

1 943.70 (3) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or
2 obtain property.

3 *~~4548/2.529~~* *~~0590/P5.277~~* SECTION 812. 943.70 (3) (b) 3. of the statutes
4 is amended to read:

5 943.70 (3) (b) 3. A Class ~~D~~ H felony if the damage to the computer, computer
6 system, computer network, equipment or supplies is greater than \$2,500.

7 *~~4548/2.530~~* SECTION 813. 943.70 (3) (b) 4. of the statutes is amended to read:

8 943.70 (3) (b) 4. A Class ~~C~~ F felony if the offense creates a substantial and
9 unreasonable risk of death or great bodily harm to another.

10 *~~4548/2.531~~* *~~0590/P5.278~~* SECTION 814. 943.75 (2) of the statutes is
11 amended to read:

12 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
13 for companionship or protection of persons or property, recreation, exhibition, or
14 educational purposes, acting without the consent of the owner or custodian of the
15 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a
16 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection
17 by a person is a Class ~~E~~ I felony.

18 *~~4548/2.532~~* SECTION 815. 943.75 (2m) of the statutes is amended to read:

19 943.75 (2m) Whoever intentionally releases an animal that is lawfully
20 confined for scientific, farming, restocking, research or commercial purposes, acting
21 without the consent of the owner or custodian of the animal, is guilty of a Class ~~C~~ H
22 felony.

23 *~~4548/2.533~~* SECTION 816. 943.76 (2) (a) of the statutes, as created by 2001

24 Wisconsin Act 16, is amended to read:

1 943.76 (2) (a) Whoever intentionally introduces a contagious or infectious
2 disease into livestock without the consent of the owner of the livestock is guilty of a
3 Class C F felony.

4 *~~4548/2.534~~* **SECTION 817.** 943.76 (2) (b) of the statutes, as created by 2001
5 Wisconsin Act 16, is amended to read:

6 943.76 (2) (b) Whoever intentionally introduces a contagious or infectious
7 disease into wild deer without the consent of the department of natural resources is
8 guilty of a Class C F felony.

9 *~~4548/2.535~~* *~~0590/P5.279~~* **SECTION 818.** 944.05 (1) (intro.) of the statutes
10 is amended to read:

11 944.05 (1) (intro.) Whoever does any of the following is guilty of a Class E I
12 felony:

13 *~~4548/2.536~~* **SECTION 819.** 944.06 of the statutes is amended to read:

14 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
15 a person he or she knows is a blood relative and such relative is in fact related in a
16 degree within which the marriage of the parties is prohibited by the law of this state
17 is guilty of a Class C F felony.

18 *~~4548/2.537~~* *~~0590/P5.280~~* **SECTION 820.** 944.15 (title) of the statutes is
19 repealed and recreated to read:

20 **944.15 (title) Public fornication.**

21 *~~4548/2.538~~* *~~0590/P5.281~~* **SECTION 821.** 944.16 (intro.) of the statutes is
22 amended to read:

23 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
24 Class E I felony:

1 *~~4548/2.539~~* *~~0590/P5.283~~* SECTION 822. 944.21 (5) (c) of the statutes is
2 amended to read:

3 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
4 convictions under this section, the person is guilty of a Class D H felony.

5 *~~4548/2.540~~* *~~0590/P5.284~~* SECTION 823. 944.21 (5) (e) of the statutes is
6 amended to read:

7 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
8 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
9 the person is guilty of a Class D H felony.

10 *~~4548/2.541~~* *~~0590/P5.285~~* SECTION 824. 944.32 of the statutes is
11 amended to read:

12 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
13 intentionally solicits or causes any person to practice prostitution or establishes any
14 person in a place of prostitution is guilty of a Class D H felony.

15 *~~4548/2.542~~* *~~0590/P5.286~~* SECTION 825. 944.33 (2) of the statutes is
16 amended to read:

17 944.33 (2) If the person received compensation from the earnings of the
18 prostitute, such person is guilty of a Class C F felony.

19 *~~4548/2.543~~* *~~0590/P5.287~~* SECTION 826. 944.34 (intro.) of the statutes is
20 amended to read:

21 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
22 any of the following is guilty of a Class D H felony:

23 *~~4548/2.544~~* SECTION 827. 945.03 (1m) (intro.) of the statutes is amended to
24 read:

1 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
2 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
3 I felony:

4 *md* 2001 ~~*-4548/2.545*~~ [✓] SECTION 828. 945.05 (1) (intro.) of the statutes, as affected by
5 *W* Wisconsin Act 16, is amended to read:

6 945.05 (1) (intro.) Except as provided in subs. (1e) (b) and (1m), whoever
7 manufactures, transfers commercially or possesses with intent to transfer
8 commercially either of the following is guilty of a Class E I felony:

9 ~~*-4548/2.546*~~ ~~*-0590/P5.290*~~ SECTION 829. 945.08 (1) of the statutes is
10 amended to read:

11 945.08 (1) Any person who, with intent to influence any participant to refrain
12 from exerting full skill, speed, strength or endurance, transfers or promises any
13 property or any personal advantage to or on behalf of any participant in a contest of
14 skill, speed, strength or endurance is guilty of a Class D H felony.

15 ~~*-4548/2.547*~~ ~~*-0590/P5.291*~~ SECTION 830. 946.02 (1) (intro.) of the statutes
16 is amended to read:

17 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F
18 felony:

19 ~~*-4548/2.548*~~ ~~*-0590/P5.292*~~ SECTION 831. 946.03 (1) (intro.) of the statutes
20 is amended to read:

21 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
22 felony:

23 ~~*-4548/2.549*~~ ~~*-0590/P5.293*~~ SECTION 832. 946.03 (2) of the statutes is
24 amended to read:

1 946.03 (2) Whoever permits any premises under his or her care, control or
2 supervision to be used by an assembly with knowledge that the purpose of the
3 assembly is to advocate or teach the duty, necessity, desirability or propriety of
4 overthrowing the government of the United States or this state by the use or threat
5 of physical violence with intent that such government be overthrown or, after
6 learning that the premises are being so used, permits such use to be continued is
7 guilty of a Class E I felony.

8 *~~4548/2.550~~* *~~0590/P5.294~~* SECTION 833. 946.05 (1) of the statutes is
9 amended to read:

10 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
11 contempt upon the flag is guilty of a Class E I felony.

12 *~~4548/2.551~~* *~~0590/P5.295~~* SECTION 834. 946.10 (intro.) of the statutes is
13 amended to read:

14 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
15 either of the following is guilty of a Class D H felony:

16 *~~4548/2.552~~* *~~0590/P5.296~~* SECTION 835. 946.11 (1) (intro.) of the statutes
17 is amended to read:

18 946.11 (1) (intro.) Whoever does the following is guilty of a Class E I felony:

19 *~~4548/2.553~~* *~~0590/P5.297~~* SECTION 836. 946.12 (intro.) of the statutes is
20 amended to read:

21 **946.12 Misconduct in public office.** (intro.) Any public officer or public
22 employee who does any of the following is guilty of a Class E I felony:

23 *~~4548/2.554~~* *~~0590/P5.298~~* SECTION 837. 946.13 (1) (intro.) of the statutes
24 is amended to read:

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

3 *~~4548/2.555~~* *~~0590/P5.299~~* **SECTION 838.** 946.14 of the statutes is
4 amended to read:

5 **946.14 Purchasing claims at less than full value.** Any public officer or
6 public employee who in a private capacity directly or indirectly intentionally
7 purchases for less than full value or discounts any claim held by another against the
8 state or a political subdivision thereof or against any public fund is guilty of a Class
9 ~~E~~ I felony.

10 *~~4548/2.556~~* *~~0590/P5.300~~* **SECTION 839.** 946.15 (1) of the statutes is
11 amended to read:

12 946.15 (1) Any employer, or any agent or employee of an employer, who induces
13 any person who seeks to be or is employed pursuant to a public contract as defined
14 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
15 wage rate determination has been issued by the department of workforce
16 development under s. 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
17 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
18 waive or return any part of the compensation to which that person is entitled under
19 his or her contract of employment or under the prevailing wage rate determination
20 issued by the department or local governmental unit, or who reduces the hourly basic
21 rate of pay normally paid to an employee for work on a project on which a prevailing
22 wage rate determination has not been issued under s. 66.0903 (3) or (6), 103.49 (3),
23 103.50 (3) or 229.8275 (3) during a week in which the employee works both on a
24 project on which a prevailing wage rate determination has been issued and on a

1 project on which a prevailing wage rate determination has not been issued, is guilty
2 of a Class ~~E~~ I felony.

3 *~~4548/2.557~~* *~~0590/P5.301~~* SECTION 840. 946.15 (3) of the statutes is
4 amended to read:

5 946.15 (3) Any employer or labor organization, or any agent or employee of an
6 employer or labor organization, who induces any person who seeks to be or is
7 employed on a project on which a prevailing wage rate determination has been issued
8 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
9 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),
10 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
11 under the prevailing wage rate determination issued by the department or local
12 governmental unit to be deducted from the person's pay is guilty of a Class ~~E~~ I felony,
13 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
14 is working on a project that is subject to 40 USC 276c.

15 *~~4548/2.558~~* *~~0590/P5.302~~* SECTION 841. 946.31 (1) (intro.) of the statutes
16 is amended to read:

17 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
18 material statement which the person does not believe to be true, in any matter, cause,
19 action or proceeding, before any of the following, whether legally constituted or
20 exercising powers as if legally constituted, is guilty of a Class ~~D~~ H felony:

21 *~~4548/2.559~~* *~~0590/P5.303~~* SECTION 842. 946.32 (1) (intro.) of the statutes
22 is amended to read:

23 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class ~~D~~
24 H felony:

1 *~~4548/2.560~~* *~~0590/P5.304~~* **SECTION 843.** 946.41 (2m) (intro.) of the
2 statutes is amended to read:

3 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
4 circumstances is guilty of a Class ~~D~~ H felony:

5 *~~4548/2.561~~* *~~0590/P5.305~~* **SECTION 844.** 946.415 (2) (intro.) of the
6 statutes is amended to read:

7 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
8 a Class ~~E~~ I felony:

9 *~~4548/2.562~~* *~~0590/P5.306~~* **SECTION 845.** 946.42 (3) (intro.) of the statutes
10 is amended to read:

11 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
12 under any of the following circumstances is guilty of a Class ~~D~~ H felony:

13 *~~4548/2.563~~* *~~0590/P5.307~~* **SECTION 846.** 946.42 (4) of the statutes is
14 repealed.

15 *~~4548/2.564~~* *~~0590/P5.308~~* **SECTION 847.** 946.425 (1) of the statutes is
16 amended to read:

17 946.425 (1) Any person who is subject to a series of periods of imprisonment
18 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
19 required under the sentence is guilty of a Class ~~D~~ H felony.

20 *~~4548/2.565~~* *~~0590/P5.309~~* **SECTION 848.** 946.425 (1m) (b) of the statutes
21 is amended to read:

22 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
23 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
24 intentionally fails to report to the county jail as required under the sentence is guilty
25 of a Class ~~D~~ H felony.

1 ***-4548/2.566*** ***-0590/P5.310*** SECTION 849. 946.425 (1r) (b) of the statutes
2 is amended to read:

3 946.425 (1r) (b) Any person who is subject to a confinement order under s.
4 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
5 report to the county jail or house of correction as required under the order is guilty
6 of a Class D H felony.

7 ***-4548/2.567*** ***-0590/P5.311*** SECTION 850. 946.425 (2) of the statutes is
8 repealed.

9 ***-4548/2.568*** SECTION 851. 946.43 (1m) (intro.) of the statutes is amended to
10 read:

11 946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,
12 county or municipal detention facility who intentionally does any of the following is
13 guilty of a Class C F felony:

14 ***-4548/2.569*** SECTION 852. 946.43 (2m) (a) (intro.) of the statutes is amended
15 to read:

16 946.43 (2m) (a) (intro.) Any prisoner confined to a state prison or other state,
17 county or municipal detention facility who throws or expels blood, semen, vomit,
18 saliva, urine, feces or other bodily substance at or toward an officer, employee or
19 visitor of the prison or facility or another prisoner of the prison or facility under all
20 of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for~~
21 ~~not more than 2 years or both~~ is guilty of a Class I felony:

22 ***-4548/2.570*** ***-0590/P5.313*** SECTION 853. 946.44 (1) (intro.) of the statutes
23 is amended to read:

24 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

1 *~~4548/2.571~~* *~~0590/P5.314~~* SECTION 854. 946.44 (1g) of the statutes is
2 amended to read:

3 946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b)
4 is guilty of a Class ~~C~~ F felony.

5 *~~4548/2.572~~* *~~0590/P5.315~~* SECTION 855. 946.44 (1m) of the statutes is
6 amended to read:

7 946.44 (1m) Whoever intentionally introduces into an institution where
8 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
9 unloaded, or any article used or fashioned in a manner to lead another person to
10 believe it is a firearm, is guilty of a Class ~~C~~ F felony.

11 *~~4548/2.573~~* *~~0590/P5.316~~* SECTION 856. 946.47 (1) (intro.) of the statutes
12 is amended to read:

13 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class ~~E~~ I
14 felony:

15 *~~4548/2.574~~* *~~0590/P5.317~~* SECTION 857. 946.48 (1) of the statutes is
16 amended to read:

17 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
18 written or oral communication with intent to induce a false belief that the sender has
19 knowledge of the whereabouts, physical condition, or terms imposed upon the return
20 of a kidnapped or missing person is guilty of a Class ~~D~~ H felony.

21 *~~4548/2.575~~* *~~0590/P5.318~~* SECTION 858. 946.49 (1) (b) of the statutes is
22 amended to read:

23 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
24 of a Class ~~D~~ H felony.

1 *~~4548/2.576~~* *~~0590/P5.319~~* SECTION 859. 946.49 (2) of the statutes is
2 amended to read:

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

5 *~~4548/2.577~~* *~~0590/P5.320~~* SECTION 860. 946.50 (5d) of the statutes is
6 created to read:

7 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
8 committing an act that would be a Class F felony if committed by an adult.

9 *~~4548/2.578~~* *~~0590/P5.321~~* SECTION 861. 946.50 (5h) of the statutes is
10 created to read:

11 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
12 committing an act that would be a Class G felony if committed by an adult.

13 *~~4548/2.579~~* *~~0590/P5.322~~* SECTION 862. 946.50 (5p) of the statutes is
14 created to read:

15 946.50 (5p) A Class H felony, if the person was adjudicated delinquent for
16 committing an act that would be a Class H felony if committed by an adult.

17 *~~4548/2.580~~* *~~0590/P5.323~~* SECTION 863. 946.50 (5t) of the statutes is
18 created to read:

19 946.50 (5t) A Class I felony, if the person was adjudicated delinquent for
20 committing an act that would be a Class I felony if committed by an adult.

21 *~~4548/2.581~~* *~~0590/P5.324~~* SECTION 864. 946.60 (1) of the statutes is
22 amended to read:

23 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
24 removes, withholds or transfers possession of a document, knowing that the

1 document has been subpoenaed by a court or by or at the request of a district attorney
2 or the attorney general, is guilty of a Class E I felony.

3 *~~4548/2.582~~* *~~0590/P5.325~~* **SECTION 865.** 946.60 (2) of the statutes is
4 amended to read:

5 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
6 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
7 withhold or transfer possession of a subpoenaed document, knowing that the
8 document has been subpoenaed by a court or by or at the request of a district attorney
9 or the attorney general, is guilty of a Class E I felony.

10 *~~4548/2.583~~* *~~0590/P5.326~~* **SECTION 866.** 946.61 (1) (intro.) of the statutes
11 is amended to read:

12 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class D H
13 felony:

14 *~~4548/2.584~~* *~~0590/P5.327~~* **SECTION 867.** 946.64 of the statutes is
15 amended to read:

16 **946.64 Communicating with jurors.** Whoever, with intent to influence any
17 person, summoned or serving as a juror, in relation to any matter which is before that
18 person or which may be brought before that person, communicates with him or her
19 otherwise than in the regular course of proceedings in the trial or hearing of that
20 matter is guilty of a Class E I felony.

21 *~~4548/2.585~~* *~~0590/P5.328~~* **SECTION 868.** 946.65 (1) of the statutes is
22 amended to read:

23 946.65 (1) Whoever for a consideration knowingly gives false information to
24 any officer of any court with intent to influence the officer in the performance of
25 official functions is guilty of a Class E I felony.

1 *~~4548/2.586~~* *~~0590/P5.329~~* SECTION 869. 946.68 (1r) (a) of the statutes is
2 amended to read:

3 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
4 to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

5 *~~4548/2.587~~* *~~0590/P5.330~~* SECTION 870. 946.68 (1r) (b) of the statutes is
6 amended to read:

7 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
8 to induce payment of a claim, the person is guilty of a Class ~~D~~ H felony.

9 *~~4548/2.588~~* *~~0590/P5.331~~* SECTION 871. 946.68 (1r) (c) of the statutes is
10 amended to read:

11 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
12 the person is guilty of a Class ~~D~~ H felony.

13 *~~4548/2.589~~* *~~0590/P5.332~~* SECTION 872. 946.69 (2) (intro.) of the statutes
14 is amended to read:

15 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
16 felony:

17 *~~4548/2.590~~* *~~0590/P5.333~~* SECTION 873. 946.70 (2) of the statutes is
18 amended to read:

19 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
20 the commission of a crime other than the crime under this section is guilty of a Class
21 ~~D~~ H felony.

22 *~~4548/2.591~~* *~~0590/P5.334~~* SECTION 874. 946.72 (1) of the statutes is
23 amended to read:

24 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
25 removes or conceals any public record is guilty of a Class ~~D~~ H felony.

1 *~~4548/2.592~~* *~~0590/P5.335~~* SECTION 875. 946.74 (2) of the statutes is
2 amended to read:

3 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
4 sexual morality with or upon the inmate of the institution is guilty of a Class ~~D~~ H
5 felony.

6 *~~4548/2.593~~* *~~0590/P5.336~~* SECTION 876. 946.76 of the statutes is
7 amended to read:

8 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
9 to its execution that a search warrant has been applied for or issued, except so far
10 as may be necessary to its execution, is guilty of a Class ~~E~~ I felony.

11 *~~4548/2.594~~* *~~0590/P5.337~~* SECTION 877. 946.82 (4) of the statutes, as
12 affected by 2001 Wisconsin Act 16, is amended to read:

13 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
14 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
15 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
16 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
17 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
18 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
19 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
20 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(e)~~ and
21 ~~(d)~~ (bf) to (e), 943.201, 943.23 (1g), ~~(1m)~~, ~~(1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27,
22 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
23 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 944.205, 944.21
24 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,

1 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,
2 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

3 *~~4548/2.595~~* *~~0590/P5.338~~* SECTION 878. 946.84 (1) of the statutes is
4 amended to read:

5 946.84 (1) Any person convicted of engaging in racketeering activity in
6 violation of s. 946.83 is guilty of a Class ~~C~~ E felony.

7 *~~4548/2.596~~* *~~3266/P1.147~~* SECTION 879. 946.85 (1) of the statutes is
8 amended to read:

9 946.85 (1) Any person who engages in a continuing criminal enterprise shall
10 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~
11 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
12 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
13 ~~record~~ is guilty of a Class E felony.

14 *~~4548/2.597~~* *~~0590/P5.340~~* SECTION 880. 947.013 (1t) of the statutes is
15 amended to read:

16 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
17 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
18 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
19 occurs within 7 years of the prior conviction.

20 *~~4548/2.598~~* *~~0590/P5.341~~* SECTION 881. 947.013 (1v) of the statutes is
21 amended to read:

22 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
23 she intentionally gains access to a record in electronic format that contains
24 personally identifiable information regarding the victim in order to facilitate the
25 violation under sub. (1r).

1 *~~4548/2.599~~* *~~0590/P5.342~~* SECTION 882. 947.013 (1x) (intro.) of the
2 statutes is amended to read:

3 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
4 circumstances is guilty of a Class ~~D~~ H felony:

5 *~~4548/2.600~~* *~~0590/P5.343~~* SECTION 883. 947.015 of the statutes is
6 amended to read:

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

11 *~~4548/2.601~~* *~~0590/P5.344~~* SECTION 884. 948.02 (2) of the statutes is
12 amended to read:

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

16 *~~4548/2.602~~* *~~0590/P5.345~~* SECTION 885. 948.02 (3) of the statutes is
17 amended to read:

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

1 other person or facilitates the intercourse or contact that does occur between the
2 child and the other person.

3 *~~4548/2.603~~* *~~0590/P5.346~~* SECTION 886. 948.02 (3m) of the statutes is
4 repealed.

5 *~~4548/2.604~~* *~~0590/P5.347~~* SECTION 887. 948.025 (1) of the statutes is
6 renumbered 948.025 (1) (intro.) and amended to read:

7 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
8 or (2) within a specified period of time involving the same child is guilty of ~~a~~:

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

10 *~~4548/2.605~~* *~~0590/P5.348~~* SECTION 888. 948.025 (1) (b) of the statutes is
11 created to read:

12 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
13 of s. 948.02 (1).

14 *~~4548/2.606~~* *~~0590/P5.349~~* SECTION 889. 948.025 (2) of the statutes is
15 renumbered 948.025 (2) (b) and amended to read:

16 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
17 the defendant guilty the members of the jury must unanimously agree that at least
18 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
19 under sub. (1) of time but need not agree on which acts constitute the requisite
20 number and need not agree on whether a particular violation was a violation of s.
21 948.02 (1) or (2).

22 *~~4548/2.607~~* *~~0590/P5.350~~* SECTION 890. 948.025 (2) (a) of the statutes is
23 created to read:

24 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
25 the defendant guilty the members of the jury must unanimously agree that at least

1 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
2 agree on which acts constitute the requisite number.

3 ***-4548/2.608* *-0590/P5.351* SECTION 891.** 948.025 (2m) of the statutes is
4 repealed.

5 ***-4548/2.609* *-0590/P5.352* SECTION 892.** 948.03 (2) (a) of the statutes is
6 amended to read:

7 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
8 guilty of a Class C E felony.

9 ***-4548/2.610* *-0590/P5.353* SECTION 893.** 948.03 (2) (b) of the statutes is
10 amended to read:

11 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
12 a Class D H felony.

13 ***-4548/2.611* *-0590/P5.354* SECTION 894.** 948.03 (2) (c) of the statutes is
14 amended to read:

15 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
16 which creates a high probability of great bodily harm is guilty of a Class C F felony.

17 ***-4548/2.612* *-0590/P5.355* SECTION 895.** 948.03 (3) (a) of the statutes is
18 amended to read:

19 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
20 of a Class D G felony.

21 ***-4548/2.613* *-0590/P5.356* SECTION 896.** 948.03 (3) (b) of the statutes is
22 amended to read:

23 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
24 Class E I felony.

1 *~~4548/2.614~~* *~~0590/P5.357~~* SECTION 897. 948.03 (3) (c) of the statutes is
2 amended to read:

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

5 *~~4548/2.615~~* *~~0590/P5.358~~* SECTION 898. 948.03 (4) (a) of the statutes is
6 amended to read:

7 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
8 C F felony if that person has knowledge that another person intends to cause, is
9 causing or has intentionally or recklessly caused great bodily harm to the child and
10 is physically and emotionally capable of taking action which will prevent the bodily
11 harm from occurring or being repeated, fails to take that action and the failure to act
12 exposes the child to an unreasonable risk of great bodily harm by the other person
13 or facilitates the great bodily harm to the child that is caused by the other person.

14 *~~4548/2.616~~* *~~0590/P5.359~~* SECTION 899. 948.03 (4) (b) of the statutes is
15 amended to read:

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

23 *~~4548/2.617~~* SECTION 900. 948.03 (5) of the statutes is repealed.

24 *~~4548/2.618~~* *~~0590/P5.360~~* SECTION 901. 948.04 (1) of the statutes is
25 amended to read:

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

4 *~~4548/2.619~~* *~~0590/P5.361~~* **SECTION 902.** 948.04 (2) of the statutes is
5 amended to read:

6 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
7 felony if that person has knowledge that another person has caused, is causing or will
8 cause mental harm to that child, is physically and emotionally capable of taking
9 action which will prevent the harm, fails to take that action and the failure to act
10 exposes the child to an unreasonable risk of mental harm by the other person or
11 facilitates the mental harm to the child that is caused by the other person.

12 *~~4548/2.620~~* *~~0590/P5.362~~* **SECTION 903.** 948.05 (1) (intro.) of the statutes
13 is amended to read:

14 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
15 character and content of the sexually explicit conduct involving the child is guilty of
16 a Class C F felony:

17 *~~4548/2.621~~* *~~0590/P5.363~~* **SECTION 904.** 948.05 (1m) of the statutes, as
18 affected by 2001 Wisconsin Act 16, is amended to read:

19 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
20 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
21 sell or distribute, any recording of a child engaging in sexually explicit conduct is
22 guilty of a Class C F felony if the person knows the character and content of the
23 sexually explicit conduct involving the child and if the person knows or reasonably
24 should know that the child engaging in the sexually explicit conduct has not attained
25 the age of 18 years.

