

1           **SECTION 770.** 943.34 (1) (a) of the statutes, as affected by 2001 Wisconsin Act  
2 16, is amended to read:

3           943.34 (1) (a) A Class A misdemeanor, if the value of the property does not  
4 exceed ~~\$2,500~~ \$1,000.

5           **SECTION 771.** 943.34 (1) (bf) of the statutes is created to read:

6           943.34 (1) (bf) A Class I felony, if the value of the property exceeds \$1,000 but  
7 does not exceed \$5,000.

8           **SECTION 772.** 943.34 (1) (bm) of the statutes is created to read:

9           943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but  
10 does not exceed \$10,000.

11           **SECTION 773.** 943.34 (1) (c) of the statutes is amended to read:

12           943.34 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~  
13 \$10,000.

14           **SECTION 774.** 943.38 (1) (intro.) of the statutes is amended to read:

15           943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a  
16 writing or object of any of the following kinds so that it purports to have been made  
17 by another, or at another time, or with different provisions, or by authority of one who  
18 did not give such authority, is guilty of a Class ~~C~~ H felony:

19           **SECTION 775.** 943.38 (2) of the statutes is amended to read:

20           943.38 (2) Whoever utters as genuine or possesses with intent to utter as false  
21 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have  
22 been thus falsely made or altered, is guilty of a Class ~~C~~ H felony.

23           **SECTION 776.** 943.39 (intro.) of the statutes is amended to read:

24           **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or  
25 defraud, does any of the following is guilty of a Class ~~D~~ H felony:

1           **SECTION 777.** 943.395 (2) (a) of the statutes, as affected by 2001 Wisconsin Act  
2 16, is amended to read:

3           943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or  
4 benefit does not exceed ~~\$2,500~~ \$1,000.

5           **SECTION 778.** 943.395 (2) (b) of the statutes, as affected by 2001 Wisconsin Act  
6 16, is amended to read:

7           943.395 (2) (b) Is guilty of a Class ~~E~~ I felony if the value of the claim or benefit  
8 exceeds ~~\$2,500~~ \$1,000.

9           **SECTION 779.** 943.40 (intro.) of the statutes is amended to read:

10           **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with  
11 intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:

12           **SECTION 780.** 943.41 (8) (b) of the statutes is amended to read:

13           943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)  
14 or (6m) is guilty of a Class ~~E~~ I felony.

15           **SECTION 781.** 943.41 (8) (c) of the statutes, as affected by 2001 Wisconsin Act  
16 16, is amended to read:

17           943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b), or (d),  
18 if the value of the money, goods, services, or property illegally obtained does not  
19 exceed ~~\$2,500~~ \$1,000 is guilty of a Class A misdemeanor. ~~If, if~~ if the value of the money,  
20 goods, services, or property exceeds ~~\$2,500~~ \$1,000 but does not exceed \$5,000, in a  
21 single transaction or in separate transactions within a period not exceeding 6  
22 months, the person is guilty of a Class ~~C~~ I felony; if the value of the money, goods,  
23 services, or property exceeds \$5,000 but does not exceed \$10,000, in a single  
24 transaction or in separate transactions within a period not exceeding 6 months, the  
25 person is guilty of a Class H felony; or if the value of money, goods, services, or

1 property exceeds \$10,000, in a single transaction or in separate transactions within  
2 a period not exceeding 6 months, the person is guilty of a Class G felony.

3 **SECTION 782.** 943.45 (3) (c) of the statutes is amended to read:

4 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)  
5 for direct or indirect commercial advantage or private financial gain is guilty of a  
6 Class ~~E felony~~ A misdemeanor.

7 **SECTION 783.** 943.45 (3) (d) of the statutes is amended to read:

8 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial  
9 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class  
10 ~~D I~~ felony.

11 **SECTION 784.** 943.455 (4) (c) of the statutes is amended to read:

12 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)  
13 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty  
14 of a Class ~~E felony~~ A misdemeanor.

15 **SECTION 785.** 943.455 (4) (d) of the statutes is amended to read:

16 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect  
17 commercial advantage or private financial gain as a 2nd or subsequent offense is  
18 guilty of a Class ~~D I~~ felony.

19 **SECTION 786.** 943.46 (4) (c) of the statutes is amended to read:

20 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)  
21 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty  
22 of a Class ~~E felony~~ A misdemeanor.

23 **SECTION 787.** 943.46 (4) (d) of the statutes is amended to read:

1           943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect  
2 commercial advantage or private financial gain as a 2nd or subsequent offense is  
3 guilty of a Class ~~D~~ I felony.

4           **SECTION 788.** 943.47 (3) (c) of the statutes is amended to read:

5           943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)  
6 for direct or indirect commercial advantage or private financial gain is guilty of a  
7 Class ~~E~~ felony A misdemeanor.

8           **SECTION 789.** 943.47 (3) (d) of the statutes is amended to read:

9           943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial  
10 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class  
11 ~~D~~ I felony.

12           **SECTION 790.** 943.49 (2) (b) 2. of the statutes is amended to read:

13           943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class ~~D~~ I felony if  
14 the violation occurs after the person has been convicted under this subsection.

15           **SECTION 791.** 943.50 (4) (a) of the statutes, as affected by 2001 Wisconsin Act  
16 16, is amended to read:

17           943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not  
18 exceed ~~\$2,500~~ \$1,000.

19           **SECTION 792.** 943.50 (4) (bf) of the statutes is created to read:

20           943.50 (4) (bf) A Class I felony, if the value of the merchandise exceeds \$1,000  
21 but does not exceed \$5,000.

22           **SECTION 793.** 943.50 (4) (bm) of the statutes is created to read:

23           943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000  
24 but does not exceed \$10,000.

25           **SECTION 794.** 943.50 (4) (c) of the statutes is amended to read:

1           943.50 (4) (c) A Class ~~C~~ G felony, if the value of the merchandise exceeds \$2,500  
2           \$10,000.

3           **SECTION 795.** 943.60 (1) of the statutes is amended to read:

4           943.60 (1) Any person who submits for filing, entering or recording any lien,  
5           claim of lien, lis pendens, writ of attachment, financing statement or any other  
6           instrument relating to a security interest in or title to real or personal property, and  
7           who knows or should have known that the contents or any part of the contents of the  
8           instrument are false, a sham or frivolous, is guilty of a Class ~~D~~ H felony.

9           **SECTION 796.** 943.61 (5) (a) of the statutes, as affected by 2001 Wisconsin Act  
10          16, is amended to read:

11          943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does  
12          not exceed ~~\$2,500~~ \$1,000.

13          **SECTION 797.** 943.61 (5) (bf) of the statutes is created to read:

14          943.61 (5) (bf) A Class I felony, if the value of the library materials exceeds  
15          \$1,000 but does not exceed \$2,500.

16          **SECTION 798.** 943.61 (5) (c) of the statutes is amended to read:

17          943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds  
18          \$2,500.

19          **SECTION 799.** 943.62 (4) (a) of the statutes, as affected by 2001 Wisconsin Act  
20          16, is amended to read:

21          943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or  
22          required refund, as applicable, does not exceed ~~\$2,500~~ \$500.

23          **SECTION 800.** 943.62 (4) (bf) of the statutes is created to read:

24          943.62 (4) (bf) A Class I felony, if the value of the advance payment or required  
25          refund, as applicable, exceeds \$500 but does not exceed \$2,500.

1           **SECTION 801.** 943.62 (4) (c) of the statutes is amended to read:

2           943.62 (4) (c) A Class ~~C~~ F felony, if the value of the advance payment or required  
3 refund, as applicable, exceeds \$2,500.

4           **SECTION 802.** 943.70 (2) (b) 2. of the statutes is amended to read:

5           943.70 (2) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or to  
6 obtain property.

