) (intro.) and amended to read:

21 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who
22 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or
23 subsequent offense as provided under this chapter sub. (3) and the person is
24 convicted of that 2nd or subsequent offense may be fined an amount up to twice that
25 otherwise authorized or imprisoned for a term up to twice the term otherwise

1 ~~authorized or both.~~ the maximum term of imprisonment for the offense may be
2 increased as follows:

3 ~~*-4548/2.808*~~ ~~*-3265/P1.114*~~ **SECTION 1086.** 961.48 (1) (a) and (b) of the
4 statutes are created to read:

5 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

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

7 ~~*-4548/2.809*~~ ~~*-3265/P1.115*~~ **SECTION 1087.** 961.48 (2) of the statutes is
8 repealed.

9 ~~*-4548/2.810*~~ ~~*-3265/P1.116*~~ **SECTION 1088.** 961.48 (2m) (a) of the statutes
10 is amended to read:

11 961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this
12 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
13 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
14 convictions are alleged in the complaint, indictment or information or in an amended
15 complaint, indictment or information that is filed under par. (b) 1. A person is not
16 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
17 applicable prior convictions is withdrawn by an amended complaint filed under par.
18 (b) 2.

19 ~~*-4548/2.811*~~ ~~*-3265/P1.117*~~ **SECTION 1089.** 961.48 (3) of the statutes is
20 amended to read:

21 961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter
22 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
23 offense, the offender has at any time been convicted of any felony or misdemeanor
24 offense under this chapter or under any statute of the United States or of any state

1 relating to controlled substances or controlled substance analogs, narcotic drugs,
2 marijuana or depressant, stimulant or hallucinogenic drugs.

3 *~~4548/2.812~~* *~~3265/P1.118~~* **SECTION 1090.** 961.48 (4) of the statutes is
4 repealed.

5 *~~4548/2.813~~* **SECTION 1091.** 961.49 (1) of the statutes is renumbered 961.49,
6 and 961.49 (intro.), as renumbered, is amended to read:

7 **961.49 Distribution of or possession with intent to deliver a controlled**
8 **substance on or near certain places.** (intro.) If any person violates s. 961.41 (1)
9 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m)
10 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute,
11 cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin,
12 psilocybin, amphetamine, methamphetamine, methcathinone or any form of
13 tetrahydrocannabinols or a controlled substance analog of any of these substances
14 and the delivery, distribution or possession takes place under any of the following
15 circumstances, the maximum term of imprisonment prescribed by law for that crime
16 may be increased by 5 years:

17 *~~4548/2.814~~* *~~3265/P1.120~~* **SECTION 1092.** 961.49 (2) of the statutes is
18 repealed.

19 *~~4548/2.815~~* *~~3265/P1.121~~* **SECTION 1093.** 961.49 (3) of the statutes is
20 repealed.

21 *~~4548/2.816~~* *~~3265/P1.122~~* **SECTION 1094.** 961.492 of the statutes is
22 repealed.

23 *~~4548/2.817~~* **SECTION 1095.** 961.55 (1) (d) 3. of the statutes is amended to
24 read:

1 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41
2 (3g) (b), (c), (d), (~~dm~~), (e) or (f); and

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

4 961.573 (3) No person may use, or possess with the primary intent to use, drug
5 paraphernalia to manufacture, compound, convert, produce, process, prepare, test,
6 analyze, pack, repack or store methamphetamine or a controlled substance analog
7 of methamphetamine in violation of this chapter. Any person who violates this
8 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
9 ~~years or both~~ is guilty of a Class H felony.

10 ***-4548/2.819* SECTION 1097.** 961.574 (3) of the statutes is amended to read:

11 961.574 (3) No person may deliver, possess with intent to deliver, or
12 manufacture with intent to deliver, drug paraphernalia, knowing that it will be
13 primarily used to manufacture, compound, convert, produce, process, prepare, test,
14 analyze, pack, repack or store methamphetamine or a controlled substance analog
15 of methamphetamine in violation of this chapter. Any person who violates this
16 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
17 ~~years or both~~ is guilty of a Class H felony.

18 ***-4548/2.820* SECTION 1098.** 961.575 (3) of the statutes is amended to read:

19 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by
20 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~
21 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a
22 Class G felony.

23 ***-4548/2.821* SECTION 1099.** 967.04 (9) of the statutes is amended to read:

24 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
25 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken

1 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
2 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
3 hearing examiner may order and preside at the taking of a videotaped deposition
4 using the procedure provided in subs. (7) and (8) and may admit the videotaped
5 deposition into evidence without an additional hearing under s. 908.08.

6 *~~4548/2.822~~* *~~0590/P5.406~~* **SECTION 1100.** 968.255 (1) (a) 2. of the statutes
7 is amended to read:

8 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
9 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

10 *~~4548/2.823~~* *~~3266/P1.148~~* **SECTION 1101.** 968.31 (1) (intro.) of the
11 statutes is amended to read:

12 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
13 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
14 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
15 ~~or both~~ is guilty of a Class H felony:

16 *~~4548/2.824~~* *~~3266/P1.149~~* **SECTION 1102.** 968.34 (3) of the statutes is
17 amended to read:

18 968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more
19 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

20 *~~4548/2.825~~* *~~3266/P1.150~~* **SECTION 1103.** 968.43 (3) of the statutes is
21 amended to read:

22 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
23 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
24 felony.

1 *~~4548/2.826~~* *~~0590/P5.407~~* **SECTION 1104.** 969.08 (10) (a) of the statutes
2 is amended to read:

3 969.08 (10) (a) "Commission of a serious crime" includes a solicitation,
4 conspiracy or attempt, under s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 or
5 948.35, to commit a serious crime.

6 *~~4548/2.827~~* *~~0590/P5.408~~* **SECTION 1105.** 969.08 (10) (b) of the statutes
7 is amended to read:

8 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),
9 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
10 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
11 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
12 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),
13 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r),
14 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
15 948.04, 948.05, 948.06, 948.07 or 948.30.

16 *~~4548/2.828~~* *~~0590/P5.409~~* **SECTION 1106.** 971.17 (1) of the statutes is
17 renumbered 971.17 (1) (a) and amended to read:

18 971.17 (1) (a) *Felonies committed before the effective date of this paragraph*
19 *[revisor inserts date].* ~~When~~ Except as provided in par. (c), when a defendant is found
20 not guilty by reason of mental disease or mental defect of a felony committed before
21 the effective date of this paragraph [revisor inserts date], the court shall commit
22 the person to the department of health and family services for a specified period not
23 exceeding two-thirds of the maximum term of imprisonment that could be imposed
24 ~~under s. 973.15 (2) (a) against an offender convicted of the same crime or crimes~~
25 felony, including imprisonment authorized by ss. 346.65 (2) (f), (2j) (d) or (3m),

1 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)
2 and 961.48 and other any applicable penalty enhancement statutes, as applicable,
3 subject to the credit provisions of s. 973.155.

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

8 *~~4548/2.829~~* *~~0590/P5.410~~* **SECTION 1107.** 971.17 (1) (b) of the statutes is
9 created to read:

10 971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*
11 *.... [revisor inserts date].* Except as provided in par. (c), when a defendant is found
12 not guilty by reason of mental disease or mental defect of a felony committed on or
13 after the effective date of this paragraph [revisor inserts date], the court shall
14 commit the person to the department of health and family services for a specified
15 period not exceeding the maximum term of confinement in prison that could be
16 imposed on an offender convicted of the same felony, plus imprisonment authorized
17 by any applicable penalty enhancement statutes, subject to the credit provisions of
18 s. 973.155.

19 *~~4548/2.830~~* *~~0590/P5.411~~* **SECTION 1108.** 971.17 (1) (d) of the statutes is
20 created to read:

21 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
22 of mental disease or mental defect of a misdemeanor, the court shall commit the
23 person to the department of health and family services for a specified period not
24 exceeding two-thirds of the maximum term of imprisonment that could be imposed
25 against an offender convicted of the same misdemeanor, including imprisonment

1 authorized by any applicable penalty enhancement statutes, subject to the credit
2 provisions of s. 973.155.

3 ***b2613/1.12* SECTION 1108d.** 971.17 (1m) (b) 2m. of the statutes is amended
4 to read:

5 971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason
6 of mental disease or defect for a violation, or for the solicitation, conspiracy, or
7 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02
8 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11
9 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was
10 a minor and the defendant was not the victim's parent, the court shall require the
11 defendant to comply with the reporting requirements under s. 301.45 unless the
12 court determines, after a hearing on a motion made by the defendant, that the
13 defendant is not required to comply under s. 301.45 (1m).

14 ***-4548/2.831* SECTION 1109.** 971.365 (1) (a) of the statutes is amended to read:
15 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)
16 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) involving more than one violation, all violations may
17 be prosecuted as a single crime if the violations were pursuant to a single intent and
18 design.

19 ***-4548/2.832* SECTION 1110.** 971.365 (1) (b) of the statutes is amended to read:
20 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41
21 (1m) (cm), (d), (e), ~~(em)~~, (f), (g) or (h) involving more than one violation, all violations
22 may be prosecuted as a single crime if the violations were pursuant to a single intent
23 and design.

24 ***-4548/2.833* *-3265/P1.123* SECTION 1111.** 971.365 (1) (c) of the statutes is
25 amended to read:

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

5 *~~4548/2.834~~* *~~3265/P1.124~~* **SECTION 1112.** 971.365 (2) of the statutes is
6 amended to read:

7 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
8 prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m)
9 (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats.,
10 or s. 961.41 (1) (cm), (d), (e), (em), (f), (g), or (h), (1m) (cm), (d), (e), (em), (f), (g), or (h)
11 or (3g) (a) 2. (am), (c), (d), (dm) or (e) on which no evidence was received at the trial
12 on the original charge.

13 *~~4548/2.835~~* **SECTION 1113.** 972.15 (2c) of the statutes is amended to read:

14 972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and
15 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
16 the presentence investigation report shall include in the report a recommendation
17 as to whether the defendant should be eligible for the challenge incarceration
18 program under s. 302.045.

19 *~~4548/2.836~~* *~~0590/P5.412~~* **SECTION 1114.** 973.01 (1) of the statutes is
20 amended to read:

21 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
22 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
23 for a felony committed on or after December 31, 1999, or a misdemeanor committed
24 on or after the effective date of this subsection [revisor inserts date], the court

1 shall impose a bifurcated sentence that consists of a term of confinement in prison
2 followed by a term of extended supervision under s. 302.113 this section.

3 *~~4548/2.837~~* SECTION 1115. 973.01 (2) (intro.) of the statutes is amended to
4 read:

5 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
6 that a A bifurcated sentence is a sentence that consists of a term of confinement in
7 prison followed by a term of extended supervision under s. 302.113. The total length
8 of a bifurcated sentence equals the length of the term of confinement in prison plus
9 the length of the term of extended supervision. An order imposing a bifurcated
10 sentence imposed under sub. (1) complies this section shall comply with all of the
11 following:

12 *~~4548/2.838~~* SECTION 1116. 973.01 (2) (a) of the statutes is amended to read:

13 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
14 the total length of the bifurcated sentence may not exceed the maximum period of
15 imprisonment for the specified in s. 939.50 (3), if the crime is a classified felony, or
16 the maximum term of imprisonment provided by statute for the crime, if the crime
17 is not a classified felony, plus additional imprisonment authorized by any applicable
18 penalty enhancement statutes.

19 *~~4548/2.839~~* *~~0590/P5.414~~* SECTION 1117. 973.01 (2) (b) (intro.) of the
20 statutes is amended to read:

21 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*
22 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
23 in prison may not be less than one year, ~~subject to any minimum sentence prescribed~~
24 ~~for the felony, and, except as provided in par. (c), may not exceed~~ is subject to
25 whichever of the following limits is applicable:

1 *~~4548/2.840~~* *~~0590/P5.416~~* **SECTION 1118.** 973.01 (2) (b) 2. of the statutes
2 is repealed.

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

5 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
6 not exceed ~~10~~ 25 years.

7 *~~4548/2.842~~* *~~0590/P5.418~~* **SECTION 1120.** 973.01 (2) (b) 4. of the statutes
8 is amended to read:

9 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
10 not exceed ~~5~~ 15 years.

11 *~~4548/2.843~~* *~~0590/P5.419~~* **SECTION 1121.** 973.01 (2) (b) 5. of the statutes
12 is amended to read:

13 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
14 not exceed ~~2~~ 10 years.

15 *~~4548/2.844~~* *~~0590/P5.420~~* **SECTION 1122.** 973.01 (2) (b) 6. of the statutes
16 is renumbered 973.01 (2) (b) 10. (intro.) and amended to read:

17 973.01 (2) (b) 10. (intro.) For any felony crime other than ~~a felony specified in~~
18 ~~subds. 1. to 5. one of the following~~, the term of confinement in prison may not exceed
19 75% of the total length of the bifurcated sentence.;

20 *~~4548/2.845~~* *~~0590/P5.421~~* **SECTION 1123.** 973.01 (2) (b) 6m. of the statutes
21 is created to read:

22 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
23 not exceed 7 years and 6 months.

24 *~~4548/2.846~~* *~~0590/P5.422~~* **SECTION 1124.** 973.01 (2) (b) 7. of the statutes
25 is created to read:

1 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
2 not exceed 5 years.

3 *~~4548/2.847~~* *~~0590/P5.423~~* **SECTION 1125.** 973.01 (2) (b) 8. of the statutes
4 is created to read:

5 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
6 not exceed 3 years.

7 *~~4548/2.848~~* *~~0590/P5.424~~* **SECTION 1126.** 973.01 (2) (b) 9. of the statutes
8 is created to read:

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

11 *~~4548/2.849~~* **SECTION 1127.** 973.01 (2) (b) 10. a. and b. of the statutes are
12 created to read:

13 973.01 (2) (b) 10. a. A felony specified in subds. 1. to 9.

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

16 *~~4548/2.850~~* **SECTION 1128.** 973.01 (2) (c) of the statutes is renumbered
17 973.01 (2) (c) 1. and amended to read:

18 973.01 (2) (c) 1. The Subject to the minimum period of extended supervision
19 required under par. (d), the maximum term of confinement in prison specified in par.
20 (b) may be increased by any applicable penalty enhancement statute. If the
21 maximum term of confinement in prison specified in par. (b) is increased under this
22 paragraph, the total length of the bifurcated sentence that may be imposed is
23 increased by the same amount.

24 *~~4548/2.851~~* **SECTION 1129.** 973.01 (2) (c) 2. of the statutes is created to read: