



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB 01/07/1  
MGD:kmg:jf

NEW INSERTS

3

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 3

INsert AM

1 At the locations indicated, amend the bill as follows:

2 1. Page 22, line 8, after that line insert:

3 ~~2.~~ (5m) RECOMMENDATIONS REGARDING SENTENCE MODIFICATIONS. (a) No later than  
4 the first day of the 6th month beginning after the effective date of this paragraph ....  
5 [revisor inserts date], the committee shall submit a report to the legislature, in the  
6 manner provided under s. 13.172 (2), and to the governor containing  
7 recommendations regarding standards and procedures to be used by a court to  
8 modify a bifurcated sentence. The report shall include any proposed legislation that  
9 is necessary to implement the recommendations made by the committee in its report.

10 (b) Any proposed legislation included in the report under par. (a) shall provide  
11 that a bifurcated sentence that a court previously imposed may be modified only by  
12 reducing the term of confinement in prison portion of the sentence and lengthening

OVER  
↓

✓  
NS AM  
22-8

INS AM  
22-8

1 the term of extended supervision imposed so that the total length of the bifurcated  
2 sentence originally imposed does not change.

3 <sup>INS AM 22/10</sup> ~~2~~ Page 22, line 10: after "report" insert "under sub. (5) (b) or (5m) (a) or for  
4 developing proposed legislation under sub. (5m) (a)." ✓

5 ~~3~~ Page 22, line 12: after that line insert:

INS  
AM 22/12

6 <sup>#</sup> SECTION 13.525 (5m) of the statutes, as created by 2001 Wisconsin Act ...  
7 (this act), is repealed. ✓

8 4. Page 208, line 7: delete "The treatment" and substitute: "(am)".  
9 "(az) The treatment".

10 5. Page 208, line 9: after that line insert:

INS AM  
208/9

11 <sup>#</sup>  
12 (bz) The repeal of section 13.525 (5m) of the statutes takes effect on January  
13 1, 2008. ✓

LEND

(end ins AM)



State of Wisconsin  
2001 - 2002 LEGISLATURE  
NEW INSERT

LRBa0091/1  
MGD:cjs:pg  
2

ASSEMBLY AMENDMENT, (5)  
TO 2001 ASSEMBLY BILL 3

Inserts BM

1 At the locations indicated, amend the bill as follows:

2 1. Page 66, line 14: delete that line and substitute:

3 "302.113 (9g) (a) In this subsection:

4 1. "Program review committee" means the".

5 2. Page 66, line 17: after that line insert:

6 2. "Terminal condition" means an incurable condition afflicting a person,  
7 caused by injury, disease, or illness, as a result of which the person has a medical  
8 prognosis that his or her life expectancy is 6 months or less, even with available  
9 life-sustaining treatment provided in accordance with the prevailing standard of  
10 medical care.

INS  
BY 66-17

11 3. Page 66, line 24: after that line insert:

12 3. The inmate has a terminal condition.

INS BY 66-24

OVER  
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INS

Bm/6 7/4

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4. Page 67, line 4: delete that line and substitute "specified in par. (c)". If the inmate alleges in the petition that he or she has a terminal condition, the inmate shall attach to the petition affidavits from 2 physicians setting forth a diagnosis that the inmate has a terminal condition.

(cm) If, after receiving a petition under par. (c), the program review committee determines that the public

5. Page 69, line 18: delete "(c)" and substitute "(cm)".

6. Page 69, line 21: delete "(c)" and substitute "(cm)".

7. Page 70, line 5: delete "(c)" and substitute "(cm)".

END

(end ins Bm)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0154/1  
MGD:wlj:ch

NEW INSERT

ASSEMBLY AMENDMENT, 6  
TO 2001 ASSEMBLY BILL 3

INS CM

1 At the locations indicated, amend the bill as follows:

2 1. Page 190, line 16: after that line insert:

3 (ad) The protection of the public.

4 (ag) The gravity of the offense.

5 (ak) The rehabilitative needs of the defendant.

6 2. Page 195, line 16: after that line insert:

7 (10m) STATEMENT OF REASONS FOR SENTENCING DECISION. (a) The court shall  
8 state the reasons for its sentencing decision and, except as provided in par. (b), shall  
9 do so in open court and on the record.

10 (b) If the court determines that it is not in the interest of the defendant for it  
11 to state the reasons for its sentencing decision in the defendant's presence, the court

INS  
CM-190/16

NS CM  
95/16

OVER  
↓

cm/195-16  
cont

- 1 shall state the reasons for its sentencing decision in writing and include the written
- 2 statement in the record.
- 3

~~END~~

(end ins cm)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4548/P1ins  
MGD:.....

1 ✓ INSERT 35/2 \*

2 SECTION 1. 49.688 (9) (c) ✓ of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act 16,  
3 is amended to read:

4 49.688 (9) (c) A person other than a person specified in par. (b) who is convicted  
5 of violating a rule promulgated by the department under par. (a) may be fined not  
6 more than \$10,000, or imprisoned in the county jail ✓ for not more than one year, or  
7 both.

8 History: 2001 a. 16.

8 ✓ INSERT 40/8

9 SECTION 2. 101.10 (4) (b) ✓ of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act 3,  
10 is amended to read:

11 101.10 (4) (b) Except as provided in par. (c), any person who violates sub. (3)  
12 may be fined not more than \$10,000 or imprisoned for not more than 3 years and 6  
13 months, or both, for each violation ✓ is guilty of a Class I felony. Notwithstanding s.  
14 101.02 (12), each act in violation of sub. (3) constitutes a separate offense.

15 History: 2001 a. 3.

15 ✓ INSERT 133/24

16 SECTION 3. 943.70 (2) (c) 1. ✓ of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act  
17 16, is amended to read:

18 943.70 (2) (c) 1. In the case of a misdemeanor, the maximum fine prescribed by  
19 law for the crime may be increased by not more than \$1,000 and the maximum term  
20 of imprisonment prescribed by law for the crime may be increased so that the revised  
21 maximum term of imprisonment is ~~12 months~~ one year in the county jail. ✓

22 History: 1981 c. 293; 1983 a. 438, 541; 1987 a. 399; 2001 a. 16.

22 ✓ INSERT 134/11

↓

Ins 134/11 cont

1 SECTION 4. 943.76 (2) (a) of the statutes, as ~~affected~~<sup>created</sup> by 2001 Wisconsin Act 16,  
2 is amended to read:

3 943.76 (2) (a) Whoever intentionally introduces a contagious or infectious  
4 disease into livestock without the consent of the owner of the livestock is guilty of a  
5 Class C ~~F~~<sup>F</sup> felony.

History: 2001 a. 16.

6 SECTION 5. 943.76 (2) (b) of the statutes, as ~~affected~~<sup>created</sup> by 2001 Wisconsin Act 16,  
7 is amended to read:

8 943.76 (2) (b) Whoever intentionally introduces a contagious or infectious  
9 disease into wild deer without the consent of the department of natural resources is  
10 guilty of a Class C ~~F~~<sup>F</sup> felony.

History: 2001 a. 16.

11 INSERT 151/10

12 SECTION 6. 948.12 (2m) (intro.) of the statutes, as ~~affected~~<sup>created</sup> by 2001 Wisconsin  
13 Act 16, is amended to read:

14 948.12 (2m) (intro.) Whoever exhibits or plays a recording of a child engaged  
15 in sexually explicit conduct, if all of the following apply, is guilty of a Class E ~~I~~<sup>I</sup> felony:

History: 1987 a. 332; 1995 a. 67; 2001 a. 16.

16 INSERT 164/6

17 SECTION 7. 961.41 (1) (hm) (intro.) of the statutes, as affected by 2001 Wisconsin  
18 Act 16, is amended to read:

19 961.41 (1) (hm) Certain other schedule I controlled substances and ketamine.  
20 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect  
21 to gamma-hydroxybutyric acid, gamma-butyrolactone,  
22 3,4-methylenedioxyamphetamine,  
23 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,  
24 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,





INS 164/6 cont

1 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,  
2 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is  
3 subject to the following penalties if and the amount manufactured, distributed, or  
4 delivered is:

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16. <sup>created</sup>

5 SECTION 8. 961.41 (1) (hm) 1. of the statutes, as ~~affected~~ by 2001 Wisconsin Act  
6 16, is amended to read:

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16. <sup>created</sup>

10 SECTION 9. 961.41 (1) (hm) 2. of the statutes, as ~~affected~~ by 2001 Wisconsin Act  
11 16, is amended to read:

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16. <sup>created</sup>

16 SECTION 10. 961.41 (1) (hm) 3. of the statutes, as ~~affected~~ by 2001 Wisconsin  
17 Act 16, is amended to read:

18 961.41 (1) (hm) 3. More than 10 grams but not more than 50 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 one year nor more than 22 years and 6 months is guilty of a Class  
21 D felony.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.



INS 164/6  
cont

1 SECTION 11. 961.41 (1) (hm) 4. of the statutes, as ~~affected~~<sup>created</sup> by 2001 Wisconsin  
2 Act 16, is amended to read:

3 961.41 (1) (hm) 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.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

7 SECTION 12. 961.41 (1) (hm) 5. of the statutes, as ~~affected~~<sup>created</sup> by 2001 Wisconsin  
8 Act 16, is repealed.

9 SECTION 13. 961.41 (1) (hm) 6. of the statutes, as ~~affected~~<sup>Created</sup> by 2001 Wisconsin  
10 Act 16, is repealed.

11 ✓ INSERT 164/11

12 SECTION 14. 961.41 (1) (im) (intro.) of the statutes, as ~~affected~~<sup>✓</sup> by 2001  
13 Wisconsin Act 16, is amended to read:

14 961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~  
15 ~~following penalties if~~ If a person violates this subsection ~~with respect to~~  
16 flunitrazepam and the amount manufactured, distributed, or delivered is:

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

17 SECTION 15. 961.41 (1) (im) 1. of the statutes, as ~~affected~~<sup>created</sup> by 2001 Wisconsin Act  
18 16, is amended to read:

19 961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than  
20 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and  
21 6 months is guilty of a Class F ~~felony~~<sup>✓</sup>.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

22 SECTION 16. 961.41 (1) (im) 2. of the statutes, as ~~affected~~<sup>created</sup> by 2001 Wisconsin Act  
23 16, is amended to read:



INS 164/11  
CONT

1 961.41 (1) (im) 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.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

5 SECTION 17. 961.41 (1) (im) 3. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act  
6 16, is amended to read:

7 961.41 (1) (im) 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.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

11 SECTION 18. 961.41 (1) (im) 4. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act  
12 16, is amended to read:

13 961.41 (1) (im) 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.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

17 SECTION 19. 961.41 (1) (im) 5. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act  
18 16, is repealed.

19 SECTION 20. 961.41 (1) (im) 6. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act

20 16, is repealed.

21 INSERT 171/18

22 SECTION 21. 961.41 (1m) (hm) (intro.) of the statutes, as ~~affected~~ <sup>created</sup> by 2001  
23 Wisconsin Act 16, is amended to read:



1            961.41 (1m) (hm) Certain other schedule I controlled substances and ketamine. ✓  
 2 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect ✓  
 3 to gamma-hydroxybutyric acid, gamma-butyrolactone,  
 3,4-methylenedioxyamphetamine  
 4 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,  
 6 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,  
 7 gamma-butyrolactone, 3,4-methylenedioxyamphetamine  
 8 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is  
 9 subject to the following penalties if the amount possessed, with intent to  
 10 manufacture, distribute, or deliver is:

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

11 SECTION 22. 961.41 (1m) (hm) 1. of the statutes, as <sup>created</sup> affected by 2001 Wisconsin <sup>strike</sup>  
 12 Act 16, is amended to read:

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

16 SECTION 23. 961.41 (1m) (hm) 2. of the statutes, as <sup>created</sup> affected by 2001 Wisconsin  
 17 Act 16, is amended to read:

18 961.41 (1m) (hm) 2. More than 3 grams but not more than 10 grams, the person  
 19 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~  
 20 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~  
 21 E felony. ✓

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

22 SECTION 24. 961.41 (1m) (hm) 3. of the statutes, as <sup>created</sup> affected by 2001 Wisconsin  
 23 Act 16, is amended to read:



INS 171/18  
CONF

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

5            **SECTION 25.** 961.41 (1m) (hm) 4. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin  
6 Act 16, is amended to read:

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

11            **SECTION 26.** 961.41 (1m) (hm) 5. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin  
12 Act 16, is repealed.

13            **SECTION 27.** 961.41 (1m) (hm) 6. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin  
14 Act 16, is repealed.

15            **INSERT 171/23**

16            **SECTION 28.** 961.41 (1m) (im) (intro.) of the statutes, as ~~affected~~ <sup>created</sup> by 2001  
17 Wisconsin Act 16, is amended to read:

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39, 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

22            **SECTION 29.** 961.41 (1m) (im) 1. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin  
23 Act 16, is amended to read:



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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

4 SECTION 30. 961.41 (1m) (im) 2. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act 16, is amended to read:

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

10 SECTION 31. 961.41 (1m) (im) 3. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act 16, is amended to read:

12 961.41 (1m) (im) 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. ✓

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.

16 SECTION 32. 961.41 (1m) (im) 4. of the statutes, as ~~affected~~ <sup>created</sup> by 2001 Wisconsin Act 16, is amended to read:

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

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57; 2001 a. 16.



MS 171/18  
cont 23

LRB-4548/P1ins  
MGD:.....

① SECTION 33. 961.41 (1m) (im) 5. of the statutes, as <sup>created</sup>~~affected~~ by 2001 Wisconsin  
2 Act 16, is repealed.

③ SECTION 34. 961.41 (1m) (im) 6. of the statutes, as <sup>created</sup>~~affected~~ by 2001 Wisconsin  
4 Act 16, is repealed.

(end ins)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4548/P2insMD  
MGD:.....

NEW INSERTS

1 ✓ INSERT 35/2\*  $\beta$

2 SECTION 1. 49.688 (9) (b) of the statutes, as created by 2001 Wisconsin Act 16,  
3 is amended to read:

4 49.688 (9) (b) A person who is convicted of violating a rule promulgated by the  
5 department under par. (a) in connection with that person's furnishing of prescription  
6 drugs under this section is guilty of a Class H felony, except that, notwithstanding  
7 the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
8 \$25,000, or imprisoned for not more than 7 years and 6 months, or both.

9 History: 2001/a. 16. ✓ INSERT 118/20  $\beta$

10 SECTION 2. 943.01 (2d) (b) (intro.) of the statutes, as created by 2001 Wisconsin  
11 Act 16, is amended to read:

12 943.01 (2d) (b) (intro.) Any person violating sub. (1) under all of the following  
13 circumstances is guilty of a Class E I felony:

14 History: 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143; 2001 a. 16. ✓ INSERT 133/12

15 SECTION 3. 943.70 (2) (b) 3g. of the statutes, as created by 2001 Wisconsin Act  
16 16, is amended to read:

17 943.70 (2) (b) 3g. A Class C F felony if the offense results in damage valued at  
18 more than \$2,500.

19 History: 1981 c. 293; 1983 a. 438, 541; 1987 a. 399; 2001 a. 16. ✓ SECTION 4. 943.70 (2) (b) 3r. of the statutes, as created by 2001 Wisconsin Act  
20 16, is amended to read:



1           943.70 (2) (b) 3r. A Class C <sup>✓</sup>felony if the offense causes an interruption or  
2           impairment of governmental operations or public communication, of transportation,  
3           or of a supply of water, gas, or other public service.

4           History: 1981 c. 293; 1983 a. 438, 541; 1987 a. 399; 2001 a. 16.

4           <sup>✓</sup> **INSERT 200/18**

5           **SECTION 5.** 978.13 (1) (intro.) <sup>✓</sup>of the statutes is amended to read:

6           978.13 (1) (intro.) ~~The Subject to sub. (1m), the~~ <sup>✓</sup>state shall assume financial  
7           responsibility for all of the following:

8           History: 1989 a. 31, 117, 122, 336; 1991 a. 39; 1993 a. 16, 92; 1995 a. 27, 448; 1997 a. 27; 1999 a. 9; 2001 a. 16.

8           **SECTION 6.** 978.13 (1) (b) of the statutes is amended to read:

9           978.13 (1) (b) In counties having a population of 500,000 or more, the salary  
10          and fringe benefit costs of 2 clerk positions providing clerical services to the  
11          prosecutors in the district attorney's office handling cases involving felony violations  
12          under ch. 961. The state treasurer shall pay the amount authorized under this  
13          ~~paragraph subsection~~ <sup>✓</sup>to the county treasurer pursuant to a voucher submitted by  
14          the district attorney to the department of administration from the appropriation  
15          under s. 20.475 (1) (i). ~~The amount paid under this paragraph may not exceed~~  
16          ~~\$75,200 in the 1999-2000 fiscal year and \$77,500 in the 2000-01 fiscal year.~~

17          History: 1989 a. 31, 117, 122, 336; 1991 a. 39; 1993 a. 16, 92; 1995 a. 27, 448; 1997 a. 27; 1999 a. 9; 2001 a. 16.

17          <sup>✓</sup> **INSERT 201/4**

18          **SECTION 7.** 978.13 (1) (d) <sup>✓</sup>of the statutes, as affected by 2001 Wisconsin Act 16,  
19          is amended to read:

20          978.13 (1) (d) In counties having a population of 500,000 or more, the salary  
21          and fringe benefit costs of 2 clerk positions providing clerical services to the  
22          prosecutors in the district attorney's office handling cases involving the unlawful  
23          possession or use of firearms. The state treasurer shall pay the amount authorized  
24          under this ~~paragraph subsection~~ <sup>✓</sup>to the county treasurer from the appropriation



1 under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the  
2 department of administration. <sup>✓</sup> ~~The amount paid under this paragraph may not~~  
3 ~~exceed the amount appropriated under s. 20.475 (1) (f).~~

4 History: 1989 a. 31, 117, 122, 336; 1991 a. 39; 1993 a. 16, 92; <sup>✓</sup>1995 a. 27, 448; 1997 a. 27; 1999 a. 9; 2001 a. 16.

4 **SECTION 8. 978.13 (1m)** of the statutes is created to read:

5 978.13 (1m) The amount paid under sub. (1) (b) and (c) <sup>✓</sup> combined may not  
6 exceed the amount appropriated under s. 20.475 (1) (i). <sup>✓</sup> The amount paid under sub.  
7 (1) (d) may not exceed the amount appropriated under s. 20.475 (1) (f). <sup>✓</sup>

(end ins 201/4)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4548/r/rins  
RLR:.....

NEW INSERTS

1 ✓ **Insert 118-20A:**

2 **SECTION 1.** 943.01 (2) (d) ✓ of the statutes, as affected by 2001 Wisconsin Act 16,  
3 is amended to read:

4 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced  
5 in value by more than ~~\$2,500~~ \$1,000. ✓ For the purposes of this paragraph, property  
6 is reduced in value by the amount which it would cost either to repair or replace it,  
7 whichever is less.

8 **History:** 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143; 2001 a. 16.

9 ✓ **Insert 118-23:**

10 **SECTION 2.** 943.01 (2g) (c) ✓ of the statutes, as affected by 2001 Wisconsin Act 16,  
11 is amended to read:

12 943.01 (2g) (c) The total property damaged in violation of sub. (1) is reduced  
13 in value by more than \$500 but not more than ~~\$2,500~~ \$1,000. ✓ For purposes of this  
14 paragraph, property is reduced in value by the amount that it would cost to repair  
15 or replace it, whichever is less, plus other monetary losses associated with the  
16 damage.

17 **History:** 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143; 2001 a. 16.

18 **Insert 120-3:**

19 **SECTION 3.** 943.017 (2) (d) ✓ of the statutes, as affected by 2001 Wisconsin Act 16,  
20 is amended to read:

21 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced  
22 in value by more than ~~\$2,500~~ \$1,000. ✓ For the purposes of this paragraph, property

1 is reduced in value by the amount which it would cost to repair or replace it or to  
2 remove the marking, drawing, writing or etching, whichever is less.

3 History: 1995 a. 24; 1997 a. 35, 143; 2001 a. 16.

4 ✓ **Insert 121-20:**

5 **SECTION 4.** 943.20 (3) (a) ✓ of the statutes, as affected by 2001 Wisconsin Act 16,  
6 is amended to read:

7 943.20 (3) (a) If the value of the property does not exceed ~~\$2,500~~ ✓ \$1,000, is  
8 guilty of a Class A misdemeanor.

9 History: 1977 c. 173, 255, 447; 1983 a. 189; 1987 a. 266; 1991 a. 30; 1993 a. 213, 445, 486; 2001 a. 16.

9 **SECTION 5.** 943.20 (3) (bf) of the statutes is created to read:

10 943.20 (3) (bf) If the value of the property exceeds \$1,000 ✓ but does not exceed  
11 \$5,000, is guilty of a ✓ Class I felony.

12

13 ✓ **Insert 124-9:**

14 **SECTION 6.** 943.21 (3) (a) ✓ of the statutes, as affected by 2001 Wisconsin Act 16,  
15 is amended to read:

16 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any  
17 beverage, food, lodging, accommodation, transportation or other service is \$2,500  
18 \$1,000 ✓ or less.

19 History: 1977 c. 173; 1979 c. 239, 242; 1991 a. 39, 65, 189; 1995 a. 160; 2001 a. 16.

20 ✓ **Insert 125-20:**

21 **SECTION 7.** 943.24 (1) ✓ of the statutes, as affected by 2001 Wisconsin Act 16, is  
22 amended to read:

1            943.24 (1) Whoever issues any check or other order for the payment of not more  
2 than ~~\$2,500~~ \$1,000 which, at the time of issuance, he or she intends shall not be paid  
3 is guilty of a Class A misdemeanor.

History: 1977 c. 173; 1985 a. 179; 1987 a. 398; 1991 a. 39, 40; 1993 a. 71; 2001 a. 16.

4            **SECTION 8.** 943.24 (2) of the statutes, as affected by 2001 Wisconsin Act 16, is  
5 amended to read:

6            943.24 (2) Whoever issues any single check or other order for the payment of  
7 more than ~~\$2,500~~ \$1,000 or whoever within a 15-day period issues more than one  
8 check or other order amounting in the aggregate to more than ~~\$2,500~~ \$1,000 which,  
9 at the time of issuance, the person intends shall not be paid is guilty of a Class ~~E~~ I  
10 felony.

History: 1977 c. 173; 1985 a. 179; 1987 a. 398; 1991 a. 39, 40; 1993 a. 71; 2001 a. 16.

11  
12            ✓ **Insert 128-21:**

13            **SECTION 9.** 943.34 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16,  
14 is amended to read:

15            943.34 (1) (a) A Class A misdemeanor, if the value of the property does not  
16 exceed ~~\$2,500~~ \$1,000.

History: 1977 c. 173; 1987 a. 266, 332; 1991 a. 39; 2001 a. 16.

17            **SECTION 10.** 943.34 (1) (bf) of the statutes is created to read:

18            943.34 (1) (bf) A Class I felony, if the value of the property exceeds \$1,000 but  
19 does not exceed \$5,000.

20  
21            ✓ **Insert 129-17:**

22            **SECTION 11.** 943.395 (2) (a) of the statutes, as affected by 2001 Wisconsin Act  
23 16, is amended to read:

1 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or  
2 benefit does not exceed \$2,500 \$1,000.

3 History: 1971 c. 214; 1975 c. 373, 421; 1977 c. 173; 1979 c. 89; 1981 c. 96; 1987 a. 349; 1991 a. 39; 2001 a. 16.

4 **Insert 130-2:**

5 **SECTION 12.** 943.41 (8) (c) of the statutes, as affected by 2001 Wisconsin Act 16,  
6 is amended to read:

7 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b), or (d),  
8 if the value of the money, goods, services, or property illegally obtained does not  
9 exceed \$2,500 \$1,000 is guilty of a Class A misdemeanor. ~~If~~ <sup>do not strike, score instead</sup> if the value of the money,  
10 goods, services, or property exceeds \$2,500 \$1,000 but does not exceed \$5,000, in a  
11 single transaction or in separate transactions within a period not exceeding 6  
12 months, the person is guilty of a Class ~~C~~ <sup>I</sup> felony; if the value of the money, goods,  
13 services, or property exceeds \$5,000 but does not exceed \$10,000, in a single  
14 transaction or in separate transactions within a period not exceeding 6 months, the  
15 person is guilty of a Class H felony; or if the value of money, goods, services, or  
16 property exceeds \$10,000, in a single transaction or in separate transactions within  
17 a period not exceeding 6 months, the person is guilty of a Class G felony.

18 History: 1973 c. 219; 1977 c. 173; 1981 c. 288; 1989 a. 321; 1991 a. 39; 1993 a. 486; 1995 a. 225; 2001 a. 16.

19 **Insert 132-2:**

20 **SECTION 13.** 943.50 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 16,  
21 is amended to read:

22 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not  
23 exceed \$2,500 \$1,000.

24 History: 1977 c. 173; 1981 c. 270; 1983 a. 189 s. 329 (24); 1985 a. 170; 1987 a. 398; 1991 a. 39, 40; 1993 a. 71; 1997 a. 262; 2001 a. 16.

**SECTION 14.** 943.50 (4) (bf) of the statutes is created to read:



1            943.50 (4) (bf) A Class I felony, if the value of the merchandise exceeds \$1,000  
2 but does not exceed \$5,000. ✓

3  
4 ✓ **Insert 132-17:**

5            **SECTION 15.** 943.61 (5) (a) of the statutes, as affected by 2001 Wisconsin Act 16,  
6 is amended to read:

7            943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does  
8 not exceed ~~\$2,500~~ \$1,000. ✓

History: 1979 c. 245; Stats. 1979 s. 943.60; 1979 c. 355 s. 232; Stats. 1979 s. 943.61; 1991 a. 39; 2001 a. 16.

9            **SECTION 16.** 943.61 (5) (bf) of the statutes is created to read:

10            943.61 (5) (bf) A Class I felony, if the value of the library materials exceeds  
11 \$1,000 but does not exceed \$2,500. ✓

12  
13 ✓ **Insert 132-23:**

14            **SECTION 17.** 943.62 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 16,  
15 is amended to read:

16            943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or  
17 required refund, as applicable, does not exceed \$2,500 ~~or \$1,000~~ \$500. ✓

History: 1981 c. 20; 1983 a. 167; 1987 a. 359; 1987 a. 403 s. 256; 1991 a. 27; 1997 a. 145; 2001 a. 16.

18            **SECTION 18.** 943.62 (4) (bf) of the statutes is created to read:

19            943.62 (4) (bf) A Class I felony, if the value of the advance payment or required  
20 refund, as applicable, exceeds \$500 but does not exceed \$2,500. ✓  
plain

21  
22 ✓ **Insert 195-25:**

23            **SECTION 19.** 973.075 (1) (b) 1m. e. of the statutes, as affected by 2001 Wisconsin  
24 Act 16, is amended to read:



1           973.075 (1) (b) 1m. e. ✓ To cause more than ~~\$2,500~~ ✓ \$1,000 worth of criminal  
2 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

3 History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1990 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16.

3           **SECTION 20.** 973.075 (2) (d) of the statutes, as affected by 2001 Wisconsin Act  
4 16, is amended to read:

5           973.075 (2) (d) The officer has probable cause to believe that the property was  
6 derived from or realized through a crime or that the property is a vehicle which was  
7 used to transport any property or weapon used or to be used or received in the  
8 commission of any felony, which was used in the commission of a crime relating to  
9 a submerged cultural resource in violation of s. 44.47, or which was used to cause  
10 more than ~~\$2,500~~ ✓ \$1,000 worth of criminal damage to cemetery property in violation  
11 of s. 943.01 (2) (d) or 943.012.

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16.

*end ins 195-25)*