7           **SECTION 803.** 943.70 (2) (b) 3. of the statutes is repealed.

8           **SECTION 804.** 943.70 (2) (b) 3g. of the statutes, as created by 2001 Wisconsin  
9 Act 16, is amended to read:

10           943.70 (2) (b) 3g. A Class ~~C~~ F felony if the offense results in damage valued at  
11 more than \$2,500.

12           **SECTION 805.** 943.70 (2) (b) 3r. of the statutes, as created by 2001 Wisconsin Act  
13 16, is amended to read:

14           943.70 (2) (b) 3r. A Class ~~C~~ F felony if the offense causes an interruption or  
15 impairment of governmental operations or public communication, of transportation,  
16 or of a supply of water, gas, or other public service.

17           **SECTION 806.** 943.70 (2) (b) 4. of the statutes is amended to read:

18           943.70 (2) (b) 4. A Class ~~C~~ F felony if the offense creates a substantial and  
19 unreasonable risk of death or great bodily harm to another.

20           **SECTION 807.** 943.70 (2) (c) 1. of the statutes, as created by 2001 Wisconsin Act  
21 16, is amended to read:

22           943.70 (2) (c) 1. In the case of a misdemeanor, the maximum fine prescribed by  
23 law for the crime may be increased by not more than \$1,000 and the maximum term  
24 of imprisonment prescribed by law for the crime may be increased so that the revised  
25 maximum term of imprisonment is ~~12 months~~ one year in the county jail.

1           **SECTION 808.** 943.70 (3) (b) 2. of the statutes is amended to read:

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

4           **SECTION 809.** 943.70 (3) (b) 3. of the statutes 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           **SECTION 810.** 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          **SECTION 811.** 943.75 (2) of the statutes is amended to read:

11          943.75 (2) Whoever intentionally releases an animal that is lawfully confined  
12 for companionship or protection of persons or property, recreation, exhibition, or  
13 educational purposes, acting without the consent of the owner or custodian of the  
14 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a  
15 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection  
16 by a person is a Class ~~E~~ I felony.

17          **SECTION 812.** 943.75 (2m) of the statutes is amended to read:

18          943.75 (2m) Whoever intentionally releases an animal that is lawfully  
19 confined for scientific, farming, restocking, research or commercial purposes, acting  
20 without the consent of the owner or custodian of the animal, is guilty of a Class ~~C~~ H  
21 felony.

22          **SECTION 813.** 943.76 (2) (a) of the statutes, as created by 2001 Wisconsin Act  
23 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           **SECTION 814.** 943.76 (2) (b) of the statutes, as created by 2001 Wisconsin Act  
5 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           **SECTION 815.** 944.05 (1) (intro.) of the statutes is amended to read:

10          944.05 (1) (intro.) Whoever does any of the following is guilty of a Class E I  
11 felony:

12          **SECTION 816.** 944.06 of the statutes is amended to read:

13          **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with  
14 a person he or she knows is a blood relative and such relative is in fact related in a  
15 degree within which the marriage of the parties is prohibited by the law of this state  
16 is guilty of a Class C F felony.

17          **SECTION 817.** 944.15 (title) of the statutes is repealed and recreated to read:

18          **944.15 (title) Public fornication.**

19          **SECTION 818.** 944.16 (intro.) of the statutes is amended to read:

20          **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a  
21 Class E I felony:

22          **SECTION 819.** 944.21 (5) (c) of the statutes is amended to read:

23          944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior  
24 convictions under this section, the person is guilty of a Class D H felony.

25          **SECTION 820.** 944.21 (5) (e) of the statutes is amended to read:



1           944.21 (5) (e) Regardless of the number of prior convictions, if the violation  
2 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,  
3 the person is guilty of a Class D H felony.

4           **SECTION 821.** 944.32 of the statutes is amended to read:

5           **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever  
6 intentionally solicits or causes any person to practice prostitution or establishes any  
7 person in a place of prostitution is guilty of a Class D H felony.

8           **SECTION 822.** 944.33 (2) of the statutes is amended to read:

9           944.33 (2) If the person received compensation from the earnings of the  
10 prostitute, such person is guilty of a Class C F felony.

11           **SECTION 823.** 944.34 (intro.) of the statutes is amended to read:

12           **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does  
13 any of the following is guilty of a Class D H felony:

14           **SECTION 824.** 945.03 (1m) (intro.) of the statutes is amended to read:

15           945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged  
16 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E  
17 I felony:

18           **SECTION 825.** 945.05 (1) (intro.) of the statutes, as affected by 2001 Wisconsin  
19 Act 16, is amended to read:

20           945.05 (1) (intro.) Except as provided in subs. (1e) (b) and (1m), whoever  
21 manufactures, transfers commercially or possesses with intent to transfer  
22 commercially either of the following is guilty of a Class E I felony:

23           **SECTION 826.** 945.08 (1) of the statutes is amended to read:

24           945.08 (1) Any person who, with intent to influence any participant to refrain  
25 from exerting full skill, speed, strength or endurance, transfers or promises any

1 property or any personal advantage to or on behalf of any participant in a contest of  
2 skill, speed, strength or endurance is guilty of a Class D H felony.

3 **SECTION 827.** 946.02 (1) (intro.) of the statutes is amended to read:

4 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F  
5 felony:

6 **SECTION 828.** 946.03 (1) (intro.) of the statutes is amended to read:

7 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F  
8 felony:

9 **SECTION 829.** 946.03 (2) of the statutes is amended to read:

10 946.03 (2) Whoever permits any premises under his or her care, control or  
11 supervision to be used by an assembly with knowledge that the purpose of the  
12 assembly is to advocate or teach the duty, necessity, desirability or propriety of  
13 overthrowing the government of the United States or this state by the use or threat  
14 of physical violence with intent that such government be overthrown or, after  
15 learning that the premises are being so used, permits such use to be continued is  
16 guilty of a Class E I felony.

17 **SECTION 830.** 946.05 (1) of the statutes is amended to read:

18 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts  
19 contempt upon the flag is guilty of a Class E I felony.

20 **SECTION 831.** 946.10 (intro.) of the statutes is amended to read:

21 **946.10 Bribery of public officers and employees.** (intro.) Whoever does  
22 either of the following is guilty of a Class D H felony:

23 **SECTION 832.** 946.11 (1) (intro.) of the statutes is amended to read:

24 946.11 (1) (intro.) Whoever does the following is guilty of a Class E I felony:

25 **SECTION 833.** 946.12 (intro.) of the statutes is amended to read:

1           **946.12 Misconduct in public office.** (intro.) Any public officer or public  
2 employee who does any of the following is guilty of a Class ~~E~~ I felony:

3           **SECTION 834.** 946.13 (1) (intro.) of the statutes is amended to read:

4           946.13 (1) (intro.) Any public officer or public employee who does any of the  
5 following is guilty of a Class ~~E~~ I felony:

6           **SECTION 835.** 946.14 of the statutes is amended to read:

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

12           **SECTION 836.** 946.15 (1) of the statutes is amended to read:

13           946.15 (1) Any employer, or any agent or employee of an employer, who induces  
14 any person who seeks to be or is employed pursuant to a public contract as defined  
15 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing  
16 wage rate determination has been issued by the department of workforce  
17 development under s. 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local  
18 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,  
19 waive or return any part of the compensation to which that person is entitled under  
20 his or her contract of employment or under the prevailing wage rate determination  
21 issued by the department or local governmental unit, or who reduces the hourly basic  
22 rate of pay normally paid to an employee for work on a project on which a prevailing  
23 wage rate determination has not been issued under s. 66.0903 (3) or (6), 103.49 (3),  
24 103.50 (3) or 229.8275 (3) during a week in which the employee works both on a  
25 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 **SECTION 837.** 946.15 (3) of the statutes is amended to read:

4 946.15 (3) Any employer or labor organization, or any agent or employee of an  
5 employer or labor organization, who induces any person who seeks to be or is  
6 employed on a project on which a prevailing wage rate determination has been issued  
7 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50  
8 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),  
9 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled  
10 under the prevailing wage rate determination issued by the department or local  
11 governmental unit to be deducted from the person's pay is guilty of a Class E I felony,  
12 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who  
13 is working on a project that is subject to 40 USC 276c.

14 **SECTION 838.** 946.31 (1) (intro.) of the statutes is amended to read:

15 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false  
16 material statement which the person does not believe to be true, in any matter, cause,  
17 action or proceeding, before any of the following, whether legally constituted or  
18 exercising powers as if legally constituted, is guilty of a Class D H felony:

19 **SECTION 839.** 946.32 (1) (intro.) of the statutes is amended to read:

20 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class D  
21 H felony:

22 **SECTION 840.** 946.41 (2m) (intro.) of the statutes is amended to read:

23 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following  
24 circumstances is guilty of a Class D H felony:

25 **SECTION 841.** 946.415 (2) (intro.) of the statutes is amended to read:

1           946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of  
2 a Class E I felony:

3           **SECTION 842.** 946.42 (3) (intro.) of the statutes is amended to read:

4           946.42 (3) (intro.) A person in custody who intentionally escapes from custody  
5 under any of the following circumstances is guilty of a Class D H felony:

6           **SECTION 843.** 946.42 (4) of the statutes is repealed.

7           **SECTION 844.** 946.425 (1) of the statutes is amended to read:

8           946.425 (1) Any person who is subject to a series of periods of imprisonment  
9 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as  
10 required under the sentence is guilty of a Class D H felony.

11          **SECTION 845.** 946.425 (1m) (b) of the statutes is amended to read:

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

16          **SECTION 846.** 946.425 (1r) (b) of the statutes is amended to read:

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

21          **SECTION 847.** 946.425 (2) of the statutes is repealed.

22          **SECTION 848.** 946.43 (1m) (intro.) of the statutes is amended to read:

23          946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,  
24 county or municipal detention facility who intentionally does any of the following is  
25 guilty of a Class C F felony:

1           **SECTION 849.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

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

8           **SECTION 850.** 946.44 (1) (intro.) of the statutes is amended to read:

9           946.44 **(1)** (intro.) Whoever does the following is guilty of a Class D H felony:

10          **SECTION 851.** 946.44 (1g) of the statutes is amended to read:

11          946.44 **(1g)** Any public officer or public employee who violates sub. (1) (a) or (b)  
12 is guilty of a Class C F felony.

13          **SECTION 852.** 946.44 (1m) of the statutes is amended to read:

14          946.44 **(1m)** Whoever intentionally introduces into an institution where  
15 prisoners are detained or transfers to a prisoner any firearm, whether loaded or  
16 unloaded, or any article used or fashioned in a manner to lead another person to  
17 believe it is a firearm, is guilty of a Class C F felony.

18          **SECTION 853.** 946.47 (1) (intro.) of the statutes is amended to read:

19          946.47 **(1)** (intro.) Whoever does either of the following is guilty of a Class E I  
20 felony:

21          **SECTION 854.** 946.48 (1) of the statutes is amended to read:

22          946.48 **(1)** Whoever sends, delivers, or causes to be transmitted to another any  
23 written or oral communication with intent to induce a false belief that the sender has  
24 knowledge of the whereabouts, physical condition, or terms imposed upon the return  
25 of a kidnapped or missing person is guilty of a Class D H felony.

1           **SECTION 855.** 946.49 (1) (b) of the statutes is amended to read:

2           946.49 (1) (b) If the offense with which the person is charged is a felony, guilty  
3 of a Class ~~D~~ H felony.

4           **SECTION 856.** 946.49 (2) of the statutes is amended to read:

5           946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is  
6 guilty of a Class ~~E~~ I felony for failure to appear as provided.

7           **SECTION 857.** 946.50 (5d) of the statutes is created to read:

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

10          **SECTION 858.** 946.50 (5h) of the statutes is 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          **SECTION 859.** 946.50 (5p) of the statutes is created to read:

14          946.50 (5p) A Class H felony, if the person was adjudicated delinquent for  
15 committing an act that would be a Class H felony if committed by an adult.

16          **SECTION 860.** 946.50 (5t) of the statutes is created to read:

17          946.50 (5t) A Class I felony, if the person was adjudicated delinquent for  
18 committing an act that would be a Class I felony if committed by an adult.

19          **SECTION 861.** 946.60 (1) of the statutes is amended to read:

20          946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,  
21 removes, withholds or transfers possession of a document, knowing that the  
22 document has been subpoenaed by a court or by or at the request of a district attorney  
23 or the attorney general, is guilty of a Class ~~E~~ I felony.

24          **SECTION 862.** 946.60 (2) of the statutes is amended to read:

1           946.60 (2) Whoever uses force, threat, intimidation or deception, with intent  
2 to cause or induce another person to destroy, alter, mutilate, conceal, remove,  
3 withhold or transfer possession of a subpoenaed document, knowing that the  
4 document has been subpoenaed by a court or by or at the request of a district attorney  
5 or the attorney general, is guilty of a Class E I felony.

6           **SECTION 863.** 946.61 (1) (intro.) of the statutes is amended to read:

7           946.61 (1) (intro.) Whoever does any of the following is guilty of a Class D H  
8 felony:

9           **SECTION 864.** 946.64 of the statutes is amended to read:

10          **946.64 Communicating with jurors.** Whoever, with intent to influence any  
11 person, summoned or serving as a juror, in relation to any matter which is before that  
12 person or which may be brought before that person, communicates with him or her  
13 otherwise than in the regular course of proceedings in the trial or hearing of that  
14 matter is guilty of a Class E I felony.

15          **SECTION 865.** 946.65 (1) of the statutes is amended to read:

16          946.65 (1) Whoever for a consideration knowingly gives false information to  
17 any officer of any court with intent to influence the officer in the performance of  
18 official functions is guilty of a Class E I felony.

19          **SECTION 866.** 946.68 (1r) (a) of the statutes is amended to read:

20          946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers  
21 to another any document which simulates legal process is guilty of a Class E I felony.

22          **SECTION 867.** 946.68 (1r) (b) of the statutes is amended to read:

23          946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent  
24 to induce payment of a claim, the person is guilty of a Class D H felony.

25          **SECTION 868.** 946.68 (1r) (c) of the statutes is amended to read:



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

3           **SECTION 869.** 946.69 (2) (intro.) of the statutes is amended to read:

4           946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I  
5 felony:

6           **SECTION 870.** 946.70 (2) of the statutes is amended to read:

7           946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet  
8 the commission of a crime other than the crime under this section is guilty of a Class  
9 D H felony.

10          **SECTION 871.** 946.72 (1) of the statutes is amended to read:

11          946.72 (1) Whoever with intent to injure or defraud destroys, damages,  
12 removes or conceals any public record is guilty of a Class D H felony.

13          **SECTION 872.** 946.74 (2) of the statutes is amended to read:

14          946.74 (2) Whoever violates sub. (1) with intent to commit a crime against  
15 sexual morality with or upon the inmate of the institution is guilty of a Class D H  
16 felony.

17          **SECTION 873.** 946.76 of the statutes is amended to read:

18          **946.76 Search warrant; premature disclosure.** Whoever discloses prior  
19 to its execution that a search warrant has been applied for or issued, except so far  
20 as may be necessary to its execution, is guilty of a Class E I felony.