1 *~~4548/2.622~~* *~~0590/P5.364~~* **SECTION 905.** 948.05 (2) of the statutes is
2 amended to read:

3 948.05 (2) A person responsible for a child's welfare who knowingly permits,
4 allows or encourages the child to engage in sexually explicit conduct for a purpose
5 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class ~~C~~ F felony.

6 *~~4548/2.623~~* *~~0590/P5.365~~* **SECTION 906.** 948.055 (2) (a) of the statutes is
7 amended to read:

8 948.055 (2) (a) A Class ~~C~~ F felony if the child has not attained the age of 13
9 years.

10 *~~4548/2.624~~* *~~0590/P5.366~~* **SECTION 907.** 948.055 (2) (b) of the statutes is
11 amended to read:

12 948.055 (2) (b) A Class ~~D~~ H felony if the child has attained the age of 13 years
13 but has not attained the age of 18 years.

14 *~~4548/2.625~~* *~~0590/P5.367~~* **SECTION 908.** 948.06 (intro.) of the statutes is
15 amended to read:

16 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
17 guilty of a Class ~~B~~ C felony:

18 *~~4548/2.626~~* *~~0590/P5.368~~* **SECTION 909.** 948.07 (intro.) of the statutes is
19 amended to read:

20 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
21 following acts, causes or attempts to cause any child who has not attained the age
22 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
23 ~~B~~ D felony:

24 *~~4548/2.627~~* *~~0590/P5.369~~* **SECTION 910.** 948.08 of the statutes is
25 amended to read:

1 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
2 or causes any child to practice prostitution or establishes any child in a place of
3 prostitution is guilty of a Class ~~B~~ D felony.

4 *~~4548/2.628~~* *~~0590/P5.370~~* **SECTION 911.** 948.095 (2) (intro.) of the
5 statutes is amended to read:

6 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
7 child who has attained the age of 16 years and who is not the defendant's spouse is
8 guilty of a Class ~~D~~ H felony if all of the following apply:

9 *~~4548/2.629~~* *~~0590/P5.371~~* **SECTION 912.** 948.11 (2) (a) (intro.) of the
10 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

11 948.11 (2) (a) (intro.) Whoever, with knowledge of the character and content of
12 the material, sells, rents, exhibits, plays, distributes, or loans to a child any harmful
13 material, with or without monetary consideration, is guilty of a Class ~~E~~ I felony if any
14 of the following applies:

15 *~~4548/2.630~~* *~~0590/P5.372~~* **SECTION 913.** 948.11 (2) (am) (intro.) of the
16 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

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

22 *~~4548/2.631~~* *~~0590/P5.373~~* **SECTION 914.** 948.12 (1m) (intro.) of the
23 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

24 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic
25 negative, photograph, motion picture, videotape, or other recording of a child

1 engaged in sexually explicit conduct under all of the following circumstances is guilty
2 of a Class E I felony:

3 *~~4548/2.632~~* **SECTION 915.** 948.12 (2m) (intro.) of the statutes, as created by
4 2001 Wisconsin Act 16, is amended to read:

5 948.12 (2m) (intro.) Whoever exhibits or plays a recording of a child engaged
6 in sexually explicit conduct, if all of the following apply, is guilty of a Class E I felony:

7 *~~4548/2.633~~* *~~0590/P5.374~~* **SECTION 916.** 948.13 (2) of the statutes is
8 amended to read:

9 948.13 (2) Whoever has been convicted of a serious child sex offense and
10 subsequently engages in an occupation or participates in a volunteer position that
11 requires him or her to work or interact primarily and directly with children under
12 16 years of age is guilty of a Class C F felony. This subsection does not apply to a
13 person who is exempt under a court order issued under sub. (2m).

14 *~~4548/2.634~~* *~~0590/P5.375~~* **SECTION 917.** 948.20 of the statutes is
15 amended to read:

16 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
17 leaves any child in a place where the child may suffer because of neglect is guilty of
18 a Class D G felony.

19 *~~4548/2.635~~* *~~0590/P5.376~~* **SECTION 918.** 948.21 (1) of the statutes is
20 amended to read:

21 948.21 (1) Any person who is responsible for a child's welfare who, through his
22 or her actions or failure to take action, intentionally contributes to the neglect of the
23 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
24 felony.

1 *~~4548/2.636~~* *~~0590/P5.377~~* **SECTION 919.** 948.22 (2) of the statutes is
2 amended to read:

3 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
4 to provide spousal, grandchild or child support which the person knows or reasonably
5 should know the person is legally obligated to provide is guilty of a Class E I felony.
6 A prosecutor may charge a person with multiple counts for a violation under this
7 subsection if each count covers a period of at least 120 consecutive days and there is
8 no overlap between periods.

9 *~~4548/2.637~~* *~~0590/P5.378~~* **SECTION 920.** 948.23 of the statutes is
10 amended to read:

11 **948.23 Concealing death of child.** Any person who conceals the corpse of
12 any issue of a woman's body with intent to prevent a determination of whether it was
13 born dead or alive is guilty of a Class E I felony.

14 *~~4548/2.638~~* *~~0590/P5.379~~* **SECTION 921.** 948.24 (1) (intro.) of the statutes
15 is amended to read:

16 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
17 felony:

18 *~~4548/2.639~~* *~~0590/P5.380~~* **SECTION 922.** 948.30 (1) (intro.) of the statutes
19 is amended to read:

20 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
21 following is guilty of a Class C E felony:

22 *~~4548/2.640~~* *~~0590/P5.381~~* **SECTION 923.** 948.30 (2) (intro.) of the statutes
23 is amended to read:

24 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
25 following is guilty of a Class B C felony:

1 *~~4548/2.641~~* *~~0590/P5.382~~* **SECTION 924.** 948.31 (1) (b) of the statutes is
2 amended to read:

3 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
4 causes a child to leave, takes a child away or withholds a child for more than 12 hours
5 beyond the court-approved period of physical placement or visitation period from a
6 legal custodian with intent to deprive the custodian of his or her custody rights
7 without the consent of the custodian is guilty of a Class C F felony. This paragraph
8 is not applicable if the court has entered an order authorizing the person to so take
9 or withhold the child. The fact that joint legal custody has been awarded to both
10 parents by a court does not preclude a court from finding that one parent has
11 committed a violation of this paragraph.

12 *~~4548/2.642~~* *~~0590/P5.383~~* **SECTION 925.** 948.31 (2) of the statutes is
13 amended to read:

14 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
15 child for more than 12 hours from the child's parents or, in the case of a nonmarital
16 child whose parents do not subsequently intermarry under s. 767.60, from the child's
17 mother or, if he has been granted legal custody, the child's father, without the consent
18 of the parents, the mother or the father with legal custody, is guilty of a Class E I
19 felony. This subsection is not applicable if legal custody has been granted by court
20 order to the person taking or withholding the child.

21 *~~4548/2.643~~* *~~0590/P5.384~~* **SECTION 926.** 948.31 (3) (intro.) of the statutes
22 is amended to read:

23 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
24 the parent, who does any of the following is guilty of a Class C F felony:

1 *~~4548/2.644~~* *~~0590/P5.385~~* SECTION 927. 948.35 of the statutes is
2 repealed.

3 *~~4548/2.645~~* *~~0590/P5.386~~* SECTION 928. 948.36 of the statutes is
4 repealed.

5 *~~4548/2.646~~* *~~0590/P5.387~~* SECTION 929. 948.40 (4) (a) of the statutes is
6 amended to read:

7 948.40 (4) (a) If death is a consequence, the person is guilty of a Class ~~C~~ D
8 felony; or

9 *~~4548/2.647~~* *~~0590/P5.388~~* SECTION 930. 948.40 (4) (b) of the statutes is
10 amended to read:

11 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
12 violation of a state or federal criminal law which is punishable as a felony, the person
13 is guilty of a Class ~~D~~ H felony.

14 *~~4548/2.648~~* *~~0590/P5.389~~* SECTION 931. 948.51 (3) (b) of the statutes is
15 amended to read:

16 948.51 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~
17 to another.

18 *~~4548/2.649~~* *~~0590/P5.390~~* SECTION 932. 948.51 (3) (c) of the statutes is
19 created to read:

20 948.51 (3) (c) A Class G felony if the act results in the death of another.

21 *~~4548/2.650~~* *~~0590/P5.391~~* SECTION 933. 948.60 (2) (b) of the statutes is
22 amended to read:

23 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
24 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
25 Class ~~E~~ I felony.

1 *~~4548/2.651~~* *~~0590/P5.392~~* **SECTION 934.** 948.60 (2) (c) of the statutes is
2 amended to read:

3 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
4 person under 18 years of age under par. (b) discharges the firearm and the discharge
5 causes death to himself, herself or another.

6 *~~4548/2.652~~* *~~0590/P5.393~~* **SECTION 935.** 948.605 (2) (a) of the statutes is
7 amended to read:

8 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
9 that the individual knows, or has reasonable cause to believe, is a school zone is
10 guilty of a Class ~~A misdemeanor~~ I felony.

11 *~~4548/2.653~~* *~~0590/P5.394~~* **SECTION 936.** 948.605 (3) (a) of the statutes is
12 amended to read:

13 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
14 the safety of another, discharges or attempts to discharge a firearm at a place the
15 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

16 *~~4548/2.654~~* *~~0590/P5.395~~* **SECTION 937.** 948.605 (4) of the statutes is
17 repealed.

18 *~~4548/2.655~~* *~~0590/P5.396~~* **SECTION 938.** 948.61 (2) (b) of the statutes is
19 amended to read:

20 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
21 subsequent violation of this section within a 5-year period, as measured from the
22 dates the violations occurred.

23 *~~4548/2.656~~* *~~0590/P5.397~~* **SECTION 939.** 948.62 (1) (a) of the statutes is
24 amended to read:

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

3 ~~*-4548/2.657*~~ ~~*-0590/P5.398*~~ SECTION 940. 948.62 (1) (b) of the statutes is
4 amended to read:

5 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
6 does not exceed \$2,500.

7 ~~*-4548/2.658*~~ ~~*-0590/P5.399*~~ SECTION 941. 948.62 (1) (bm) of the statutes is
8 created to read:

9 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but
10 does not exceed \$5,000.

11 ~~*-4548/2.659*~~ ~~*-0590/P5.400*~~ SECTION 942. 948.62 (1) (c) of the statutes is
12 amended to read:

13 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
14 \$5,000.

15 ~~*-4548/2.660*~~ ~~*-0590/P5.401*~~ SECTION 943. 949.03 (1) (b) of the statutes is
16 amended to read:

17 949.03 (1) (b) The commission or the attempt to commit any crime specified in
18 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
19 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
20 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
21 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
22 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

23 ~~*-4548/2.661*~~ ~~*-3370/P2.6*~~ SECTION 944. 950.04 (1v) (g) of the statutes is
24 amended to read:

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

4 *~~4548/2.662~~* *~~3370/P2.7~~* SECTION 945. 950.04 (1v) (nt) of the statutes is
5 created to read:

6 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
7 bifurcated sentence and provide a statement concerning modification of the
8 bifurcated sentence, as provided under s. 302.113 (9g) (d).

9 *~~4548/2.663~~* *~~0590/P5.402~~* SECTION 946. 951.18 (1) of the statutes is
10 amended to read:

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

22 *~~4548/2.664~~* *~~0590/P5.403~~* SECTION 947. 951.18 (2) of the statutes is
23 amended to read:

24 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
25 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I

1 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or
2 subsequent violation.

3 ~~*-4548/2.665*~~ ~~*-0590/P5.404*~~ **SECTION 948.** 951.18 (2m) of the statutes is
4 amended to read:

5 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
6 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
7 that the animal that is the victim is used by a law enforcement agency or fire
8 department to perform agency or department functions or duties, is guilty of a Class
9 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
10 animal that is the victim is used by a law enforcement agency or fire department to
11 perform agency or department functions or duties and causing injury to the animal,
12 is guilty of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.095,
13 knowing that the animal that is the victim is used by a law enforcement agency or
14 fire department to perform agency or department functions or duties and causing
15 death to the animal, is guilty of a Class ~~D~~ H felony.

16 ~~*-4548/2.666*~~ ~~*-3265/P1.7*~~ **SECTION 949.** 961.41 (1) (intro.) of the statutes is
17 amended to read:

18 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
19 authorized by this chapter, it is unlawful for any person to manufacture, distribute
20 or deliver a controlled substance or controlled substance analog. Any person who
21 violates this subsection ~~with respect to~~ is subject to the following penalties:

22 ~~*-4548/2.667*~~ ~~*-3265/P1.8*~~ **SECTION 950.** 961.41 (1) (a) of the statutes is
23 amended to read:

24 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
25 in par. (d), if a person violates this subsection with respect to a controlled substance

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

5 *~~4548/2.668~~* *~~3265/P1.9~~* SECTION 951. 961.41 (1) (b) of the statutes, as
6 affected by 2001 Wisconsin Act 16, is amended to read:

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

13 *~~4548/2.669~~* *~~3265/P1.10~~* SECTION 952. 961.41 (1) (cm) (intro.) of the
14 statutes is amended to read:

15 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
16 this subsection with respect to cocaine or cocaine base, or a controlled substance
17 analog of cocaine or cocaine base, is subject to the following penalties if and the
18 amount manufactured, distributed, or delivered is:

19 *~~4548/2.670~~* *~~3265/P1.11~~* SECTION 953. 961.41 (1) (cm) 1. of the statutes
20 is renumbered 961.41 (1) (cm) 1r. and amended to read:

21 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
22 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
23 for not more than 15 years is guilty of a Class F felony.

24 *~~4548/2.671~~* *~~3265/P1.12~~* SECTION 954. 961.41 (1) (cm) 1g. of the statutes
25 is created to read:

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

2 *~~4548/2.672~~* *~~3265/P1.13~~* **SECTION 955.** 961.41 (1) (cm) 2. of the statutes
3 is amended to read:

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

7 *~~4548/2.673~~* *~~3265/P1.14~~* **SECTION 956.** 961.41 (1) (cm) 3. of the statutes
8 is amended to read:

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

12 *~~4548/2.674~~* *~~3265/P1.15~~* **SECTION 957.** 961.41 (1) (cm) 4. of the statutes
13 is amended to read:

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

17 *~~4548/2.675~~* *~~3265/P1.16~~* **SECTION 958.** 961.41 (1) (cm) 5. of the statutes
18 is repealed.

19 *~~4548/2.676~~* *~~3265/P1.17~~* **SECTION 959.** 961.41 (1) (d) (intro.) of the
20 statutes is amended to read:

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

24 *~~4548/2.677~~* *~~3265/P1.18~~* **SECTION 960.** 961.41 (1) (d) 1. of the statutes is
25 amended to read:

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

4 *~~4548/2.678~~* *~~3265/P1.19~~* SECTION 961. 961.41 (1) (d) 2. of the statutes is
5 amended to read:

6 961.41 (1) (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 \$250,000 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 *~~4548/2.679~~* *~~3265/P1.20~~* SECTION 962. 961.41 (1) (d) 3. of the statutes is
11 amended to read:

12 961.41 (1) (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 *~~4548/2.680~~* *~~3265/P1.21~~* SECTION 963. 961.41 (1) (d) 4. of the statutes is
17 amended to read:

18 961.41 (1) (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 *~~4548/2.681~~* *~~3265/P1.22~~* SECTION 964. 961.41 (1) (d) 5. of the statutes is
23 repealed.

24 *~~4548/2.682~~* *~~3265/P1.23~~* SECTION 965. 961.41 (1) (d) 6. of the statutes is
25 repealed.

1 *~~4548/2.683~~* *~~3265/P1.24~~* SECTION 966. 961.41 (1) (e) (intro.) of the
2 statutes is amended to read:

3 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and
4 methcathinone. (intro.) Phencyclidine If the 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
8 manufactured, distributed, or delivered is:

9 *~~4548/2.684~~* *~~3265/P1.25~~* SECTION 967. 961.41 (1) (e) 1. of the statutes is
10 amended to read:

11 961.41 (1) (e) 1. ~~Three grams or less, the person shall be fined not less than~~
12 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
13 ~~6 months~~ is guilty of a Class F felony.

14 *~~4548/2.685~~* *~~3265/P1.26~~* SECTION 968. 961.41 (1) (e) 2. of the statutes is
15 amended to read:

16 961.41 (1) (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 \$250,000 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 *~~4548/2.686~~* *~~3265/P1.27~~* SECTION 969. 961.41 (1) (e) 3. of the statutes is
21 amended to read:

22 961.41 (1) (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 *~~4548/2.687~~* *~~3265/P1.28~~* SECTION 970. 961.41 (1) (e) 4. of the statutes is
2 amended to read:

3 961.41 (1) (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 *~~4548/2.688~~* *~~3265/P1.29~~* SECTION 971. 961.41 (1) (e) 5. of the statutes is
8 repealed.

9 *~~4548/2.689~~* *~~3265/P1.30~~* SECTION 972. 961.41 (1) (e) 6. of the statutes is
10 repealed.

11 *~~4548/2.690~~* SECTION 973. 961.41 (1) (em) of the statutes is repealed.

12 *~~4548/2.691~~* *~~3265/P1.31~~* SECTION 974. 961.41 (1) (f) (intro.) of the
13 statutes is amended to read:

14 961.41 (1) (f) Lysergic acid diethylamide. (intro.) ~~Lysergie~~ If the 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 manufactured, distributed, or delivered is:

18 *~~4548/2.692~~* *~~3265/P1.32~~* SECTION 975. 961.41 (1) (f) 1. of the statutes is
19 amended to read:

20 961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000
21 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6
22 months is guilty of a Class G felony.

23 *~~4548/2.693~~* *~~3265/P1.33~~* SECTION 976. 961.41 (1) (f) 2. of the statutes is
24 amended to read:

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

4 *~~4548/2.694~~* *~~3265/P1.34~~* **SECTION 977.** 961.41 (1) (f) 3. of the statutes is
5 amended to read:

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

9 *~~4548/2.695~~* *~~3265/P1.35~~* **SECTION 978.** 961.41 (1) (g) (intro.) of the
10 statutes is amended to read:

11 961.41 (1) (g) *Psilocin and psilocybin.* (intro.) Psilocin If the person violates
12 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
13 of psilocin or psilocybin, is subject to the following penalties if and the amount
14 manufactured, distributed or delivered is:

15 *~~4548/2.696~~* *~~3265/P1.36~~* **SECTION 979.** 961.41 (1) (g) 1. of the statutes is
16 amended to read:

17 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
18 than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7
19 years and 6 months is guilty of a Class G felony.

20 *~~4548/2.697~~* *~~3265/P1.37~~* **SECTION 980.** 961.41 (1) (g) 2. of the statutes is
21 amended to read:

22 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
23 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
24 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
25 F felony.

1 *~~4548/2.698~~* *~~3265/P1.38~~* SECTION 981. 961.41 (1) (g) 3. of the statutes is
2 amended to read:

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

6 *~~4548/2.699~~* *~~3265/P1.39~~* SECTION 982. 961.41 (1) (h) (intro.) of the
7 statutes is amended to read:

8 961.41 (1) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If the
9 person violates this subsection with respect to tetrahydrocannabinols, included
10 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
11 subject to the following penalties if and the amount manufactured, distributed or
12 delivered is:

13 *~~4548/2.700~~* *~~3265/P1.40~~* SECTION 983. 961.41 (1) (h) 1. of the statutes is
14 amended to read:

15 961.41 (1) (h) 1. Five Two hundred grams or less, or ~~10~~ 4 or fewer plants
16 containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor
17 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months
18 is guilty of a Class I felony.

19 *~~4548/2.701~~* *~~3265/P1.41~~* SECTION 984. 961.41 (1) (h) 2. of the statutes is
20 amended to read:

21 961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
22 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
23 plants containing tetrahydrocannabinols, the person shall be fined not less than
24 \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor
25 more than 7 years and 6 months is guilty of a Class H felony.

1 *~~4548/2.702~~* *~~3265/P1.42~~* **SECTION 985.** 961.41 (1) (h) 3. of the statutes is
2 amended to read:

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

8 *~~4548/2.703~~* *~~3265/P1.43~~* **SECTION 986.** 961.41 (1) (h) 4. of the statutes is
9 created to read:

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

13 *~~4548/2.704~~* *~~3265/P1.44~~* **SECTION 987.** 961.41 (1) (h) 5. of the statutes is
14 created to read:

15 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
16 tetrahydrocannabinols, the person is guilty of a Class E felony.

17 *~~4548/2.705~~* **SECTION 988.** 961.41 (1) (hm) (intro.) of the statutes, as affected
18 by 2001 Wisconsin 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-methylenedioxymethamphetamine,
23 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
24 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
25 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,

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

4 *~~4548/2.706~~* **SECTION 989.** 961.41 (1) (hm) 1. of the statutes, as created by
5 2001 Wisconsin Act 16, is amended to read:

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

9 *~~4548/2.707~~* **SECTION 990.** 961.41 (1) (hm) 2. of the statutes, as created by
10 2001 Wisconsin Act 16, is amended to read:

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

15 *~~4548/2.708~~* **SECTION 991.** 961.41 (1) (hm) 3. of the statutes, as created by
16 2001 Wisconsin Act 16, is amended to read:

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

21 *~~4548/2.709~~* **SECTION 992.** 961.41 (1) (hm) 4. of the statutes, as created by
22 2001 Wisconsin Act 16, is amended to read:

23 961.41 (1) (hm) 4. More than 50 grams but not more than 200 grams, the person
24 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned

1 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
2 felony.

3 *~~4548/2.710~~* **SECTION 993.** 961.41 (1) (hm) 5. of the statutes, as created by
4 2001 Wisconsin Act 16, is repealed.

5 *~~4548/2.711~~* **SECTION 994.** 961.41 (1) (hm) 6. of the statutes, as created by
6 2001 Wisconsin Act 16, is repealed.

7 *~~4548/2.712~~* *~~3265/P1.45~~* **SECTION 995.** 961.41 (1) (i) of the statutes is
8 amended to read:

9 961.41 (1) (i) Schedule IV drugs generally. Except as provided in par. (im), if
10 a person violates this subsection with respect to a substance included in schedule IV,
11 may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6
12 months or both the person is guilty of a Class H felony.

13 *~~4548/2.713~~* **SECTION 996.** 961.41 (1) (im) (intro.) of the statutes, as affected
14 by 2001 Wisconsin Act 16, is amended to read:

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

18 *~~4548/2.714~~* **SECTION 997.** 961.41 (1) (im) 1. of the statutes, as created by
19 2001 Wisconsin Act 16, is amended to read:

20 961.41 (1) (im) 1. Three grams or less, the person ~~shall be fined not less than~~
21 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
22 ~~6 months~~ is guilty of a Class F felony.

23 *~~4548/2.715~~* **SECTION 998.** 961.41 (1) (im) 2. of the statutes, as created by
24 2001 Wisconsin Act 16, is amended to read:

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.

5 *~~4548/2.716~~* **SECTION 999.** 961.41 (1) (im) 3. of the statutes, as created by
6 2001 Wisconsin Act 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.

11 *~~4548/2.717~~* **SECTION 1000.** 961.41 (1) (im) 4. of the statutes, as created by
12 2001 Wisconsin Act 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.

17 *~~4548/2.718~~* **SECTION 1001.** 961.41 (1) (im) 5. of the statutes, as created by
18 2001 Wisconsin Act 16, is repealed.

19 *~~4548/2.719~~* **SECTION 1002.** 961.41 (1) (im) 6. of the statutes, as created by
20 2001 Wisconsin Act 16, is repealed.

21 *~~4548/2.720~~* *~~3265/P1.46~~* **SECTION 1003.** 961.41 (1) (j) of the statutes is
22 amended to read:

23 961.41 (1) (j) Schedule V drugs. ~~A- If a person violates this subsection with~~
24 respect to a substance included in schedule V, may be fined not more than \$5,000 or
25 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

1 *~~4548/2.721~~* *~~3265/P1.47~~* **SECTION 1004.** 961.41 (1m) (intro.) of the
2 statutes is amended to read:

3 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
4 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
5 with intent to manufacture, distribute or deliver, a controlled substance or a
6 controlled substance analog. Intent under this subsection may be demonstrated by,
7 without limitation because of enumeration, evidence of the quantity and monetary
8 value of the substances possessed, the possession of manufacturing implements or
9 paraphernalia, and the activities or statements of the person in possession of the
10 controlled substance or a controlled substance analog prior to and after the alleged
11 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
12 following penalties:

13 *~~4548/2.722~~* *~~3265/P1.48~~* **SECTION 1005.** 961.41 (1m) (a) of the statutes is
14 amended to read:

15 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
16 in par. (d), if a person violates this subsection with respect to a controlled substance
17 included in schedule I or II which is a narcotic drug or a controlled substance analog
18 of a controlled substance included in schedule I or II which is a narcotic drug, may
19 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
20 months or both the person is guilty of a Class E felony.

21 *~~4548/2.723~~* *~~3265/P1.49~~* **SECTION 1006.** 961.41 (1m) (b) of the statutes,
22 as affected by 2001 Wisconsin Act 16, is amended to read:

23 961.41 (1m) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
24 provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect
25 to any other controlled substance included in schedule I, II, or III, or a controlled

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

4 *~~4548/2.724~~* *~~3265/P1.50~~* SECTION 1007. 961.41 (1m) (cm) (intro.) of the
5 statutes is amended to read:

6 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
7 this subsection with respect to cocaine or cocaine base, or a controlled substance
8 analog of cocaine or cocaine base, ~~is subject to the following penalties if and~~ the
9 amount possessed, with intent to manufacture, distribute or deliver, is:

10 *~~4548/2.725~~* *~~3265/P1.51~~* SECTION 1008. 961.41 (1m) (cm) 1. of the
11 statutes is renumbered 961.41 (1m) (cm) 1r. and amended to read:

12 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
13 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
14 ~~for not more than 15 years~~ is guilty of a Class F felony.

15 *~~4548/2.726~~* *~~3265/P1.52~~* SECTION 1009. 961.41 (1m) (cm) 1g. of the
16 statutes is created to read:

17 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

18 *~~4548/2.727~~* *~~3265/P1.53~~* SECTION 1010. 961.41 (1m) (cm) 2. of the
19 statutes is amended to read:

20 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
21 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~
22 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

23 *~~4548/2.728~~* *~~3265/P1.54~~* SECTION 1011. 961.41 (1m) (cm) 3. of the
24 statutes is amended to read:

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

4 *~~4548/2.729~~* *~~3265/P1.55~~* **SECTION 1012.** 961.41 (1m) (cm) 4. of the
5 statutes is amended to read:

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

9 *~~4548/2.730~~* *~~3265/P1.56~~* **SECTION 1013.** 961.41 (1m) (cm) 5. of the
10 statutes is repealed.

11 *~~4548/2.731~~* *~~3265/P1.57~~* **SECTION 1014.** 961.41 (1m) (d) (intro.) of the
12 statutes is amended to read:

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

17 *~~4548/2.732~~* *~~3265/P1.58~~* **SECTION 1015.** 961.41 (1m) (d) 1. of the statutes
18 is amended to read:

19 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
20 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
21 and 6 months is guilty of a Class F felony.

22 *~~4548/2.733~~* *~~3265/P1.59~~* **SECTION 1016.** 961.41 (1m) (d) 2. of the statutes
23 is amended to read:

24 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
25 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned

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

3 *~~4548/2.734~~* *~~3265/P1.60~~* SECTION 1017. 961.41 (1m) (d) 3. of the statutes
4 is amended to read:

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

9 *~~4548/2.735~~* *~~3265/P1.61~~* SECTION 1018. 961.41 (1m) (d) 4. of the statutes
10 is amended to read:

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

15 *~~4548/2.736~~* *~~3265/P1.62~~* SECTION 1019. 961.41 (1m) (d) 5. of the statutes
16 is repealed.

17 *~~4548/2.737~~* *~~3265/P1.63~~* SECTION 1020. 961.41 (1m) (d) 6. of the statutes
18 is repealed.

19 *~~4548/2.738~~* *~~3265/P1.64~~* SECTION 1021. 961.41 (1m) (e) (intro.) of the
20 statutes is amended to read:

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

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

3 *~~4548/2.739~~* *~~3265/P1.65~~* **SECTION 1022.** 961.41 (1m) (e) 1. of the statutes
4 is amended to read:

5 961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than
6 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and
7 6 months is guilty of a Class F felony.

8 *~~4548/2.740~~* *~~3265/P1.66~~* **SECTION 1023.** 961.41 (1m) (e) 2. of the statutes
9 is amended to read:

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

14 *~~4548/2.741~~* *~~3265/P1.67~~* **SECTION 1024.** 961.41 (1m) (e) 3. of the statutes
15 is amended to read:

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

20 *~~4548/2.742~~* *~~3265/P1.68~~* **SECTION 1025.** 961.41 (1m) (e) 4. of the statutes
21 is amended to read:

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

1 *~~4548/2.743~~* *~~3265/P1.69~~* SECTION 1026. 961.41 (1m) (e) 5. of the statutes
2 is repealed.

3 *~~4548/2.744~~* *~~3265/P1.70~~* SECTION 1027. 961.41 (1m) (e) 6. of the statutes
4 is repealed.

5 *~~4548/2.745~~* SECTION 1028. 961.41 (1m) (em) of the statutes is repealed.

6 *~~4548/2.746~~* *~~3265/P1.71~~* SECTION 1029. 961.41 (1m) (f) (intro.) of the
7 statutes is amended to read:

8 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates
9 this subsection with respect to lysergie acid diethylamide or a controlled substance
10 analog of lysergic acid diethylamide is subject to the following penalties if and the
11 amount possessed, with intent to manufacture, distribute or deliver, is:

12 *~~4548/2.747~~* *~~3265/P1.72~~* SECTION 1030. 961.41 (1m) (f) 1. of the statutes
13 is amended to read:

14 961.41 (1m) (f) 1. One gram or less, the person ~~shall be fined not less than~~
15 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
16 ~~6 months~~ is guilty of a Class G felony.

17 *~~4548/2.748~~* *~~3265/P1.73~~* SECTION 1031. 961.41 (1m) (f) 2. of the statutes
18 is amended to read:

19 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
20 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
21 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
22 F felony.

23 *~~4548/2.749~~* *~~3265/P1.74~~* SECTION 1032. 961.41 (1m) (f) 3. of the statutes
24 is amended to read:

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

4 *~~4548/2.750~~* *~~3265/P1.75~~* SECTION 1033. 961.41 (1m) (g) (intro.) of the
5 statutes is amended to read:

6 961.41 (1m) (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates
7 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
8 of psilocin or psilocybin, is subject to the following penalties if and the amount
9 possessed, with intent to manufacture, distribute or deliver, is:

10 *~~4548/2.751~~* *~~3265/P1.76~~* SECTION 1034. 961.41 (1m) (g) 1. of the statutes
11 is amended to read:

12 961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less
13 than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7
14 years and 6 months is guilty of a Class G felony.

15 *~~4548/2.752~~* *~~3265/P1.77~~* SECTION 1035. 961.41 (1m) (g) 2. of the statutes
16 is amended to read:

17 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
18 person shall be fined not less than \$1,000 nor more than \$200,000 and shall be
19 imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty
20 of a Class F felony.

21 *~~4548/2.753~~* *~~3265/P1.78~~* SECTION 1036. 961.41 (1m) (g) 3. of the statutes
22 is amended to read:

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

1 *~~4548/2.754~~* *~~3265/P1.79~~* SECTION 1037. 961.41 (1m) (h) (intro.) of the
2 statutes is amended to read:

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

8 *~~4548/2.755~~* *~~3265/P1.80~~* SECTION 1038. 961.41 (1m) (h) 1. of the statutes
9 is amended to read:

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

14 *~~4548/2.756~~* *~~3265/P1.81~~* SECTION 1039. 961.41 (1m) (h) 2. of the statutes
15 is amended to read:

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

21 *~~4548/2.757~~* *~~3265/P1.82~~* SECTION 1040. 961.41 (1m) (h) 3. of the statutes
22 is amended to read:

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

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

3 *~~4548/2.758~~* *~~3265/P1.83~~* **SECTION 1041.** 961.41 (1m) (h) 4. of the statutes
4 is created to read:

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

8 *~~4548/2.759~~* *~~3265/P1.84~~* **SECTION 1042.** 961.41 (1m) (h) 5. of the statutes
9 is created to read:

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

12 *~~4548/2.760~~* **SECTION 1043.** 961.41 (1m) (hm) (intro.) of the statutes, as
13 created by 2001 Wisconsin Act 16, is amended to read:

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

24 *~~4548/2.761~~* **SECTION 1044.** 961.41 (1m) (hm) 1. of the statutes, as created
25 by 2001 Wisconsin Act 16, is amended to read:

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

4 *~~4548/2.762~~* SECTION 1045. 961.41 (1m) (hm) 2. of the statutes, as created
5 by 2001 Wisconsin Act 16, is amended to read:

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

10 *~~4548/2.763~~* SECTION 1046. 961.41 (1m) (hm) 3. of the statutes, as created
11 by 2001 Wisconsin Act 16, is amended to read:

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

16 *~~4548/2.764~~* SECTION 1047. 961.41 (1m) (hm) 4. of the statutes, as created
17 by 2001 Wisconsin Act 16, is amended to read:

18 961.41 (1m) (hm) 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.

22 *~~4548/2.765~~* SECTION 1048. 961.41 (1m) (hm) 5. of the statutes, as created
23 by 2001 Wisconsin Act 16, is repealed.

24 *~~4548/2.766~~* SECTION 1049. 961.41 (1m) (hm) 6. of the statutes, as created
25 by 2001 Wisconsin Act 16, is repealed.

1 *~~4548/2.767~~* *~~3265/P1.85~~* SECTION 1050. 961.41 (1m) (i) of the statutes is
2 amended to read:

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

7 *~~4548/2.768~~* SECTION 1051. 961.41 (1m) (im) (intro.) of the statutes, as
8 affected by 2001 Wisconsin Act 16, is amended to read:

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

13 *~~4548/2.769~~* SECTION 1052. 961.41 (1m) (im) 1. of the statutes, as created by
14 2001 Wisconsin Act 16, is amended to read:

15 961.41 (1m) (im) 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 *~~4548/2.770~~* SECTION 1053. 961.41 (1m) (im) 2. of the statutes, as created by
19 2001 Wisconsin Act 16, is amended to read:

20 961.41 (1m) (im) 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 *~~4548/2.771~~* SECTION 1054. 961.41 (1m) (im) 3. of the statutes, as created by
25 2001 Wisconsin Act 16, is amended to read:

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

5 *~~4548/2.772~~* SECTION 1055. 961.41 (1m) (im) 4. of the statutes, as created by
6 2001 Wisconsin Act 16, is amended to read:

7 961.41 (1m) (im) 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.

11 *~~4548/2.773~~* SECTION 1056. 961.41 (1m) (im) 5. of the statutes, as created by
12 2001 Wisconsin Act 16, is repealed.

13 *~~4548/2.774~~* SECTION 1057. 961.41 (1m) (im) 6. of the statutes, as created by
14 2001 Wisconsin Act 16, is repealed.

15 *~~4548/2.775~~* *~~3265/P1.86~~* SECTION 1058. 961.41 (1m) (j) of the statutes is
16 amended to read:

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

20 *~~4548/2.776~~* *~~3265/P1.87~~* SECTION 1059. 961.41 (1n) (c) of the statutes is
21 amended to read:

22 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
23 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

24 *~~4548/2.777~~* *~~3265/P1.88~~* SECTION 1060. 961.41 (1q) of the statutes is
25 amended to read:

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

6 *~~4548/2.778~~* *~~3265/P1.89~~* **SECTION 1061.** 961.41 (1r) of the statutes is
7 amended to read:

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

18 *~~4548/2.779~~* *~~3265/P1.90~~* **SECTION 1062.** 961.41 (2) (intro.) of the statutes
19 is amended to read:

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

24 *~~4548/2.780~~* *~~3265/P1.91~~* **SECTION 1063.** 961.41 (2) (a) of the statutes is
25 amended to read:

1 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person
2 violates this subsection with respect to a counterfeit substance included in schedule
3 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
4 for not more than 22 years and 6 months or both the person is guilty of a Class E
5 felony.

6 *~~4548/2.781~~* *~~3265/P1.92~~* SECTION 1064. 961.41 (2) (b) of the statutes, as
7 affected by 2001 Wisconsin Act 16, is amended to read:

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

13 *~~4548/2.782~~* *~~3265/P1.93~~* SECTION 1065. 961.41 (2) (c) of the statutes is
14 repealed.

15 *~~4548/2.783~~* SECTION 1066. 961.41 (2) (cm) (title) of the statutes is created
16 to read:

17 961.41 (2) (cm) (title) Counterfeit flunitrazepam.

18 *~~4548/2.784~~* *~~3265/P1.94~~* SECTION 1067. 961.41 (2) (d) of the statutes is
19 amended to read:

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

24 *~~4548/2.785~~* *~~3265/P1.95~~* SECTION 1068. 961.41 (3g) (a) 1. of the statutes
25 is renumbered 961.41 (3g) (am) and amended to read:

1 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
2 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
3 which is a narcotic drug, or possesses a controlled substance analog of a controlled
4 substance included in schedule I or II which is a narcotic drug, the person may, upon
5 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
6 years or both, and, for a 2nd or subsequent offense, the person may be fined not more
7 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I
8 felony.

9 *~~4548/2.786~~* *~~3265/P1.96~~* **SECTION 1069.** 961.41 (3g) (a) 2. of the statutes
10 is repealed.

11 *~~4548/2.787~~* *~~3265/P1.97~~* **SECTION 1070.** 961.41 (3g) (a) 3. of the statutes
12 is repealed.

13 *~~4548/2.788~~* **SECTION 1071.** 961.41 (3g) (b) of the statutes is amended to read:
14 961.41 (3g) (b) Other drugs generally. Except as provided in pars. (c), (d), ~~(dm)~~,
15 (e) and (f), if the person possesses or attempts to possess a controlled substance or
16 controlled substance analog, other than a controlled substance included in schedule
17 I or II that is a narcotic drug or a controlled substance analog of a controlled
18 substance included in schedule I or II that is a narcotic drug, the person is guilty of
19 a misdemeanor, punishable under s. 939.61.

20 *~~4548/2.789~~* *~~3265/P1.99~~* **SECTION 1072.** 961.41 (3g) (c) of the statutes is
21 amended to read:

22 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
23 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
24 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
25 more than one year in the county jail upon a first conviction and is guilty of a Class

1 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
2 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
3 offense, the offender has at any time been convicted of any felony or misdemeanor
4 under this chapter or under any statute of the United States or of any state relating
5 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
6 or depressant, stimulant, or hallucinogenic drugs.

7 *~~4548/2.790~~* *~~3265/P1.100~~* SECTION 1073. 961.41 (3g) (d) of the statutes
8 is amended to read:

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

22 *~~4548/2.791~~* SECTION 1074. 961.41 (3g) (dm) of the statutes is repealed.

23 *~~4548/2.792~~* *~~3265/P1.101~~* SECTION 1075. 961.41 (3g) (e) of the statutes
24 is amended to read:

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

11 *~~4548/2.793~~* **SECTION 1076**. 961.41 (3g) (f) of the statutes is amended to read:

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

17 *~~4548/2.794~~* *~~3265/P1.103~~* **SECTION 1077**. 961.41 (4) (am) 3. of the statutes
18 is amended to read:

19 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph
20 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
21 is guilty of a Class I felony.

22 *~~4548/2.795~~* *~~3265/P1.104~~* **SECTION 1078**. 961.42 (2) of the statutes is
23 amended to read:

24 961.42 (2) Any person who violates this section ~~may be fined not more than~~
25 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

1 *~~4548/2.796~~* *~~3265/P1.105~~* **SECTION 1079.** 961.43 (2) of the statutes is
2 amended to read:

3 961.43 (2) Any person who violates this section may be ~~fin~~ed not more than
4 \$30,000 or imprisoned not more than 6 years or both is guilty of a Class H felony.

5 *~~4548/2.797~~* **SECTION 1080.** 961.437 (4) (a) of the statutes is amended to read:

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

9 *~~4548/2.798~~* **SECTION 1081.** 961.437 (4) (b) of the statutes is amended to read:

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

13 *~~4548/2.799~~* *~~3265/P1.106~~* **SECTION 1082.** 961.438 of the statutes is
14 repealed.

15 *~~4548/2.800~~* *~~3265/P1.107~~* **SECTION 1083.** 961.455 (1) of the statutes is
16 amended to read:

17 961.455 (1) Any person who has attained the age of 17 years who knowingly
18 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
19 age or under for the purpose of violating s. 961.41 (1) may be ~~fin~~ed not more than
20 \$50,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

21 *~~4548/2.801~~* *~~0590/P5.405~~* **SECTION 1084.** 961.455 (3) of the statutes is
22 amended to read:

23 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
24 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
25 939.30 or 948.35.

1 *~~4548/2.802~~* *~~3265/P1.108~~* **SECTION 1085.** 961.46 (1) of the statutes is
2 renumbered 961.46 and amended to read:

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

12 *~~4548/2.803~~* *~~3265/P1.109~~* **SECTION 1086.** 961.46 (2) of the statutes is
13 repealed.

14 *~~4548/2.804~~* *~~3265/P1.110~~* **SECTION 1087.** 961.46 (3) of the statutes is
15 repealed.

16 *~~4548/2.805~~* *~~3265/P1.111~~* **SECTION 1088.** 961.465 of the statutes is
17 repealed.

18 *~~4548/2.806~~* *~~3265/P1.112~~* **SECTION 1089.** 961.472 (2) of the statutes is
19 amended to read:

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