

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

3 **SECTION 777.** 943.40 (intro.) of the statutes is amended to read:

4 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
5 intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:

6 **SECTION 778.** 943.41 (8) (b) of the statutes is amended to read:

7 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
8 or (6m) is guilty of a Class ~~E~~ I felony.

9 **SECTION 779.** 943.41 (8) (c) of the statutes, as affected by 2001 Wisconsin Act
10 16, is amended to read:

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

22 **SECTION 780.** 943.45 (3) (c) of the statutes is amended to read:

23 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
24 for direct or indirect commercial advantage or private financial gain is guilty of a
25 Class ~~E~~ A misdemeanor.

1 **SECTION 781.** 943.45 (3) (d) of the statutes is amended to read:

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

5 **SECTION 782.** 943.455 (4) (c) of the statutes is amended to read:

6 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
7 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
8 of a Class E felony A misdemeanor.

9 **SECTION 783.** 943.455 (4) (d) of the statutes is amended to read:

10 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
11 commercial advantage or private financial gain as a 2nd or subsequent offense is
12 guilty of a Class D I felony.

13 **SECTION 784.** 943.46 (4) (c) of the statutes is amended to read:

14 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
15 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
16 of a Class E felony A misdemeanor.

17 **SECTION 785.** 943.46 (4) (d) of the statutes is amended to read:

18 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
19 commercial advantage or private financial gain as a 2nd or subsequent offense is
20 guilty of a Class D I felony.

21 **SECTION 786.** 943.47 (3) (c) of the statutes is amended to read:

22 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
23 for direct or indirect commercial advantage or private financial gain is guilty of a
24 Class E felony A misdemeanor.

25 **SECTION 787.** 943.47 (3) (d) of the statutes is amended to read:

1 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
2 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
3 D I felony.

4 **SECTION 788.** 943.49 (2) (b) 2. of the statutes is amended to read:

5 943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class D I felony if
6 the violation occurs after the person has been convicted under this subsection.

7 **SECTION 789.** 943.50 (4) (a) of the statutes, as affected by 2001 Wisconsin Act
8 16, is amended to read:

9 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
10 exceed ~~\$2,500~~ \$1,000.

11 **SECTION 790.** 943.50 (4) (bf) of the statutes is created to read:

12 943.50 (4) (bf) A Class I felony, if the value of the merchandise exceeds \$1,000
13 but does not exceed \$5,000.

14 **SECTION 791.** 943.50 (4) (bm) of the statutes is created to read:

15 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
16 but does not exceed \$10,000.

17 **SECTION 792.** 943.50 (4) (c) of the statutes is amended to read:

18 943.50 (4) (c) A Class C G felony, if the value of the merchandise exceeds \$2,500
19 \$10,000.

20 **SECTION 793.** 943.60 (1) of the statutes is amended to read:

21 943.60 (1) Any person who submits for filing, entering or recording any lien,
22 claim of lien, lis pendens, writ of attachment, financing statement or any other
23 instrument relating to a security interest in or title to real or personal property, and
24 who knows or should have known that the contents or any part of the contents of the
25 instrument are false, a sham or frivolous, is guilty of a Class D H felony.

1 **SECTION 794.** 943.61 (5) (a) of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does
4 not exceed ~~\$2,500~~ \$1,000.

5 **SECTION 795.** 943.61 (5) (bf) of the statutes is created to read:

6 943.61 (5) (bf) A Class I felony, if the value of the library materials exceeds
7 \$1,000 but does not exceed \$2,500.

8 **SECTION 796.** 943.61 (5) (c) of the statutes is amended to read:

9 943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds
10 \$2,500.

11 **SECTION 797.** 943.62 (4) (a) of the statutes, as affected by 2001 Wisconsin Act
12 16, is amended to read:

13 943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or
14 required refund, as applicable, does not exceed ~~\$2,500~~ \$500.

15 **SECTION 798.** 943.62 (4) (bf) of the statutes is created to read:

16 943.62 (4) (bf) A Class I felony, if the value of the advance payment or required
17 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

18 **SECTION 799.** 943.62 (4) (c) of the statutes is amended to read:

19 943.62 (4) (c) A Class ~~C~~ F felony, if the value of the advance payment or required
20 refund, as applicable, exceeds \$2,500.

21 **SECTION 800.** 943.70 (2) (b) 2. of the statutes is amended to read:

22 943.70 (2) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or to
23 obtain property.

24 **SECTION 801.** 943.70 (2) (b) 3. of the statutes is repealed.

1 **SECTION 802.** 943.70 (2) (b) 3g. of the statutes, as created by 2001 Wisconsin
2 Act 16, is amended to read:

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

5 **SECTION 803.** 943.70 (2) (b) 3r. of the statutes, as created by 2001 Wisconsin Act
6 16, is amended to read:

7 943.70 (2) (b) 3r. A Class C F felony if the offense causes an interruption or
8 impairment of governmental operations or public communication, of transportation,
9 or of a supply of water, gas, or other public service.

10 **SECTION 804.** 943.70 (2) (b) 4. of the statutes is amended to read:

11 943.70 (2) (b) 4. A Class C F felony if the offense creates a substantial and
12 unreasonable risk of death or great bodily harm to another.

13 **SECTION 805.** 943.70 (2) (c) 1. of the statutes, as created by 2001 Wisconsin Act
14 16, is amended to read:

15 943.70 (2) (c) 1. In the case of a misdemeanor, the maximum fine prescribed by
16 law for the crime may be increased by not more than \$1,000 and the maximum term
17 of imprisonment prescribed by law for the crime may be increased so that the revised
18 maximum term of imprisonment is 12 months one year in the county jail.

19 **SECTION 806.** 943.70 (3) (b) 2. of the statutes is amended to read:

20 943.70 (3) (b) 2. A Class E I felony if the offense is committed to defraud or
21 obtain property.

22 **SECTION 807.** 943.70 (3) (b) 3. of the statutes is amended to read:

23 943.70 (3) (b) 3. A Class D H felony if the damage to the computer, computer
24 system, computer network, equipment or supplies is greater than \$2,500.

25 **SECTION 808.** 943.70 (3) (b) 4. of the statutes is amended to read:

1 943.70 (3) (b) 4. A Class C F felony if the offense creates a substantial and
2 unreasonable risk of death or great bodily harm to another.

3 **SECTION 809.** 943.75 (2) of the statutes is amended to read:

4 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
5 for companionship or protection of persons or property, recreation, exhibition, or
6 educational purposes, acting without the consent of the owner or custodian of the
7 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a
8 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection
9 by a person is a Class E I felony.

10 **SECTION 810.** 943.75 (2m) of the statutes is amended to read:

11 943.75 (2m) Whoever intentionally releases an animal that is lawfully
12 confined for scientific, farming, restocking, research or commercial purposes, acting
13 without the consent of the owner or custodian of the animal, is guilty of a Class C H
14 felony.

15 **SECTION 811.** 943.76 (2) (a) of the statutes, as created by 2001 Wisconsin Act
16 16, is amended to read:

17 943.76 (2) (a) Whoever intentionally introduces a contagious or infectious
18 disease into livestock without the consent of the owner of the livestock is guilty of a
19 Class C F felony.

20 **SECTION 812.** 943.76 (2) (b) of the statutes, as created by 2001 Wisconsin Act
21 16, is amended to read:

22 943.76 (2) (b) Whoever intentionally introduces a contagious or infectious
23 disease into wild deer without the consent of the department of natural resources is
24 guilty of a Class C F felony.

25 **SECTION 813.** 944.05 (1) (intro.) of the statutes is amended to read:

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

3 **SECTION 814.** 944.06 of the statutes is amended to read:

4 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
5 a person he or she knows is a blood relative and such relative is in fact related in a
6 degree within which the marriage of the parties is prohibited by the law of this state
7 is guilty of a Class C F felony.

8 **SECTION 815.** 944.15 (title) of the statutes is repealed and recreated to read:

9 **944.15 (title) Public fornication.**

10 **SECTION 816.** 944.16 (intro.) of the statutes is amended to read:

11 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
12 Class E I felony:

13 **SECTION 817.** 944.21 (5) (c) of the statutes is amended to read:

14 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
15 convictions under this section, the person is guilty of a Class D H felony.

16 **SECTION 818.** 944.21 (5) (e) of the statutes is amended to read:

17 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
18 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
19 the person is guilty of a Class D H felony.

20 **SECTION 819.** 944.32 of the statutes is amended to read:

21 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
22 intentionally solicits or causes any person to practice prostitution or establishes any
23 person in a place of prostitution is guilty of a Class D H felony.

24 **SECTION 820.** 944.33 (2) of the statutes is amended to read:

1 944.33 (2) If the person received compensation from the earnings of the
2 prostitute, such person is guilty of a Class C F felony.

3 **SECTION 821.** 944.34 (intro.) of the statutes is amended to read:

4 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
5 any of the following is guilty of a Class D H felony:

6 **SECTION 822.** 945.03 (1m) (intro.) of the statutes is amended to read:

7 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
8 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
9 I felony:

10 **SECTION 823.** 945.05 (1) (intro.) of the statutes, as affected by 2001 Wisconsin
11 Act 16, is amended to read:

12 945.05 (1) (intro.) Except as provided in subs. (1e) (b) and (1m), whoever
13 manufactures, transfers commercially or possesses with intent to transfer
14 commercially either of the following is guilty of a Class E I felony:

15 **SECTION 824.** 945.08 (1) of the statutes is amended to read:

16 945.08 (1) Any person who, with intent to influence any participant to refrain
17 from exerting full skill, speed, strength or endurance, transfers or promises any
18 property or any personal advantage to or on behalf of any participant in a contest of
19 skill, speed, strength or endurance is guilty of a Class D H felony.

20 **SECTION 825.** 946.02 (1) (intro.) of the statutes is amended to read:

21 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F
22 felony:

23 **SECTION 826.** 946.03 (1) (intro.) of the statutes is amended to read:

24 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
25 felony:

1 **SECTION 827.** 946.03 (2) of the statutes is amended to read:

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

9 **SECTION 828.** 946.05 (1) of the statutes is amended to read:

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

12 **SECTION 829.** 946.10 (intro.) of the statutes is amended to read:

13 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
14 either of the following is guilty of a Class D H felony:

15 **SECTION 830.** 946.11 (1) (intro.) of the statutes is amended to read:

16 946.11 (1) (intro.) Whoever does the following is guilty of a Class E I felony:

17 **SECTION 831.** 946.12 (intro.) of the statutes is amended to read:

18 **946.12 Misconduct in public office.** (intro.) Any public officer or public
19 employee who does any of the following is guilty of a Class E I felony:

20 **SECTION 832.** 946.13 (1) (intro.) of the statutes is amended to read:

21 946.13 (1) (intro.) Any public officer or public employee who does any of the
22 following is guilty of a Class E I felony:

23 **SECTION 833.** 946.14 of the statutes is amended to read:

24 **946.14 Purchasing claims at less than full value.** Any public officer or
25 public employee who in a private capacity directly or indirectly intentionally

1 purchases for less than full value or discounts any claim held by another against the
2 state or a political subdivision thereof or against any public fund is guilty of a Class
3 E I felony.

4 **SECTION 834.** 946.15 (1) of the statutes is amended to read:

5 946.15 (1) Any employer, or any agent or employee of an employer, who induces
6 any person who seeks to be or is employed pursuant to a public contract as defined
7 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
8 wage rate determination has been issued by the department of workforce
9 development under s. 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
10 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
11 waive or return any part of the compensation to which that person is entitled under
12 his or her contract of employment or under the prevailing wage rate determination
13 issued by the department or local governmental unit, or who reduces the hourly basic
14 rate of pay normally paid to an employee for work on a project on which a prevailing
15 wage rate determination has not been issued under s. 66.0903 (3) or (6), 103.49 (3),
16 103.50 (3) or 229.8275 (3) during a week in which the employee works both on a
17 project on which a prevailing wage rate determination has been issued and on a
18 project on which a prevailing wage rate determination has not been issued, is guilty
19 of a Class E I felony.

20 **SECTION 835.** 946.15 (3) of the statutes is amended to read:

21 946.15 (3) Any employer or labor organization, or any agent or employee of an
22 employer or labor organization, who induces any person who seeks to be or is
23 employed on a project on which a prevailing wage rate determination has been issued
24 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
25 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),

1 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
2 under the prevailing wage rate determination issued by the department or local
3 governmental unit to be deducted from the person's pay is guilty of a Class E I felony,
4 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
5 is working on a project that is subject to 40 USC 276c.

6 **SECTION 836.** 946.31 (1) (intro.) of the statutes is amended to read:

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

11 **SECTION 837.** 946.32 (1) (intro.) of the statutes is amended to read:

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

14 **SECTION 838.** 946.41 (2m) (intro.) of the statutes is amended to read:

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

17 **SECTION 839.** 946.415 (2) (intro.) of the statutes is amended to read:

18 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
19 a Class E I felony:

20 **SECTION 840.** 946.42 (3) (intro.) of the statutes is amended to read:

21 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
22 under any of the following circumstances is guilty of a Class D H felony:

23 **SECTION 841.** 946.42 (4) of the statutes is repealed.

24 **SECTION 842.** 946.425 (1) of the statutes is amended to read:

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

4 **SECTION 843.** 946.425 (1m) (b) of the statutes is amended to read:

5 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
6 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
7 intentionally fails to report to the county jail as required under the sentence is guilty
8 of a Class D H felony.

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

10 946.425 (1r) (b) Any person who is subject to a confinement order under s.
11 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
12 report to the county jail or house of correction as required under the order is guilty
13 of a Class D H felony.

14 **SECTION 845.** 946.425 (2) of the statutes is repealed.

15 **SECTION 846.** 946.43 (1m) (intro.) of the statutes is amended to read:

16 946.43 (1m) (intro.) Any prisoner confined to a state prison or other state,
17 county or municipal detention facility who intentionally does any of the following is
18 guilty of a Class C F felony:

19 **SECTION 847.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

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

1 **SECTION 848.** 946.44 (1) (intro.) of the statutes is amended to read:

2 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

3 **SECTION 849.** 946.44 (1g) of the statutes is amended to read:

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

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

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

11 **SECTION 851.** 946.47 (1) (intro.) of the statutes is amended to read:

12 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class E I
13 felony:

14 **SECTION 852.** 946.48 (1) of the statutes is amended to read:

15 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
16 written or oral communication with intent to induce a false belief that the sender has
17 knowledge of the whereabouts, physical condition, or terms imposed upon the return
18 of a kidnapped or missing person is guilty of a Class D H felony.

19 **SECTION 853.** 946.49 (1) (b) of the statutes is amended to read:

20 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
21 of a Class D H felony.

22 **SECTION 854.** 946.49 (2) of the statutes is amended to read:

23 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
24 guilty of a Class E I felony for failure to appear as provided.

25 **SECTION 855.** 946.50 (5d) of the statutes is created to read:

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

3 **SECTION 856.** 946.50 (5h) of the statutes is created to read:

4 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
5 committing an act that would be a Class G felony if committed by an adult.

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

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

9 **SECTION 858.** 946.50 (5t) of the statutes is created to read:

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

12 **SECTION 859.** 946.60 (1) of the statutes is amended to read:

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

17 **SECTION 860.** 946.60 (2) of the statutes is amended to read:

18 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
19 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
20 withhold or transfer possession of a subpoenaed document, knowing that the
21 document has been subpoenaed by a court or by or at the request of a district attorney
22 or the attorney general, is guilty of a Class E I felony.

23 **SECTION 861.** 946.61 (1) (intro.) of the statutes is amended to read:

24 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class D H
25 felony:

1 **SECTION 862.** 946.64 of the statutes is amended to read:

2 **946.64 Communicating with jurors.** Whoever, with intent to influence any
3 person, summoned or serving as a juror, in relation to any matter which is before that
4 person or which may be brought before that person, communicates with him or her
5 otherwise than in the regular course of proceedings in the trial or hearing of that
6 matter is guilty of a Class E I felony.

7 **SECTION 863.** 946.65 (1) of the statutes is amended to read:

8 **946.65 (1)** Whoever for a consideration knowingly gives false information to
9 any officer of any court with intent to influence the officer in the performance of
10 official functions is guilty of a Class E I felony.

11 **SECTION 864.** 946.68 (1r) (a) of the statutes is amended to read:

12 **946.68 (1r) (a)** Except as provided in pars. (b) and (c), whoever sends or delivers
13 to another any document which simulates legal process is guilty of a Class E I felony.

14 **SECTION 865.** 946.68 (1r) (b) of the statutes is amended to read:

15 **946.68 (1r) (b)** If the document under par. (a) is sent or delivered with intent
16 to induce payment of a claim, the person is guilty of a Class D H felony.

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

18 **946.68 (1r) (c)** If the document under par. (a) simulates any criminal process,
19 the person is guilty of a Class D H felony.

20 **SECTION 867.** 946.69 (2) (intro.) of the statutes is amended to read:

21 **946.69 (2) (intro.)** Whoever does any of the following is guilty of a Class E I
22 felony:

23 **SECTION 868.** 946.70 (2) of the statutes is amended to read:

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

4 **SECTION 869.** 946.72 (1) of the statutes is amended to read:

5 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
6 removes or conceals any public record is guilty of a Class D H felony.

7 **SECTION 870.** 946.74 (2) of the statutes is amended to read:

8 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
9 sexual morality with or upon the inmate of the institution is guilty of a Class D H
10 felony.

11 **SECTION 871.** 946.76 of the statutes is amended to read:

12 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
13 to its execution that a search warrant has been applied for or issued, except so far
14 as may be necessary to its execution, is guilty of a Class E I felony.

15 **SECTION 872.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
16 is amended to read:

17 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
18 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
19 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
20 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
21 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
22 940.19 (3) (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
23 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
24 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (e) and
25 (d) (bf) to (e), 943.201, 943.23 (1g), (~~1m~~), (~~1r~~), (2) and (3), 943.24 (2), 943.25, 943.27,

1 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
2 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 944.205, 944.21
3 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,
4 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,
5 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

6 **SECTION 873.** 946.84 (1) of the statutes is amended to read:

7 946.84 (1) Any person convicted of engaging in racketeering activity in
8 violation of s. 946.83 is guilty of a Class C E felony.

9 **SECTION 874.** 946.85 (1) of the statutes is amended to read:

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

15 **SECTION 875.** 947.013 (1t) of the statutes is amended to read:

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

20 **SECTION 876.** 947.013 (1v) of the statutes is amended to read:

21 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class D H felony if he or
22 she intentionally gains access to a record in electronic format that contains
23 personally identifiable information regarding the victim in order to facilitate the
24 violation under sub. (1r).

25 **SECTION 877.** 947.013 (1x) (intro.) of the statutes is amended to read:

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

3 **SECTION 878.** 947.015 of the statutes is amended to read:

4 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
5 conveyed any threat or false information, knowing such to be false, concerning an
6 attempt or alleged attempt being made or to be made to destroy any property by the
7 means of explosives is guilty of a Class E I felony.

8 **SECTION 879.** 948.02 (2) of the statutes is amended to read:

9 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
10 sexual intercourse with a person who has not attained the age of 16 years is guilty
11 of a Class BC C felony.

12 **SECTION 880.** 948.02 (3) of the statutes is amended to read:

13 948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who
14 has not attained the age of 16 years is guilty of a Class C F felony if that person has
15 knowledge that another person intends to have, is having or has had sexual
16 intercourse or sexual contact with the child, is physically and emotionally capable
17 of taking action which will prevent the intercourse or contact from taking place or
18 being repeated, fails to take that action and the failure to act exposes the child to an
19 unreasonable risk that intercourse or contact may occur between the child and the
20 other person or facilitates the intercourse or contact that does occur between the
21 child and the other person.

22 **SECTION 881.** 948.02 (3m) of the statutes is repealed.

23 **SECTION 882.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
24 amended to read:

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

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

4 **SECTION 883.** 948.025 (1) (b) of the statutes is created to read:

5 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
6 of s. 948.02 (1).

7 **SECTION 884.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
8 amended to read:

9 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
10 the defendant guilty the members of the jury must unanimously agree that at least
11 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
12 under sub. (1) of time but need not agree on which acts constitute the requisite
13 number and need not agree on whether a particular violation was a violation of s.
14 948.02 (1) or (2).

15 **SECTION 885.** 948.025 (2) (a) of the statutes is created to read:

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

20 **SECTION 886.** 948.025 (2m) of the statutes is repealed.

21 **SECTION 887.** 948.03 (2) (a) of the statutes is amended to read:

22 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
23 guilty of a Class C E felony.

24 **SECTION 888.** 948.03 (2) (b) of the statutes is amended to read:

1 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
2 a Class D H felony.

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

4 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
5 which creates a high probability of great bodily harm is guilty of a Class C F felony.

6 **SECTION 890.** 948.03 (3) (a) of the statutes is amended to read:

7 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
8 of a Class D G felony.

9 **SECTION 891.** 948.03 (3) (b) of the statutes is amended to read:

10 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
11 Class E I felony.

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

13 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
14 which creates a high probability of great bodily harm is guilty of a Class D H felony.

15 **SECTION 893.** 948.03 (4) (a) of the statutes is amended to read:

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

23 **SECTION 894.** 948.03 (4) (b) of the statutes is amended to read:

24 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
25 D H felony if that person has knowledge that another person intends to cause, is

1 causing or has intentionally or recklessly caused bodily harm to the child and is
2 physically and emotionally capable of taking action which will prevent the bodily
3 harm from occurring or being repeated, fails to take that action and the failure to act
4 exposes the child to an unreasonable risk of bodily harm by the other person or
5 facilitates the bodily harm to the child that is caused by the other person.

6 **SECTION 895.** 948.03 (5) of the statutes is repealed.

7 **SECTION 896.** 948.04 (1) of the statutes is amended to read:

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

11 **SECTION 897.** 948.04 (2) of the statutes is amended to read:

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

18 **SECTION 898.** 948.05 (1) (intro.) of the statutes is amended to read:

19 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
20 character and content of the sexually explicit conduct involving the child is guilty of
21 a Class C F felony:

22 **SECTION 899.** 948.05 (1m) of the statutes, as affected by 2001 Wisconsin Act 16,
23 is amended to read:

24 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
25 into the state, reproduces, advertises, sells, distributes, or possesses with intent to

1 sell or distribute, any recording of a child engaging in sexually explicit conduct is
2 guilty of a Class C F felony if the person knows the character and content of the
3 sexually explicit conduct involving the child and if the person knows or reasonably
4 should know that the child engaging in the sexually explicit conduct has not attained
5 the age of 18 years.

6 **SECTION 900.** 948.05 (2) of the statutes is amended to read:

7 948.05 (2) A person responsible for a child's welfare who knowingly permits,
8 allows or encourages the child to engage in sexually explicit conduct for a purpose
9 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

10 **SECTION 901.** 948.055 (2) (a) of the statutes is amended to read:

11 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
12 years.

13 **SECTION 902.** 948.055 (2) (b) of the statutes is amended to read:

14 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
15 but has not attained the age of 18 years.

16 **SECTION 903.** 948.06 (intro.) of the statutes is amended to read:

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

19 **SECTION 904.** 948.07 (intro.) of the statutes is amended to read:

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

24 **SECTION 905.** 948.08 of the statutes is amended to read:

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

4 **SECTION 906.** 948.095 (2) (intro.) of the statutes is amended to read:

5 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
6 child who has attained the age of 16 years and who is not the defendant's spouse is
7 guilty of a Class **D H** felony if all of the following apply:

8 **SECTION 907.** 948.11 (2) (a) (intro.) of the statutes, as affected by 2001
9 Wisconsin Act 16, is amended to read:

10 948.11 (2) (a) (intro.) Whoever, with knowledge of the character and content of
11 the material, sells, rents, exhibits, plays, distributes, or loans to a child any harmful
12 material, with or without monetary consideration, is guilty of a Class **E I** felony if any
13 of the following applies:

14 **SECTION 908.** 948.11 (2) (am) (intro.) of the statutes, as affected by 2001
15 Wisconsin Act 16, is amended to read:

16 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
17 knowledge of the character and content of the description or narrative account,
18 verbally communicates, by any means, a harmful description or narrative account
19 to a child, with or without monetary consideration, is guilty of a Class **E I** felony if
20 any of the following applies:

21 **SECTION 909.** 948.12 (1m) (intro.) of the statutes, as affected by 2001 Wisconsin
22 Act 16, is amended to read:

23 948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic
24 negative, photograph, motion picture, videotape, or other recording of a child

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

3 **SECTION 910.** 948.12 (2m) (intro.) of the statutes, as created by 2001 Wisconsin
4 Act 16, is amended to read:

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

7 **SECTION 911.** 948.13 (2) of the statutes is amended to read:

8 948.13 (2) Whoever has been convicted of a serious child sex offense and
9 subsequently engages in an occupation or participates in a volunteer position that
10 requires him or her to work or interact primarily and directly with children under
11 16 years of age is guilty of a Class C F felony. This subsection does not apply to a
12 person who is exempt under a court order issued under sub. (2m).

13 **SECTION 912.** 948.20 of the statutes is amended to read:

14 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
15 leaves any child in a place where the child may suffer because of neglect is guilty of
16 a Class D G felony.

17 **SECTION 913.** 948.21 (1) of the statutes is amended to read:

18 948.21 (1) Any person who is responsible for a child's welfare who, through his
19 or her actions or failure to take action, intentionally contributes to the neglect of the
20 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
21 felony.

22 **SECTION 914.** 948.22 (2) of the statutes is amended to read:

23 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
24 to provide spousal, grandchild or child support which the person knows or reasonably
25 should know the person is legally obligated to provide is guilty of a Class E I felony.

1 A prosecutor may charge a person with multiple counts for a violation under this
2 subsection if each count covers a period of at least 120 consecutive days and there is
3 no overlap between periods.

4 **SECTION 915.** 948.23 of the statutes is amended to read:

5 **948.23 Concealing death of child.** Any person who conceals the corpse of
6 any issue of a woman's body with intent to prevent a determination of whether it was
7 born dead or alive is guilty of a Class E I felony.

8 **SECTION 916.** 948.24 (1) (intro.) of the statutes is amended to read:

9 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
10 felony:

11 **SECTION 917.** 948.30 (1) (intro.) of the statutes is amended to read:

12 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
13 following is guilty of a Class C E felony:

14 **SECTION 918.** 948.30 (2) (intro.) of the statutes is amended to read:

15 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
16 following is guilty of a Class B C felony:

17 **SECTION 919.** 948.31 (1) (b) of the statutes is amended to read:

18 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
19 causes a child to leave, takes a child away or withholds a child for more than 12 hours
20 beyond the court-approved period of physical placement or visitation period from a
21 legal custodian with intent to deprive the custodian of his or her custody rights
22 without the consent of the custodian is guilty of a Class C F felony. This paragraph
23 is not applicable if the court has entered an order authorizing the person to so take
24 or withhold the child. The fact that joint legal custody has been awarded to both

1 parents by a court does not preclude a court from finding that one parent has
2 committed a violation of this paragraph.

3 **SECTION 920.** 948.31 (2) of the statutes is amended to read:

4 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
5 child for more than 12 hours from the child's parents or, in the case of a nonmarital
6 child whose parents do not subsequently intermarry under s. 767.60, from the child's
7 mother or, if he has been granted legal custody, the child's father, without the consent
8 of the parents, the mother or the father with legal custody, is guilty of a Class E I
9 felony. This subsection is not applicable if legal custody has been granted by court
10 order to the person taking or withholding the child.

11 **SECTION 921.** 948.31 (3) (intro.) of the statutes is amended to read:

12 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
13 the parent, who does any of the following is guilty of a Class C F felony:

14 **SECTION 922.** 948.35 of the statutes is repealed.

15 **SECTION 923.** 948.36 of the statutes is repealed.

16 **SECTION 924.** 948.40 (4) (a) of the statutes is amended to read:

17 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
18 felony; or

19 **SECTION 925.** 948.40 (4) (b) of the statutes is amended to read:

20 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
21 violation of a state or federal criminal law which is punishable as a felony, the person
22 is guilty of a Class D H felony.

23 **SECTION 926.** 948.51 (3) (b) of the statutes is amended to read:

24 948.51 (3) (b) A Class E H felony if the act results in great bodily harm or death
25 to another.

1 **SECTION 927.** 948.51 (3) (c) of the statutes is created to read:

2 948.51 (3) (c) A Class G felony if the act results in the death of another.

3 **SECTION 928.** 948.60 (2) (b) of the statutes is amended to read:

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

7 **SECTION 929.** 948.60 (2) (c) of the statutes is amended to read:

8 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class D H felony if the
9 person under 18 years of age under par. (b) discharges the firearm and the discharge
10 causes death to himself, herself or another.

11 **SECTION 930.** 948.605 (2) (a) of the statutes is amended to read:

12 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
13 that the individual knows, or has reasonable cause to believe, is a school zone is
14 guilty of a Class ~~A misdemeanor~~ I felony.

15 **SECTION 931.** 948.605 (3) (a) of the statutes is amended to read:

16 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
17 the safety of another, discharges or attempts to discharge a firearm at a place the
18 individual knows is a school zone is guilty of a Class D G felony.

19 **SECTION 932.** 948.605 (4) of the statutes is repealed.

20 **SECTION 933.** 948.61 (2) (b) of the statutes is amended to read:

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

24 **SECTION 934.** 948.62 (1) (a) of the statutes is amended to read:

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

3 **SECTION 935.** 948.62 (1) (b) of the statutes is amended to read:

4 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
5 does not exceed \$2,500.

6 **SECTION 936.** 948.62 (1) (bm) of the statutes is created to read:

7 948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but
8 does not exceed \$5,000.

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

10 948.62 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds \$2,500
11 \$5,000.

12 **SECTION 938.** 949.03 (1) (b) of the statutes is amended to read:

13 949.03 (1) (b) The commission or the attempt to commit any crime specified in
14 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
15 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
16 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
17 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
18 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

19 **SECTION 939.** 950.04 (1v) (g) of the statutes is amended to read:

20 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
21 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
22 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

23 **SECTION 940.** 950.04 (1v) (nt) of the statutes is created to read:

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

4 **SECTION 941.** 951.18 (1) of the statutes is amended to read:

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

16 **SECTION 942.** 951.18 (2) of the statutes is amended to read:

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

21 **SECTION 943.** 951.18 (2m) of the statutes is amended to read:

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

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

8 **SECTION 944.** 961.41 (1) (intro.) of the statutes is amended to read:

9 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
10 authorized by this chapter, it is unlawful for any person to manufacture, distribute
11 or deliver a controlled substance or controlled substance analog. Any person who
12 violates this subsection ~~with respect to~~ is subject to the following penalties:

13 **SECTION 945.** 961.41 (1) (a) of the statutes is amended to read:

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

20 **SECTION 946.** 961.41 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
21 16, is amended to read:

22 961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
23 provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect
24 to any other controlled substance included in schedule I, II, or III, or a controlled
25 substance analog of any other controlled substance included in schedule I or II, may

1 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
2 or both the person is guilty of a Class H felony.

3 **SECTION 947.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

4 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
5 this subsection with respect to cocaine or cocaine base, or a controlled substance
6 analog of cocaine or cocaine base, is ~~subject to the following penalties if and the~~
7 amount manufactured, distributed, or delivered is:

8 **SECTION 948.** 961.41 (1) (cm) 1. of the statutes is renumbered 961.41 (1) (cm)
9 1r. and amended to read:

10 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
11 5 grams, the person ~~shall be fined not more than \$500,000 and may be imprisoned~~
12 ~~for not more than 15 years~~ is guilty of a Class F felony.

13 **SECTION 949.** 961.41 (1) (cm) 1g. of the statutes is created to read:

14 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

15 **SECTION 950.** 961.41 (1) (cm) 2. of the statutes is amended to read:

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

19 **SECTION 951.** 961.41 (1) (cm) 3. of the statutes is amended to read:

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

23 **SECTION 952.** 961.41 (1) (cm) 4. of the statutes is amended to read:

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

4 **SECTION 953.** 961.41 (1) (cm) 5. of the statutes is repealed.

5 **SECTION 954.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

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

9 **SECTION 955.** 961.41 (1) (d) 1. of the statutes is amended to read:

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

13 **SECTION 956.** 961.41 (1) (d) 2. of the statutes is amended to read:

14 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
15 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
16 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class
17 E felony.

18 **SECTION 957.** 961.41 (1) (d) 3. of the statutes is amended to read:

19 961.41 (1) (d) 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 958.** 961.41 (1) (d) 4. of the statutes is amended to read:

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

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

3 **SECTION 959.** 961.41 (1) (d) 5. of the statutes is repealed.

4 **SECTION 960.** 961.41 (1) (d) 6. of the statutes is repealed.

5 **SECTION 961.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

6 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and
7 methcathinone. (intro.) Phencyclidine ~~If the person violates this subsection with~~
8 ~~respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a~~
9 ~~controlled substance analog of phencyclidine, amphetamine, methamphetamine, or~~
10 ~~methcathinone, is subject to the following penalties if and~~ the amount
11 manufactured, distributed, or delivered is:

12 **SECTION 962.** 961.41 (1) (e) 1. of the statutes is amended to read:

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

16 **SECTION 963.** 961.41 (1) (e) 2. of the statutes is amended to read:

17 961.41 (1) (e) 2. ~~More than 3 grams but not more than 10 grams, the person~~
18 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
19 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~
20 E felony.

21 **SECTION 964.** 961.41 (1) (e) 3. of the statutes is amended to read:

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

1 **SECTION 965.** 961.41 (1) (e) 4. of the statutes is amended to read:

2 961.41 (1) (e) 4. ~~More than 50 grams but not more than 200 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 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
5 felony.

6 **SECTION 966.** 961.41 (1) (e) 5. of the statutes is repealed.

7 **SECTION 967.** 961.41 (1) (e) 6. of the statutes is repealed.

8 **SECTION 968.** 961.41 (1) (em) of the statutes is repealed.

9 **SECTION 969.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

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

14 **SECTION 970.** 961.41 (1) (f) 1. of the statutes is amended to read:

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

18 **SECTION 971.** 961.41 (1) (f) 2. of the statutes is amended to read:

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

22 **SECTION 972.** 961.41 (1) (f) 3. of the statutes is amended to read:

23 961.41 (1) (f) 3. ~~More than 5 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 973.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

2 961.41 (1) (g) Psilocin and psilocybin. (intro.) ~~Psilocin~~ If the person violates
3 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
4 of psilocin or psilocybin, is subject to the following penalties if and the amount
5 manufactured, distributed or delivered is:

6 **SECTION 974.** 961.41 (1) (g) 1. of the statutes is amended to read:

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

10 **SECTION 975.** 961.41 (1) (g) 2. of the statutes is amended to read:

11 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
12 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
13 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
14 F felony.

15 **SECTION 976.** 961.41 (1) (g) 3. of the statutes is amended to read:

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

19 **SECTION 977.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

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

25 **SECTION 978.** 961.41 (1) (h) 1. of the statutes is amended to read:

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

5 **SECTION 979.** 961.41 (1) (h) 2. of the statutes is amended to read:

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

11 **SECTION 980.** 961.41 (1) (h) 3. of the statutes is amended to read:

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

17 **SECTION 981.** 961.41 (1) (h) 4. of the statutes is created to read:

18 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
19 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
20 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

21 **SECTION 982.** 961.41 (1) (h) 5. of the statutes is created to read:

22 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
23 tetrahydrocannabinols, the person is guilty of a Class E felony.

24 **SECTION 983.** 961.41 (1) (hm) (intro.) of the statutes, as affected by 2001
25 Wisconsin Act 16, is amended to read:

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

11 **SECTION 984.** 961.41 (1) (hm) 1. of the statutes, as created by 2001 Wisconsin
12 Act 16, is amended to read:

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

16 **SECTION 985.** 961.41 (1) (hm) 2. of the statutes, as created by 2001 Wisconsin
17 Act 16, is amended to read:

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

22 **SECTION 986.** 961.41 (1) (hm) 3. of the statutes, as created by 2001 Wisconsin
23 Act 16, is amended to read:

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

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

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

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

9 **SECTION 988.** 961.41 (1) (hm) 5. of the statutes, as created by 2001 Wisconsin
10 Act 16, is repealed.

11 **SECTION 989.** 961.41 (1) (hm) 6. of the statutes, as created by 2001 Wisconsin
12 Act 16, is repealed.

13 **SECTION 990.** 961.41 (1) (i) of the statutes is amended to read:

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

18 **SECTION 991.** 961.41 (1) (im) (intro.) of the statutes, as affected by 2001
19 Wisconsin Act 16, is amended to read:

20 961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~
21 ~~following penalties if~~ If a person violates this subsection with respect to
22 flunitrazepam and the amount manufactured, distributed, or delivered is:

23 **SECTION 992.** 961.41 (1) (im) 1. of the statutes, as created by 2001 Wisconsin
24 Act 16, is amended to read:

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

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

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

10 **SECTION 994.** 961.41 (1) (im) 3. of the statutes, as created by 2001 Wisconsin
11 Act 16, is amended to read:

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

16 **SECTION 995.** 961.41 (1) (im) 4. of the statutes, as created by 2001 Wisconsin
17 Act 16, is amended to read:

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

22 **SECTION 996.** 961.41 (1) (im) 5. of the statutes, as created by 2001 Wisconsin
23 Act 16, is repealed.

24 **SECTION 997.** 961.41 (1) (im) 6. of the statutes, as created by 2001 Wisconsin
25 Act 16, is repealed.

1 **SECTION 998.** 961.41 (1) (j) of the statutes is amended to read:

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

5 **SECTION 999.** 961.41 (1m) (intro.) of the statutes is amended to read:

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

16 **SECTION 1000.** 961.41 (1m) (a) of the statutes is amended to read:

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

23 **SECTION 1001.** 961.41 (1m) (b) of the statutes, as affected by 2001 Wisconsin
24 Act 16, is amended to read:

1 961.41 (1m) (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 1002.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

8 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a 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 possessed, with intent to manufacture, distribute or deliver, is:

12 **SECTION 1003.** 961.41 (1m) (cm) 1. of the statutes is renumbered 961.41 (1m)
13 (cm) 1r. and amended to read:

14 961.41 (1m) (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 1004.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

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

19 **SECTION 1005.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

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

23 **SECTION 1006.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

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

4 **SECTION 1007.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

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

8 **SECTION 1008.** 961.41 (1m) (cm) 5. of the statutes is repealed.

9 **SECTION 1009.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

10 961.41 (1m) (d) Heroin. (intro.) Heroin If a 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 possessed, with intent to manufacture, distribute or
13 deliver, is:

14 **SECTION 1010.** 961.41 (1m) (d) 1. of the statutes is amended to read:

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

18 **SECTION 1011.** 961.41 (1m) (d) 2. of the statutes is amended to read:

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

23 **SECTION 1012.** 961.41 (1m) (d) 3. of the statutes is amended to read:

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

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

3 **SECTION 1013.** 961.41 (1m) (d) 4. of the statutes is amended to read:

4 961.41 (1m) (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 1014.** 961.41 (1m) (d) 5. of the statutes is repealed.

9 **SECTION 1015.** 961.41 (1m) (d) 6. of the statutes is repealed.

10 **SECTION 1016.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

11 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and
12 methcathinone. (intro.) Phencyclidine If a 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 possessed,
16 with intent to manufacture, distribute, or deliver, is:

17 **SECTION 1017.** 961.41 (1m) (e) 1. of the statutes is amended to read:

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

21 **SECTION 1018.** 961.41 (1m) (e) 2. of the statutes is amended to read:

22 961.41 (1m) (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 \$200,000 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 1019.** 961.41 (1m) (e) 3. of the statutes is amended to read:

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

7 961.41 (1m) (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 1021.** 961.41 (1m) (e) 5. of the statutes is repealed.

12 **SECTION 1022.** 961.41 (1m) (e) 6. of the statutes is repealed.

13 **SECTION 1023.** 961.41 (1m) (em) of the statutes is repealed.

14 **SECTION 1024.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

15 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a 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 possessed, with intent to manufacture, distribute or deliver, is:

19 **SECTION 1025.** 961.41 (1m) (f) 1. of the statutes is amended to read:

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

23 **SECTION 1026.** 961.41 (1m) (f) 2. of the statutes is amended to read:

24 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
25 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned

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

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

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

7 SECTION 1028. 961.41 (1m) (g) (intro.) of the statutes is amended to read:

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

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

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

16 SECTION 1030. 961.41 (1m) (g) 2. of the statutes is amended to read:

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

21 SECTION 1031. 961.41 (1m) (g) 3. of the statutes is amended to read:

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

25 SECTION 1032. 961.41 (1m) (h) (intro.) of the statutes is amended to read:

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

6 **SECTION 1033.** 961.41 (1m) (h) 1. of the statutes is amended to read:

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

11 **SECTION 1034.** 961.41 (1m) (h) 2. of the statutes is amended to read:

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

17 **SECTION 1035.** 961.41 (1m) (h) 3. of the statutes is amended to read:

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

23 **SECTION 1036.** 961.41 (1m) (h) 4. of the statutes is created to read:

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

4 **SECTION 1037.** 961.41 (1m) (h) 5. of the statutes is created to read:

5 961.41 (1m) (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 1038.** 961.41 (1m) (hm) (intro.) of the statutes, as created by 2001
8 Wisconsin Act 16, is amended to read:

9 961.41 (1m) (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 the amount possessed, with intent to
18 manufacture, distribute, or deliver is:

19 **SECTION 1039.** 961.41 (1m) (hm) 1. of the statutes, as created by 2001
20 Wisconsin Act 16, is amended to read:

21 961.41 (1m) (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 1040.** 961.41 (1m) (hm) 2. of the statutes, as created by 2001
25 Wisconsin Act 16, is amended to read:

1 961.41 (1m) (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 1041.** 961.41 (1m) (hm) 3. of the statutes, as created by 2001
6 Wisconsin Act 16, is amended to read:

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

11 **SECTION 1042.** 961.41 (1m) (hm) 4. of the statutes, as created by 2001
12 Wisconsin Act 16, is amended to read:

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

17 **SECTION 1043.** 961.41 (1m) (hm) 5. of the statutes, as created by 2001
18 Wisconsin Act 16, is repealed.

19 **SECTION 1044.** 961.41 (1m) (hm) 6. of the statutes, as created by 2001
20 Wisconsin Act 16, is repealed.

21 **SECTION 1045.** 961.41 (1m) (i) of the statutes is amended to read:

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

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

3 961.41 (1m) (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 possessed, with intent to manufacture, distribute, or
6 deliver, is:

7 **SECTION 1047.** 961.41 (1m) (im) 1. of the statutes, as created by 2001 Wisconsin
8 Act 16, is amended to read:

9 961.41 (1m) (im) 1. Three grams or less, the person ~~shall be fined not less than~~
10 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
11 ~~6 months~~ is guilty of a Class F felony.

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

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

18 **SECTION 1049.** 961.41 (1m) (im) 3. of the statutes, as created by 2001 Wisconsin
19 Act 16, is amended to read:

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

24 **SECTION 1050.** 961.41 (1m) (im) 4. of the statutes, as created by 2001 Wisconsin
25 Act 16, is amended to read:

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

5 **SECTION 1051.** 961.41 (1m) (im) 5. of the statutes, as created by 2001 Wisconsin
6 Act 16, is repealed.

7 **SECTION 1052.** 961.41 (1m) (im) 6. of the statutes, as created by 2001 Wisconsin
8 Act 16, is repealed.

9 **SECTION 1053.** 961.41 (1m) (j) of the statutes is amended to read:

10 961.41 (1m) (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 1054.** 961.41 (1n) (c) of the statutes is amended to read:

14 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
15 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

16 **SECTION 1055.** 961.41 (1q) of the statutes is amended to read:

17 961.41 (1q) **PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.**
18 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2),~~ if
19 different penalty provisions apply to a person depending on whether the weight of
20 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
21 considered, the greater penalty provision applies.

22 **SECTION 1056.** 961.41 (1r) of the statutes is amended to read:

23 961.41 (1r) **DETERMINING WEIGHT OF SUBSTANCE.** In determining amounts under
24 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) ~~and s. 961.49 (2) (b),~~ an amount
25 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid

1 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
2 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
3 of these substances together with any compound, mixture, diluent, plant material
4 or other substance mixed or combined with the controlled substance or controlled
5 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)
6 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
7 (4) (t) and includes the weight of any marijuana.

8 **SECTION 1057.** 961.41 (2) (intro.) of the statutes is amended to read:

9 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
10 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
11 possess with intent to distribute or deliver, a counterfeit substance. Any person who
12 violates this subsection ~~with respect to~~ is subject to the following penalties:

13 **SECTION 1058.** 961.41 (2) (a) of the statutes is amended to read:

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

19 **SECTION 1059.** 961.41 (2) (b) of the statutes, as affected by 2001 Wisconsin Act
20 16, is amended to read:

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

1 **SECTION 1060.** 961.41 (2) (c) of the statutes is repealed.

2 **SECTION 1061.** 961.41 (2) (cm) (title) of the statutes is created to read:

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

4 **SECTION 1062.** 961.41 (2) (d) of the statutes is amended to read:

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

9 **SECTION 1063.** 961.41 (3g) (a) 1. of the statutes is renumbered 961.41 (3g) (am)
10 and amended to read:

11 961.41 (3g) (am) *Schedule I and II narcotic drugs.* ~~Except as provided in subd.~~
12 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
13 which is a narcotic drug, or possesses a controlled substance analog of a controlled
14 substance included in schedule I or II which is a narcotic drug, the person may, upon
15 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
16 years or both, and, for a 2nd or subsequent offense, the person may be fined not more
17 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I
18 felony.

19 **SECTION 1064.** 961.41 (3g) (a) 2. of the statutes is repealed.

20 **SECTION 1065.** 961.41 (3g) (a) 3. of the statutes is repealed.

21 **SECTION 1066.** 961.41 (3g) (b) of the statutes is amended to read:

22 961.41 (3g) (b) *Other drugs generally.* ~~Except as provided in pars. (c), (d), (dm),~~
23 ~~(e) and (f), if the person possesses or attempts to possess a controlled substance or~~
24 ~~controlled substance analog, other than a controlled substance included in schedule~~
25 ~~I or II that is a narcotic drug or a controlled substance analog of a controlled~~

1 substance included in schedule I or II that is a narcotic drug, the person is guilty of
2 a misdemeanor, punishable under s. 939.61.

3 **SECTION 1067.** 961.41 (3g) (c) of the statutes is amended to read:

4 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
5 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
6 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
7 more than one year in the county jail upon a first conviction and is guilty of a Class
8 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
9 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
10 offense, the offender has at any time been convicted of any felony or misdemeanor
11 under this chapter or under any statute of the United States or of any state relating
12 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
13 or depressant, stimulant, or hallucinogenic drugs.

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

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

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

3 **SECTION 1069.** 961.41 (3g) (dm) of the statutes is repealed.

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

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

15 **SECTION 1071.** 961.41 (3g) (f) of the statutes is amended to read:

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

21 **SECTION 1072.** 961.41 (4) (am) 3. of the statutes is amended to read:

22 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph
23 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
24 is guilty of a Class I felony.

25 **SECTION 1073.** 961.42 (2) of the statutes is amended to read:

1 961.42 (2) Any person who violates this section ~~may be fined not more than~~
2 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

3 **SECTION 1074.** 961.43 (2) of the statutes is amended to read:

4 961.43 (2) Any person who violates this section ~~may be fined not more than~~
5 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

6 **SECTION 1075.** 961.437 (4) (a) of the statutes is amended to read:

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

10 **SECTION 1076.** 961.437 (4) (b) of the statutes is amended to read:

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

14 **SECTION 1077.** 961.438 of the statutes is repealed.

15 **SECTION 1078.** 961.455 (1) of the statutes is amended to read:

16 961.455 (1) Any person who has attained the age of 17 years who knowingly
17 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
18 ~~age or under~~ for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
19 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

20 **SECTION 1079.** 961.455 (3) of the statutes is amended to read:

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

24 **SECTION 1080.** 961.46 (1) of the statutes is renumbered 961.46 and amended
25 to read:

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

10 **SECTION 1081.** 961.46 (2) of the statutes is repealed.

11 **SECTION 1082.** 961.46 (3) of the statutes is repealed.

12 **SECTION 1083.** 961.465 of the statutes is repealed.

13 **SECTION 1084.** 961.472 (2) of the statutes is amended to read:

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

1 **SECTION 1085.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and
2 amended to read:

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

10 **SECTION 1086.** 961.48 (1) (a) and (b) of the statutes are created to read:

11 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

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

13 **SECTION 1087.** 961.48 (2) of the statutes is repealed.

14 **SECTION 1088.** 961.48 (2m) (a) of the statutes is amended to read:

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

23 **SECTION 1089.** 961.48 (3) of the statutes is amended to read:

24 961.48 (3) For purposes of this section, an a felony offense under this chapter
25 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the

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

5 **SECTION 1090.** 961.48 (4) of the statutes is repealed.

6 **SECTION 1091.** 961.49 (1) of the statutes is renumbered 961.49, and 961.49
7 (intro.), as renumbered, is amended to read:

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

18 **SECTION 1092.** 961.49 (2) of the statutes is repealed.

19 **SECTION 1093.** 961.49 (3) of the statutes is repealed.

20 **SECTION 1094.** 961.492 of the statutes is repealed.

21 **SECTION 1095.** 961.55 (1) (d) 3. of the statutes is amended to read:

22 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41
23 (3g) (b), (c), (d), (~~dm~~), (e) or (f); and

24 **SECTION 1096.** 961.573 (3) of the statutes is amended to read:

1 961.573 (3) No person may use, or possess with the primary intent to use, drug
2 paraphernalia to manufacture, compound, convert, produce, process, prepare, test,
3 analyze, pack, repack or store methamphetamine or a controlled substance analog
4 of methamphetamine in violation of this chapter. Any person who violates this
5 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
6 ~~years or both~~ is guilty of a Class H felony.

7 **SECTION 1097.** 961.574 (3) of the statutes is amended to read:

8 961.574 (3) No person may deliver, possess with intent to deliver, or
9 manufacture with intent to deliver, drug paraphernalia, knowing that it will be
10 primarily used to manufacture, compound, convert, produce, process, prepare, test,
11 analyze, pack, repack or store methamphetamine or a controlled substance analog
12 of methamphetamine in violation of this chapter. Any person who violates this
13 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
14 ~~years or both~~ is guilty of a Class H felony.

15 **SECTION 1098.** 961.575 (3) of the statutes is amended to read:

16 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by
17 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~
18 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a
19 Class G felony.

20 **SECTION 1099.** 967.04 (9) of the statutes is amended to read:

21 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
22 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
23 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
24 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
25 hearing examiner may order and preside at the taking of a videotaped deposition

1 using the procedure provided in subs. (7) and (8) and may admit the videotaped
2 deposition into evidence without an additional hearing under s. 908.08.

3 **SECTION 1100.** 968.255 (1) (a) 2. of the statutes is amended to read:

4 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
5 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

6 **SECTION 1101.** 968.31 (1) (intro.) of the statutes is amended to read:

7 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
8 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
9 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
10 ~~or both~~ is guilty of a Class H felony:

11 **SECTION 1102.** 968.34 (3) of the statutes is amended to read:

12 968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more
13 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

14 **SECTION 1103.** 968.43 (3) of the statutes is amended to read:

15 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
16 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
17 felony.

18 **SECTION 1104.** 969.08 (10) (a) of the statutes is amended to read:

19 969.08 (10) (a) "Commission of a serious crime" includes a solicitation,
20 conspiracy or attempt, under ~~s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 or~~
21 ~~948.35~~, to commit a serious crime.

22 **SECTION 1105.** 969.08 (10) (b) of the statutes is amended to read:

23 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),
24 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
25 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,

1 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
2 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),
3 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r),
4 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
5 948.04, 948.05, 948.06, 948.07 or 948.30.

6 **SECTION 1106.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
7 amended to read:

8 971.17 (1) (a) *Felonies committed before the effective date of this paragraph*
9 *[revisor inserts date].* ~~When~~ Except as provided in par. (c), when a defendant is found
10 not guilty by reason of mental disease or mental defect of a felony committed before
11 the effective date of this paragraph [revisor inserts date], the court shall commit
12 the person to the department of health and family services for a specified period not
13 exceeding two-thirds of the maximum term of imprisonment that could be imposed
14 under s. 973.15 (2) (a) against an offender convicted of the same ~~crime or crimes~~
15 felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m),~~
16 ~~939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)~~
17 ~~and 961.48 and other~~ any applicable penalty enhancement statutes, as applicable,
18 subject to the credit provisions of s. 973.155.

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

23 **SECTION 1107.** 971.17 (1) (b) of the statutes is created to read:

24 971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*
25 *.... [revisor inserts date].* Except as provided in par. (c), when a defendant is found

1 not guilty by reason of mental disease or mental defect of a felony committed on or
2 after the effective date of this paragraph [revisor inserts date], the court shall
3 commit the person to the department of health and family services for a specified
4 period not exceeding the maximum term of confinement in prison that could be
5 imposed on an offender convicted of the same felony, plus imprisonment authorized
6 by any applicable penalty enhancement statutes, subject to the credit provisions of
7 s. 973.155.

8 **SECTION 1108.** 971.17 (1) (d) of the statutes is created to read:

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

16 **SECTION 1109.** 971.365 (1) (a) of the statutes is amended to read:

17 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)
18 (cm), (d), (e), (em), (f), (g) or (h) involving more than one violation, all violations may
19 be prosecuted as a single crime if the violations were pursuant to a single intent and
20 design.

21 **SECTION 1110.** 971.365 (1) (b) of the statutes is amended to read:

22 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41
23 (1m) (cm), (d), (e), (em), (f), (g) or (h) involving more than one violation, all violations
24 may be prosecuted as a single crime if the violations were pursuant to a single intent
25 and design.

1 **SECTION 1111.** 971.365 (1) (c) of the statutes is amended to read:

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

6 **SECTION 1112.** 971.365 (2) of the statutes is amended to read:

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

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

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

19 **SECTION 1114.** 973.01 (1) of the statutes is amended to read:

20 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
21 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
22 for a felony committed on or after December 31, 1999, or a misdemeanor committed
23 on or after the effective date of this subsection [revisor inserts date], the court
24 shall impose a bifurcated sentence ~~that consists of a term of confinement in prison~~
25 followed by a term of extended supervision under s. 302.113 this section.

1 **SECTION 1115.** 973.01 (2) (intro.) of the statutes is amended to read:

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

9 **SECTION 1116.** 973.01 (2) (a) of the statutes is amended to read:

10 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
11 the total length of the bifurcated sentence may not exceed the maximum period of
12 imprisonment ~~for the~~ specified in s. 939.50 (3), if the crime is a classified felony, or
13 the maximum term of imprisonment provided by statute for the crime, if the crime
14 is not a classified felony, plus additional imprisonment authorized by any applicable
15 penalty enhancement statutes.

16 **SECTION 1117.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

17 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*
18 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
19 in prison may not be less than one year, ~~subject to any minimum sentence prescribed~~
20 ~~for the felony, and, except as provided in par. (c), may not exceed~~ is subject to
21 whichever of the following limits is applicable:

22 **SECTION 1118.** 973.01 (2) (b) 2. of the statutes is repealed.

23 **SECTION 1119.** 973.01 (2) (b) 3. of the statutes is amended to read:

24 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
25 not exceed ~~10~~ 25 years.

1 **SECTION 1120.** 973.01 (2) (b) 4. of the statutes is amended to read:

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

4 **SECTION 1121.** 973.01 (2) (b) 5. of the statutes is amended to read:

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

7 **SECTION 1122.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.
8 (intro.) and amended to read:

9 973.01 (2) (b) 10. (intro.) For any felony crime other than ~~a felony specified in~~
10 ~~subds. 1. to 5.~~ one of the following, the term of confinement in prison may not exceed
11 75% of the total length of the bifurcated sentence.:

12 **SECTION 1123.** 973.01 (2) (b) 6m. of the statutes is created to read:

13 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
14 not exceed 7 years and 6 months.

15 **SECTION 1124.** 973.01 (2) (b) 7. of the statutes is created to read:

16 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
17 not exceed 5 years.

18 **SECTION 1125.** 973.01 (2) (b) 8. of the statutes is created to read:

19 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
20 not exceed 3 years.

21 **SECTION 1126.** 973.01 (2) (b) 9. of the statutes is created to read:

22 973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not
23 exceed one year and 6 months.

24 **SECTION 1127.** 973.01 (2) (b) 10. a. and b. of the statutes are created to read:

25 973.01 (2) (b) 10. a. A felony specified in subds. 1. to 9.

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

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

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

11 **SECTION 1129.** 973.01 (2) (c) 2. of the statutes is created to read:

12 973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes
13 apply to a crime, the court shall apply them in the order listed in calculating the
14 maximum term of imprisonment for that crime:

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

16 b. Section 939.63.

17 c. Section 939.62 (1) or 961.48.

18 **SECTION 1130.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)
19 and amended to read:

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

25 **SECTION 1131.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

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

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

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

7 4. For a Class E, F, or G felony, the term of extended supervision may not exceed
8 5 years.

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

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

12 **SECTION 1132.** 973.01 (4) of the statutes is amended to read:

13 973.01 (4) **NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
14 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
15 confinement in prison portion of the sentence without reduction for good behavior.
16 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
17 and, if applicable, to reduction under s. 302.045 (3m), or 302.113 (9g).

18 **SECTION 1133.** 973.01 (6) of the statutes is amended to read:

19 973.01 (6) **NO PAROLE.** A person serving a bifurcated sentence imposed under
20 sub. (1) is not eligible for release on parole under that sentence.

21 **SECTION 1134.** 973.0135 (1) (b) 2. of the statutes is amended to read:

22 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
23 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
24 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
25 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),

1 ~~(1m) or (1r)~~, 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
2 948.05, 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

3 **SECTION 1135.** 973.017 of the statutes is created to read:

4 **973.017 Bifurcated sentences; use of guidelines; consideration of**
5 **aggravating and mitigating factors. (1) DEFINITION.** In this section, "sentencing
6 decision" means a decision as to whether to impose a bifurcated sentence under s.
7 973.01 or place a person on probation and a decision as to the length of a bifurcated
8 sentence, including the length of each component of the bifurcated sentence, the
9 amount of a fine, and the length of a term of probation.

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

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

19 (ad) The protection of the public.

20 (ag) The gravity of the offense.

21 (ak) The rehabilitative needs of the defendant.

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

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

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

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

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

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

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

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

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

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

23 2. a. In this subdivision, "labor dispute" includes any controversy concerning
24 terms, tenure, or conditions of employment or concerning the association or
25 representation of persons in negotiating, fixing, maintaining, changing, or seeking

1 to arrange terms or conditions of employment, regardless of whether the disputants
2 stand in the proximate relation of employer and employee.

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

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

7 1. "HIV" means any strain of human immunodeficiency virus, which causes
8 acquired immunodeficiency syndrome.

9 2. "Serious sex crime" means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2),
10 or 948.025.

11 3. "Sexually transmitted disease" means syphilis, gonorrhea, hepatitis B,
12 hepatitis C, or chlamydia.

13 4. "Significantly exposed" means sustaining a contact which carries a potential
14 for transmission of a sexually transmitted disease or HIV by one or more of the
15 following:

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

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

23 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
24 a significant breakdown in the epidermal barrier has occurred, of blood; semen;

1 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or
2 amniotic fluid; or other body fluid that is visibly contaminated with blood.

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

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

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

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

18 (5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON. (a)

19 In this subsection:

20 1. "Elder person" means any individual who is 62 years of age or older.

21 2. "Violent felony" means any felony under s. 940.19 (2), (4), (5), or (6), 940.225
22 (1), (2), or (3), 940.23, or 943.32.

23 (b) When making a sentencing decision concerning a person convicted of a
24 violent felony, the court shall consider as an aggravating factor the fact that the

1 victim of the violent felony was an elder person. This paragraph applies even if the
2 person mistakenly believed that the victim had not attained the age of 62 years.

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

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

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

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

22 2. When making a sentencing decision concerning a person convicted of
23 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
24 fact that the violation involved delivering, distributing, or possessing with intent to

1 deliver or distribute a controlled substance or controlled substance analog to a
2 prisoner within the precincts of any prison, jail, or house of correction.

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

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

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

1 **(10m)** STATEMENT OF REASONS FOR SENTENCING DECISION. (a) The court shall
2 state the reasons for its sentencing decision and, except as provided in par. (b), shall
3 do so in open court and on the record.

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

8 **SECTION 1136.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

9 973.03 (3) (e) 1. A crime which is a Class A ~~or~~ B, or C felony.

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

12 **SECTION 1137.** 973.03 (3) (e) 3. of the statutes is repealed.

13 **SECTION 1138.** 973.032 (4) (c) 2. of the statutes is amended to read:

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

17 **SECTION 1139.** 973.075 (1) (b) 1m. e. of the statutes, as affected by 2001
18 Wisconsin Act 16, is amended to read:

19 973.075 (1) (b) 1m. e. To cause more than ~~\$2,500~~ \$1,000 worth of criminal
20 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

21 **SECTION 1140.** 973.075 (2) (d) of the statutes, as affected by 2001 Wisconsin Act
22 16, is amended to read:

23 973.075 (2) (d) The officer has probable cause to believe that the property was
24 derived from or realized through a crime or that the property is a vehicle which was
25 used to transport any property or weapon used or to be used or received in the