21          **SECTION 874.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16,  
22 is amended to read:

23          946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
24 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission  
25 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),

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1 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
2 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
3 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
4 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,  
5 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(e)~~ and  
6 ~~(d)~~ (bf) to (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27,  
7 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41  
8 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 944.205, 944.21  
9 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,  
10 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,  
11 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

12 **SECTION 875.** 946.84 (1) of the statutes is amended to read:

13 946.84 (1) Any person convicted of engaging in racketeering activity in  
14 violation of s. 946.83 is guilty of a Class C E felony.

15 **SECTION 876.** 946.85 (1) of the statutes is amended to read:

16 946.85 (1) Any person who engages in a continuing criminal enterprise ~~shall~~  
17 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~  
18 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~  
19 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~  
20 ~~record~~ is guilty of a Class E felony.

21 **SECTION 877.** 947.013 (1t) of the statutes is amended to read:

22 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the  
23 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.  
24 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation  
25 occurs within 7 years of the prior conviction.

1           **SECTION 878.** 947.013 (1v) of the statutes is amended to read:

2           947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or  
3 she intentionally gains access to a record in electronic format that contains  
4 personally identifiable information regarding the victim in order to facilitate the  
5 violation under sub. (1r).

6           **SECTION 879.** 947.013 (1x) (intro.) of the statutes is amended to read:

7           947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following  
8 circumstances is guilty of a Class ~~D~~ H felony:

9           **SECTION 880.** 947.015 of the statutes is amended to read:

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

14          **SECTION 881.** 948.02 (2) of the statutes is amended to read:

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

18          **SECTION 882.** 948.02 (3) of the statutes is amended to read:

19          948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who  
20 has not attained the age of 16 years is guilty of a Class ~~C~~ F felony if that person has  
21 knowledge that another person intends to have, is having or has had sexual  
22 intercourse or sexual contact with the child, is physically and emotionally capable  
23 of taking action which will prevent the intercourse or contact from taking place or  
24 being repeated, fails to take that action and the failure to act exposes the child to an  
25 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 **SECTION 883.** 948.02 (3m) of the statutes is repealed.

4 **SECTION 884.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and  
5 amended to read:

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

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

9 **SECTION 885.** 948.025 (1) (b) of the statutes is created to read:

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

12 **SECTION 886.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and  
13 amended to read:

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

20 **SECTION 887.** 948.025 (2) (a) of the statutes is created to read:

21 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find  
22 the defendant guilty the members of the jury must unanimously agree that at least  
23 3 violations of s. 948.02 (1) occurred within the specified period of time but need not  
24 agree on which acts constitute the requisite number.

25 **SECTION 888.** 948.025 (2m) of the statutes is repealed.

1           **SECTION 889.** 948.03 (2) (a) of the statutes is amended to read:

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

4           **SECTION 890.** 948.03 (2) (b) of the statutes is amended to read:

5           948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of  
6 a Class D H felony.

7           **SECTION 891.** 948.03 (2) (c) of the statutes is amended to read:

8           948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct  
9 which creates a high probability of great bodily harm is guilty of a Class C F felony.

10          **SECTION 892.** 948.03 (3) (a) of the statutes is amended to read:

11          948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty  
12 of a Class D G felony.

13          **SECTION 893.** 948.03 (3) (b) of the statutes is amended to read:

14          948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a  
15 Class E I felony.

16          **SECTION 894.** 948.03 (3) (c) of the statutes is amended to read:

17          948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct  
18 which creates a high probability of great bodily harm is guilty of a Class D H felony.

19          **SECTION 895.** 948.03 (4) (a) of the statutes is amended to read:

20          948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class  
21 C F felony if that person has knowledge that another person intends to cause, is  
22 causing or has intentionally or recklessly caused great bodily harm to the child and  
23 is physically and emotionally capable of taking action which will prevent the bodily  
24 harm from occurring or being repeated, fails to take that action and the failure to act

1 exposes the child to an unreasonable risk of great bodily harm by the other person  
2 or facilitates the great bodily harm to the child that is caused by the other person.

3 **SECTION 896.** 948.03 (4) (b) of the statutes is amended to read:

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

11 **SECTION 897.** 948.03 (5) of the statutes is repealed.

12 **SECTION 898.** 948.04 (1) of the statutes is amended to read:

13 948.04 (1) Whoever is exercising temporary or permanent control of a child and  
14 causes mental harm to that child by conduct which demonstrates substantial  
15 disregard for the mental well-being of the child is guilty of a Class C F felony.

16 **SECTION 899.** 948.04 (2) of the statutes is amended to read:

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

23 **SECTION 900.** 948.05 (1) (intro.) of the statutes is amended to read:

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

4           **SECTION 901.** 948.05 (1m) of the statutes, as affected by 2001 Wisconsin Act 16,  
5 is amended to read:

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

13           **SECTION 902.** 948.05 (2) of the statutes is amended to read:

14           948.05 (2) A person responsible for a child's welfare who knowingly permits,  
15 allows or encourages the child to engage in sexually explicit conduct for a purpose  
16 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

17           **SECTION 903.** 948.055 (2) (a) of the statutes is amended to read:

18           948.055 (2) (a) A Class C F felony if the child has not attained the age of 13  
19 years.

20           **SECTION 904.** 948.055 (2) (b) of the statutes is amended to read:

21           948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years  
22 but has not attained the age of 18 years.

23           **SECTION 905.** 948.06 (intro.) of the statutes is amended to read:

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

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1           **SECTION 906.** 948.07 (intro.) of the statutes is amended to read:

2           **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the  
3 following acts, causes or attempts to cause any child who has not attained the age  
4 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class  
5 BC D felony:

6           **SECTION 907.** 948.08 of the statutes is amended to read:

7           **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits  
8 or causes any child to practice prostitution or establishes any child in a place of  
9 prostitution is guilty of a Class BC D felony.

10          **SECTION 908.** 948.095 (2) (intro.) of the statutes is amended to read:

11          948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a  
12 child who has attained the age of 16 years and who is not the defendant's spouse is  
13 guilty of a Class D H felony if all of the following apply:

14          **SECTION 909.** 948.11 (2) (a) (intro.) of the statutes, as affected by 2001  
15 Wisconsin Act 16, is amended to read:

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

20          **SECTION 910.** 948.11 (2) (am) (intro.) of the statutes, as affected by 2001  
21 Wisconsin Act 16, is amended to read:

22          948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with  
23 knowledge of the character and content of the description or narrative account,  
24 verbally communicates, by any means, a harmful description or narrative account



1 to a child, with or without monetary consideration, is guilty of a Class ~~E~~ I felony if  
2 any of the following applies:

3 **SECTION 911.** 948.12 (1m) (intro.) of the statutes, as affected by 2001 Wisconsin  
4 Act 16, is amended to read:

5 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic  
6 negative, photograph, motion picture, videotape, or other recording of a child  
7 engaged in sexually explicit conduct under all of the following circumstances is guilty  
8 of a Class ~~E~~ I felony:

9 **SECTION 912.** 948.12 (2m) (intro.) of the statutes, as created by 2001 Wisconsin  
10 Act 16, is amended to read:

11 948.12 (2m) (intro.) Whoever exhibits or plays a recording of a child engaged  
12 in sexually explicit conduct, if all of the following apply, is guilty of a Class ~~E~~ I felony:

13 **SECTION 913.** 948.13 (2) of the statutes is amended to read:

14 948.13 (2) Whoever has been convicted of a serious child sex offense and  
15 subsequently engages in an occupation or participates in a volunteer position that  
16 requires him or her to work or interact primarily and directly with children under  
17 16 years of age is guilty of a Class ~~C~~ F felony. This subsection does not apply to a  
18 person who is exempt under a court order issued under sub. (2m).

19 **SECTION 914.** 948.20 of the statutes is amended to read:

20 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,  
21 leaves any child in a place where the child may suffer because of neglect is guilty of  
22 a Class ~~D~~ G felony.

23 **SECTION 915.** 948.21 (1) of the statutes is amended to read:

24 948.21 (1) Any person who is responsible for a child's welfare who, through his  
25 or her actions or failure to take action, intentionally contributes to the neglect of the

1 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D  
2 felony.

3 **SECTION 916.** 948.22 (2) of the statutes is amended to read:

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

10 **SECTION 917.** 948.23 of the statutes is 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 **SECTION 918.** 948.24 (1) (intro.) of the statutes is amended to read:

15 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H  
16 felony:

17 **SECTION 919.** 948.30 (1) (intro.) of the statutes is amended to read:

18 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the  
19 following is guilty of a Class C E felony:

20 **SECTION 920.** 948.30 (2) (intro.) of the statutes is amended to read:

21 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the  
22 following is guilty of a Class B C felony:

23 **SECTION 921.** 948.31 (1) (b) of the statutes is amended to read:

24 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally  
25 causes a child to leave, takes a child away or withholds a child for more than 12 hours

1 beyond the court-approved period of physical placement or visitation period from a  
2 legal custodian with intent to deprive the custodian of his or her custody rights  
3 without the consent of the custodian is guilty of a Class C F felony. This paragraph  
4 is not applicable if the court has entered an order authorizing the person to so take  
5 or withhold the child. The fact that joint legal custody has been awarded to both  
6 parents by a court does not preclude a court from finding that one parent has  
7 committed a violation of this paragraph.

8 **SECTION 922.** 948.31 (2) of the statutes is amended to read:

9 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a  
10 child for more than 12 hours from the child's parents or, in the case of a nonmarital  
11 child whose parents do not subsequently intermarry under s. 767.60, from the child's  
12 mother or, if he has been granted legal custody, the child's father, without the consent  
13 of the parents, the mother or the father with legal custody, is guilty of a Class E I  
14 felony. This subsection is not applicable if legal custody has been granted by court  
15 order to the person taking or withholding the child.

16 **SECTION 923.** 948.31 (3) (intro.) of the statutes is amended to read:

17 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from  
18 the parent, who does any of the following is guilty of a Class C F felony:

19 **SECTION 924.** 948.35 of the statutes is repealed.

20 **SECTION 925.** 948.36 of the statutes is repealed.

21 **SECTION 926.** 948.40 (4) (a) of the statutes is amended to read:

22 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D  
23 felony; or

24 **SECTION 927.** 948.40 (4) (b) of the statutes is amended to read:

1           948.40 (4) (b) If the child's act which is encouraged or contributed to is a  
2 violation of a state or federal criminal law which is punishable as a felony, the person  
3 is guilty of a Class ~~D~~ H felony.

4           **SECTION 928.** 948.51 (3) (b) of the statutes is amended to read:

5           948.51 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~  
6 to another.

7           **SECTION 929.** 948.51 (3) (c) of the statutes is created to read:

8           948.51 (3) (c) A Class G felony if the act results in the death of another.

9           **SECTION 930.** 948.60 (2) (b) of the statutes is amended to read:

10          948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,  
11 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a  
12 Class ~~E~~ I felony.

13          **SECTION 931.** 948.60 (2) (c) of the statutes is amended to read:

14          948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the  
15 person under 18 years of age under par. (b) discharges the firearm and the discharge  
16 causes death to himself, herself or another.

17          **SECTION 932.** 948.605 (2) (a) of the statutes is amended to read:

18          948.605 (2) (a) Any individual who knowingly possesses a firearm at a place  
19 that the individual knows, or has reasonable cause to believe, is a school zone is  
20 guilty of a Class ~~A misdemeanor~~ I felony.

21          **SECTION 933.** 948.605 (3) (a) of the statutes is amended to read:

22          948.605 (3) (a) Any individual who knowingly, or with reckless disregard for  
23 the safety of another, discharges or attempts to discharge a firearm at a place the  
24 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

25          **SECTION 934.** 948.605 (4) of the statutes is repealed.

1           **SECTION 935.** 948.61 (2) (b) of the statutes is amended to read:

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

5           **SECTION 936.** 948.62 (1) (a) of the statutes is amended to read:

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

8           **SECTION 937.** 948.62 (1) (b) of the statutes is amended to read:

9           948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but  
10 does not exceed \$2,500.

11           **SECTION 938.** 948.62 (1) (bm) of the statutes is created to read:

12           948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but  
13 does not exceed \$5,000.

14           **SECTION 939.** 948.62 (1) (c) of the statutes is amended to read:

15           948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~  
16 \$5,000.

17           **SECTION 940.** 949.03 (1) (b) of the statutes is amended to read:

18           949.03 (1) (b) The commission or the attempt to commit any crime specified in  
19 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,  
20 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,  
21 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,  
22 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,  
23 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

24           **SECTION 941.** 950.04 (1v) (g) of the statutes is 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           **SECTION 942.** 950.04 (1v) (nt) of the statutes is created to read:

5           950.04 (1v) (nt) To attend a hearing on a petition for modification of a  
6 bifurcated sentence and provide a statement concerning modification of the  
7 bifurcated sentence, as provided under s. 302.113 (9g) (d).

8           **SECTION 943.** 951.18 (1) of the statutes is amended to read:

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

20           **SECTION 944.** 951.18 (2) of the statutes is amended to read:

21           951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A  
22 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I  
23 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or  
24 subsequent violation.

25           **SECTION 945.** 951.18 (2m) of the statutes is amended to read:

1           951.18 (2m) Any person who violates s. 951.095 is subject to a Class B  
2 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing  
3 that the animal that is the victim is used by a law enforcement agency or fire  
4 department to perform agency or department functions or duties, is guilty of a Class  
5 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the  
6 animal that is the victim is used by a law enforcement agency or fire department to  
7 perform agency or department functions or duties and causing injury to the animal,  
8 is guilty of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.095,  
9 knowing that the animal that is the victim is used by a law enforcement agency or  
10 fire department to perform agency or department functions or duties and causing  
11 death to the animal, is guilty of a Class ~~D~~ H felony.

12           **SECTION 946.** 961.41 (1) (intro.) of the statutes is amended to read:

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

17           **SECTION 947.** 961.41 (1) (a) of the statutes is amended to read:

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

24           **SECTION 948.** 961.41 (1) (b) of the statutes, as affected by 2001 Wisconsin Act  
25 16, is amended to read:

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

7           **SECTION 949.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

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

12           **SECTION 950.** 961.41 (1) (cm) 1. of the statutes is renumbered 961.41 (1) (cm)  
13 1r. and amended to read:

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

17           **SECTION 951.** 961.41 (1) (cm) 1g. of the statutes is created to read:

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

19           **SECTION 952.** 961.41 (1) (cm) 2. of the statutes is amended to read:

20           961.41 (1) (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           **SECTION 953.** 961.41 (1) (cm) 3. of the statutes is amended to read:



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

4           **SECTION 954.** 961.41 (1) (cm) 4. of the statutes is amended to read:

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

8           **SECTION 955.** 961.41 (1) (cm) 5. of the statutes is repealed.

9           **SECTION 956.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

10          961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with  
11 respect to heroin or a controlled substance analog of heroin is subject to the following  
12 penalties if and the amount manufactured, distributed or delivered is:

13          **SECTION 957.** 961.41 (1) (d) 1. of the statutes is amended to read:

14          961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~  
15 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~  
16 ~~and 6 months~~ is guilty of a Class F felony.

17          **SECTION 958.** 961.41 (1) (d) 2. of the statutes is amended to read:

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

22          **SECTION 959.** 961.41 (1) (d) 3. of the statutes is amended to read:

23          961.41 (1) (d) 3. More than 10 grams but not more than 50 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 one year nor more than 22 years and 6 months is guilty of a Class~~  
2 D felony.

3 **SECTION 960.** 961.41 (1) (d) 4. of the statutes is amended to read:

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

8 **SECTION 961.** 961.41 (1) (d) 5. of the statutes is repealed.

9 **SECTION 962.** 961.41 (1) (d) 6. of the statutes is repealed.

10 **SECTION 963.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

11 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and  
12 methcathinone. (intro.) Phencyclidine ~~If the person violates this subsection with~~  
13 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a  
14 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or  
15 methcathinone, is subject to the following penalties if and the amount  
16 manufactured, distributed, or delivered is:

17 **SECTION 964.** 961.41 (1) (e) 1. of the statutes is amended to read:

18 961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than  
19 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and  
20 6 months is guilty of a Class F felony.

21 **SECTION 965.** 961.41 (1) (e) 2. of the statutes is amended to read:

22 961.41 (1) (e) 2. More than 3 grams but not more than 10 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 E felony.

1           **SECTION 966.** 961.41 (1) (e) 3. of the statutes is amended to read:

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

6           **SECTION 967.** 961.41 (1) (e) 4. of the statutes is amended to read:

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

11           **SECTION 968.** 961.41 (1) (e) 5. of the statutes is repealed.

12           **SECTION 969.** 961.41 (1) (e) 6. of the statutes is repealed.

13           **SECTION 970.** 961.41 (1) (em) of the statutes is repealed.

14           **SECTION 971.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

15           961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the person violates  
16 this subsection with respect to lysergic acid diethylamide or a controlled substance  
17 analog of lysergic acid diethylamide is subject to the following penalties if and the  
18 amount manufactured, distributed, or delivered is:

19           **SECTION 972.** 961.41 (1) (f) 1. of the statutes is 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           **SECTION 973.** 961.41 (1) (f) 2. of the statutes is 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           **SECTION 974.** 961.41 (1) (f) 3. of the statutes is amended to read:

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

8           **SECTION 975.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

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

13           **SECTION 976.** 961.41 (1) (g) 1. of the statutes is amended to read:

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

17           **SECTION 977.** 961.41 (1) (g) 2. of the statutes is amended to read:

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

22           **SECTION 978.** 961.41 (1) (g) 3. of the statutes is amended to read:

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

1           **SECTION 979.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

2           961.41 (1) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If the  
3 person violates this subsection with respect to tetrahydrocannabinols, included  
4 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is  
5 subject to the following penalties if and the amount manufactured, distributed or  
6 delivered is:

7           **SECTION 980.** 961.41 (1) (h) 1. of the statutes is amended to read:

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

12           **SECTION 981.** 961.41 (1) (h) 2. of the statutes is amended to read:

13           961.41 (1) (h) 2. ~~More than 500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,  
14 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20  
15 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~  
16 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~  
17 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

18           **SECTION 982.** 961.41 (1) (h) 3. of the statutes is amended to read:

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

24           **SECTION 983.** 961.41 (1) (h) 4. of the statutes is created to read:

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

4           **SECTION 984.** 961.41 (1) (h) 5. of the statutes is created to read:

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

7           **SECTION 985.** 961.41 (1) (hm) (intro.) of the statutes, as affected by 2001  
8 Wisconsin Act 16, is amended to read:

9           961.41 (1) (hm) Certain other schedule I controlled substances and ketamine.  
10 (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect  
11 to ~~gamma-hydroxybutyric~~ acid, gamma-butyrolactone,  
12 3,4-methylenedioxymethamphetamine,  
13 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,  
14 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,  
15 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,  
16 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine ~~is~~  
17 ~~subject to the following penalties if and~~ the amount manufactured, distributed, or  
18 delivered is:

19           **SECTION 986.** 961.41 (1) (hm) 1. of the statutes, as created by 2001 Wisconsin  
20 Act 16, is amended to read:

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

24           **SECTION 987.** 961.41 (1) (hm) 2. of the statutes, as created by 2001 Wisconsin  
25 Act 16, is amended to read:

1           961.41 (1) (hm) 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           **SECTION 988.** 961.41 (1) (hm) 3. of the statutes, as created by 2001 Wisconsin  
6 Act 16, is amended to read:

7           961.41 (1) (hm) 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           **SECTION 989.** 961.41 (1) (hm) 4. of the statutes, as created by 2001 Wisconsin  
12 Act 16, is amended to read:

13           961.41 (1) (hm) 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           **SECTION 990.** 961.41 (1) (hm) 5. of the statutes, as created by 2001 Wisconsin  
18 Act 16, is repealed.

19           **SECTION 991.** 961.41 (1) (hm) 6. of the statutes, as created by 2001 Wisconsin  
20 Act 16, is repealed.

21           **SECTION 992.** 961.41 (1) (i) of the statutes is amended to read:

22           961.41 (1) (i) Schedule IV drugs generally. Except as provided in par. (im), if  
23 a person violates this subsection with respect to a substance included in schedule IV,  
24 may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6  
25 months or both the person is guilty of a Class H felony.

1           **SECTION 993.** 961.41 (1) (im) (intro.) of the statutes, as affected by 2001  
2 Wisconsin Act 16, is amended to read:

3           961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~  
4 ~~following penalties if~~ If a person violates this subsection with respect to  
5 flunitrazepam and the amount manufactured, distributed, or delivered is:

6           **SECTION 994.** 961.41 (1) (im) 1. of the statutes, as created by 2001 Wisconsin  
7 Act 16, is amended to read:

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

11           **SECTION 995.** 961.41 (1) (im) 2. of the statutes, as created by 2001 Wisconsin  
12 Act 16, is amended to read:

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

17           **SECTION 996.** 961.41 (1) (im) 3. of the statutes, as created by 2001 Wisconsin  
18 Act 16, is amended to read:

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

23           **SECTION 997.** 961.41 (1) (im) 4. of the statutes, as created by 2001 Wisconsin  
24 Act 16, is amended to read:



1           961.41 (1) (im) 4. More than 50 grams but not more than 200 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 3 years nor more than 22 years and 6 months~~ is guilty of a Class C  
4 felony.

5           **SECTION 998.** 961.41 (1) (im) 5. of the statutes, as created by 2001 Wisconsin  
6 Act 16, is repealed.

7           **SECTION 999.** 961.41 (1) (im) 6. of the statutes, as created by 2001 Wisconsin  
8 Act 16, is repealed.

9           **SECTION 1000.** 961.41 (1) (j) of the statutes is amended to read:

10           961.41 (1) (j) Schedule V drugs. ~~A- If a person violates this subsection with~~  
11 ~~respect to a substance included in schedule V, may be fined not more than \$5,000 or~~  
12 ~~imprisoned for not more than 2 years or both~~ the person is guilty of a Class I felony.

13           **SECTION 1001.** 961.41 (1m) (intro.) of the statutes is amended to read:

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

24           **SECTION 1002.** 961.41 (1m) (a) of the statutes is amended to read:

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

7           **SECTION 1003.** 961.41 (1m) (b) of the statutes, as affected by 2001 Wisconsin  
8 Act 16, is amended to read:

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

15           **SECTION 1004.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

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

20           **SECTION 1005.** 961.41 (1m) (cm) 1. of the statutes is renumbered 961.41 (1m)  
21 (cm) 1r. and amended to read:

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

25           **SECTION 1006.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

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

2           **SECTION 1007.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

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

6           **SECTION 1008.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

7           961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the  
8 person shall be fined not more than ~~\$500,000~~ and shall be imprisoned for not less  
9 than ~~3 years~~ nor more than ~~30 years~~ is guilty of a Class D felony.

10          **SECTION 1009.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

11          961.41 (1m) (cm) 4. More than 40 grams but not more than ~~100 grams~~, the  
12 person shall be fined not more than ~~\$500,000~~ and shall be imprisoned for not less  
13 than ~~5 years~~ nor more than ~~45 years~~ is guilty of a Class C felony.

14          **SECTION 1010.** 961.41 (1m) (cm) 5. of the statutes is repealed.

15          **SECTION 1011.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

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

20          **SECTION 1012.** 961.41 (1m) (d) 1. of the statutes is amended to read:

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

24          **SECTION 1013.** 961.41 (1m) (d) 2. of the statutes is amended to read:

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**SECTION 1013**

1           961.41 (1m) (d) 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 \$200,000 and shall be imprisoned~~  
3 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class  
4 E felony.

5           **SECTION 1014.** 961.41 (1m) (d) 3. of the statutes is amended to read:

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

10          **SECTION 1015.** 961.41 (1m) (d) 4. of the statutes 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          **SECTION 1016.** 961.41 (1m) (d) 5. of the statutes is repealed.

16          **SECTION 1017.** 961.41 (1m) (d) 6. of the statutes is repealed.

17          **SECTION 1018.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

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

24          **SECTION 1019.** 961.41 (1m) (e) 1. of the statutes is amended to read:

1           961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than  
2           \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and  
3           6 months is guilty of a Class F felony.

4           **SECTION 1020.** 961.41 (1m) (e) 2. of the statutes is amended to read:

5           961.41 (1m) (c) 2. More than 3 grams but not more than 10 grams, the person  
6           shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
7           for not less than 6 months nor more than 7 years and 6 months is guilty of a Class  
8           E felony.

9           **SECTION 1021.** 961.41 (1m) (e) 3. of the statutes is amended to read:

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

14          **SECTION 1022.** 961.41 (1m) (e) 4. of the statutes is amended to read:

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

19          **SECTION 1023.** 961.41 (1m) (e) 5. of the statutes is repealed.

20          **SECTION 1024.** 961.41 (1m) (e) 6. of the statutes is repealed.

21          **SECTION 1025.** 961.41 (1m) (em) of the statutes is repealed.

22          **SECTION 1026.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

23          961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates  
24          this subsection with respect to lysergic acid diethylamide or a controlled substance

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**SECTION 1026**

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

3 **SECTION 1027.** 961.41 (1m) (f) 1. of the statutes is amended to read:

4 961.41 (1m) (f) 1. One gram or less, the person shall be fined not less than  
5 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and  
6 6 months is guilty of a Class G felony.

7 **SECTION 1028.** 961.41 (1m) (f) 2. of the statutes is amended to read:

8 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person  
9 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
10 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class  
11 F felony.

12 **SECTION 1029.** 961.41 (1m) (f) 3. of the statutes is amended to read:

13 961.41 (1m) (f) 3. More than 5 grams, the person shall be fined not less than  
14 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
15 nor more than 22 years and 6 months is guilty of a Class E felony.

16 **SECTION 1030.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

17 961.41 (1m) (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates  
18 this subsection with respect to psilocin or psilocybin, or a controlled substance analog  
19 of psilocin or psilocybin, is subject to the following penalties if and the amount  
20 possessed, with intent to manufacture, distribute or deliver, is:

21 **SECTION 1031.** 961.41 (1m) (g) 1. of the statutes is amended to read:

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

25 **SECTION 1032.** 961.41 (1m) (g) 2. of the statutes is amended to read:

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

5           **SECTION 1033.** 961.41 (1m) (g) 3. of the statutes is amended to read:

6           961.41 (1m) (g) 3. More than 500 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           **SECTION 1034.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

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

15          **SECTION 1035.** 961.41 (1m) (h) 1. of the statutes is amended to read:

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

20          **SECTION 1036.** 961.41 (1m) (h) 2. of the statutes is amended to read:

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

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1           **SECTION 1037.** 961.41 (1m) (h) 3. of the statutes is amended to read:

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

7           **SECTION 1038.** 961.41 (1m) (h) 4. of the statutes is created to read:

8           961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or  
9           more than 50 plants containing tetrahydrocannabinols but not more than 200 plants  
10           containing tetrahydrocannabinols, the person is guilty of a Class F felony.

11           **SECTION 1039.** 961.41 (1m) (h) 5. of the statutes is created to read:

12           961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing  
13           tetrahydrocannabinols, the person is guilty of a Class E felony.

14           **SECTION 1040.** 961.41 (1m) (hm) (intro.) of the statutes, as created by 2001  
15           Wisconsin Act 16, is amended to read:

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



1           **SECTION 1041.** 961.41 (1m) (hm) 1. of the statutes, as created by 2001  
2 Wisconsin Act 16, is amended to read:

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

6           **SECTION 1042.** 961.41 (1m) (hm) 2. of the statutes, as created by 2001  
7 Wisconsin Act 16, is amended to read:

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

12           **SECTION 1043.** 961.41 (1m) (hm) 3. of the statutes, as created by 2001  
13 Wisconsin Act 16, is amended to read:

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

18           **SECTION 1044.** 961.41 (1m) (hm) 4. of the statutes, as created by 2001  
19 Wisconsin Act 16, is amended to read:

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

24           **SECTION 1045.** 961.41 (1m) (hm) 5. of the statutes, as created by 2001  
25 Wisconsin Act 16, is repealed.

1           **SECTION 1046.** 961.41 (1m) (hm) 6. of the statutes, as created by 2001  
2 Wisconsin Act 16, is repealed.

3           **SECTION 1047.** 961.41 (1m) (i) of the statutes is amended to read:

4           961.41 (1m) (i) Schedule IV drugs generally. Except as provided in par. (im),  
5 if a person violates this subsection with respect to a substance included in schedule  
6 IV, ~~may be fined not more than \$10,000 or imprisoned for not more than 4 years and~~  
7 ~~6 months or both~~ the person is guilty of a Class H felony.

8           **SECTION 1048.** 961.41 (1m) (im) (intro.) of the statutes, as affected by 2001  
9 Wisconsin Act 16, is amended to read:

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

14           **SECTION 1049.** 961.41 (1m) (im) 1. of the statutes, as created by 2001 Wisconsin  
15 Act 16, is amended to read:

16           961.41 (1m) (im) 1. Three grams or less, the person ~~shall be fined not less than~~  
17 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~  
18 ~~6 months~~ is guilty of a Class F felony.

19           **SECTION 1050.** 961.41 (1m) (im) 2. of the statutes, as created by 2001 Wisconsin  
20 Act 16, is amended to read:

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

1           **SECTION 1051.** 961.41 (1m) (im) 3. of the statutes, as created by 2001 Wisconsin  
2 Act 16, is amended to read:

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

7           **SECTION 1052.** 961.41 (1m) (im) 4. of the statutes, as created by 2001 Wisconsin  
8 Act 16, is amended to read:

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

13           **SECTION 1053.** 961.41 (1m) (im) 5. of the statutes, as created by 2001 Wisconsin  
14 Act 16, is repealed.

15           **SECTION 1054.** 961.41 (1m) (im) 6. of the statutes, as created by 2001 Wisconsin  
16 Act 16, is repealed.

17           **SECTION 1055.** 961.41 (1m) (j) of the statutes is amended to read:

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

21           **SECTION 1056.** 961.41 (1n) (c) of the statutes is 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           **SECTION 1057.** 961.41 (1q) of the statutes is 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           **SECTION 1058.** 961.41 (1r) of the statutes is amended to read:

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

17          **SECTION 1059.** 961.41 (2) (intro.) of the statutes is amended to read:

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

22          **SECTION 1060.** 961.41 (2) (a) of the statutes is amended to read:

23          961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~-A- If a person~~  
24          violates this subsection with respect to a counterfeit substance included in schedule  
25          I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned

1 ~~for not more than 22 years and 6 months or both~~ the person is guilty of a Class E  
2 felony.

3 **SECTION 1061.** 961.41 (2) (b) of the statutes, as affected by 2001 Wisconsin Act  
4 16, is amended to read:

5 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Except as provided  
6 in pars. (a) and (bm), and (cm), if a person violates this subsection with respect to any  
7 other counterfeit substance included in schedule I, II or, III, may be fined not more  
8 than \$15,000 or imprisoned for not more than 7 years and 6 months or both or IV, the  
9 person is guilty of a Class H felony.

10 **SECTION 1062.** 961.41 (2) (c) of the statutes is repealed.

11 **SECTION 1063.** 961.41 (2) (cm) (title) of the statutes is created to read:

12 961.41 (2) (cm) (title) Counterfeit flunitrazepam.

13 **SECTION 1064.** 961.41 (2) (d) of the statutes is amended to read:

14 961.41 (2) (d) Counterfeit schedule V drugs. ~~A~~ If a person violates this  
15 subsection with respect to a counterfeit substance included in schedule V, may be  
16 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person  
17 is guilty of a Class I felony.

18 **SECTION 1065.** 961.41 (3g) (a) 1. of the statutes is renumbered 961.41 (3g) (am)  
19 and amended to read:

20 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~  
21 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II  
22 which is a narcotic drug, or possesses a controlled substance analog of a controlled  
23 substance included in schedule I or II which is a narcotic drug, the person may, upon  
24 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2  
25 years or both, and, for a 2nd or subsequent offense, the person may be fined not more

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**SECTION 1065**

1 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I  
2 felony.

3 **SECTION 1066.** 961.41 (3g) (a) 2. of the statutes is repealed.

4 **SECTION 1067.** 961.41 (3g) (a) 3. of the statutes is repealed.

5 **SECTION 1068.** 961.41 (3g) (b) of the statutes is amended to read:

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

12 **SECTION 1069.** 961.41 (3g) (c) of the statutes is amended to read:

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

23 **SECTION 1070.** 961.41 (3g) (d) of the statutes is amended to read:

24 961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person  
25 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,

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

12 **SECTION 1071.** 961.41 (3g) (dm) of the statutes is repealed.

13 **SECTION 1072.** 961.41 (3g) (e) of the statutes is amended to read:

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

24 **SECTION 1073.** 961.41 (3g) (f) of the statutes is amended to read:

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1           961.41 (3g) (f) Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine,  
2 or flunitrazepam. If a person possesses or attempts to possess  
3 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,  
4 the person may be fined not more than \$5,000 or imprisoned for not more than 2 years  
5 or both is guilty of a Class H felony.

6           **SECTION 1074.** 961.41 (4) (am) 3. of the statutes is amended to read:

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

10          **SECTION 1075.** 961.42 (2) of the statutes is amended to read:

11          961.42 (2) Any person who violates this section ~~may be fined not more than~~  
12 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

13          **SECTION 1076.** 961.43 (2) of the statutes is amended to read:

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

16          **SECTION 1077.** 961.437 (4) (a) of the statutes is amended to read:

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

20          **SECTION 1078.** 961.437 (4) (b) of the statutes is amended to read:

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

24          **SECTION 1079.** 961.438 of the statutes is repealed.

25          **SECTION 1080.** 961.455 (1) of the statutes is amended to read:



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

5           **SECTION 1081.** 961.455 (3) of the statutes is amended to read:

6           961.455 (3) Solicitation under sub. (1) occurs in the manner described under  
7 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.  
8 939.30 ~~or 948.35.~~

9           **SECTION 1082.** 961.46 (1) of the statutes is renumbered 961.46 and amended  
10 to read:

11           **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~  
12 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing  
13 or delivering a controlled substance included in schedule I or II which is a narcotic  
14 drug or a controlled substance analog of a controlled substance included in schedule  
15 I or II which is a narcotic drug to a person 17 years of age or under who is at least  
16 3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or  
17 a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the  
18 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the  
19 offense may be increased by not more than 5 years.

20           **SECTION 1083.** 961.46 (2) of the statutes is repealed.

21           **SECTION 1084.** 961.46 (3) of the statutes is repealed.

22           **SECTION 1085.** 961.465 of the statutes is repealed.

23           **SECTION 1086.** 961.472 (2) of the statutes is amended to read:

24           961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found  
25 guilty of possession or attempted possession of a controlled substance or controlled

1 substance analog under s. 961.41 (3g) ~~(a) 2, (am), (c), or (d) or (dm)~~, the court shall  
2 order the person to comply with an assessment of the person's use of controlled  
3 substances. The court's order shall designate a facility that is operated by or  
4 pursuant to a contract with the county department established under s. 51.42 and  
5 that is certified by the department of health and family services to provide  
6 assessment services to perform the assessment and, if appropriate, to develop a  
7 proposed treatment plan. The court shall notify the person that noncompliance with  
8 the order limits the court's ability to determine whether the treatment option under  
9 s. 961.475 is appropriate. The court shall also notify the person of the fee provisions  
10 under s. 46.03 (18) (fm).

11 **SECTION 1087.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and  
12 amended to read:

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

20 **SECTION 1088.** 961.48 (1) (a) and (b) of the statutes are created to read:

21 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

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

23 **SECTION 1089.** 961.48 (2) of the statutes is repealed.

24 **SECTION 1090.** 961.48 (2m) (a) of the statutes is amended to read:

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

9           **SECTION 1091.** 961.48 (3) of the statutes is amended to read:

10           961.48 (3) For purposes of this section, an a felony offense under this chapter  
11 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the  
12 offense, the offender has at any time been convicted of any felony or misdemeanor  
13 offense under this chapter or under any statute of the United States or of any state  
14 relating to controlled substances or controlled substance analogs, narcotic drugs,  
15 marijuana or depressant, stimulant or hallucinogenic drugs.

16           **SECTION 1092.** 961.48 (4) of the statutes is repealed.

17           **SECTION 1093.** 961.49 (1) of the statutes is renumbered 961.49, and 961.49  
18 (intro.), as renumbered, is amended to read:

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

1 and the delivery, distribution or possession takes place under any of the following  
2 circumstances, the maximum term of imprisonment prescribed by law for that crime  
3 may be increased by 5 years:

4 **SECTION 1094.** 961.49 (2) of the statutes is repealed.

5 **SECTION 1095.** 961.49 (3) of the statutes is repealed.

6 **SECTION 1096.** 961.492 of the statutes is repealed.

7 **SECTION 1097.** 961.55 (1) (d) 3. of the statutes is amended to read:

8 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41  
9 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

10 **SECTION 1098.** 961.573 (3) of the statutes is amended to read:

11 961.573 (3) No person may use, or possess with the primary intent to use, drug  
12 paraphernalia to manufacture, compound, convert, produce, process, prepare, test,  
13 analyze, pack, repack or store methamphetamine or a controlled substance analog  
14 of methamphetamine in violation of this chapter. Any person who violates this  
15 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~  
16 ~~years or both~~ is guilty of a Class H felony.

17 **SECTION 1099.** 961.574 (3) of the statutes is amended to read:

18 961.574 (3) No person may deliver, possess with intent to deliver, or  
19 manufacture with intent to deliver, drug paraphernalia, knowing that it will be  
20 primarily used to manufacture, compound, convert, produce, process, prepare, test,  
21 analyze, pack, repack or store methamphetamine or a controlled substance analog  
22 of methamphetamine in violation of this chapter. Any person who violates this  
23 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~  
24 ~~years or both~~ is guilty of a Class H felony.

25 **SECTION 1100.** 961.575 (3) of the statutes is amended to read: