

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

3             \*~~4548/2.703~~\* \*~~3265/P1.43~~\* **SECTION 981.** 961.41 (1) (h) 4. of the statutes is  
4     created to read:

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

8             \*~~4548/2.704~~\* \*~~3265/P1.44~~\* **SECTION 982.** 961.41 (1) (h) 5. of the statutes is  
9     created to read:

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

12            \*~~4548/2.705~~\* **SECTION 983.** 961.41 (1) (hm) (intro.) of the statutes, as affected  
13    by 2001 Wisconsin Act 16, is amended to read:

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

24            \*~~4548/2.706~~\* **SECTION 984.** 961.41 (1) (hm) 1. of the statutes, as created by  
25    2001 Wisconsin Act 16, is amended to read:

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

4           \*~~4548/2.707~~\* **SECTION 985.** 961.41 (1) (hm) 2. of the statutes, as created by  
5           2001 Wisconsin Act 16, is amended to read:

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

10          \*~~4548/2.708~~\* **SECTION 986.** 961.41 (1) (hm) 3. of the statutes, as created by  
11          2001 Wisconsin Act 16, is amended to read:

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

16          \*~~4548/2.709~~\* **SECTION 987.** 961.41 (1) (hm) 4. of the statutes, as created by  
17          2001 Wisconsin Act 16, is amended to read:

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

22          \*~~4548/2.710~~\* **SECTION 988.** 961.41 (1) (hm) 5. of the statutes, as created by  
23          2001 Wisconsin Act 16, is repealed.

24          \*~~4548/2.711~~\* **SECTION 989.** 961.41 (1) (hm) 6. of the statutes, as created by  
25          2001 Wisconsin Act 16, is repealed.

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

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

7           \*~~4548/2.713~~\* **SECTION 991.** 961.41 (1) (im) (intro.) of the statutes, as affected  
8 by 2001 Wisconsin Act 16, is amended to read:

9           961.41 (1) (im) Flunitrazepam. (intro.) ~~Flunitrazepam is subject to the~~  
10 ~~following penalties if~~ If a person violates this subsection with respect to  
11 flunitrazepam and the amount manufactured, distributed, or delivered is:

12           \*~~4548/2.714~~\* **SECTION 992.** 961.41 (1) (im) 1. of the statutes, as created by  
13 2001 Wisconsin Act 16, is amended to read:

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

17           \*~~4548/2.715~~\* **SECTION 993.** 961.41 (1) (im) 2. of the statutes, as created by  
18 2001 Wisconsin Act 16, is amended to read:

19           961.41 (1) (im) 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 \$250,000 and shall be imprisoned~~  
21 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~  
22 ~~E felony.~~

23           \*~~4548/2.716~~\* **SECTION 994.** 961.41 (1) (im) 3. of the statutes, as created by  
24 2001 Wisconsin Act 16, is amended to read:

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

5           \*~~4548/2.717~~\* **SECTION 995.** 961.41 (1) (im) 4. of the statutes, as created by  
6 2001 Wisconsin Act 16, is amended to read:

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

11           \*~~4548/2.718~~\* **SECTION 996.** 961.41 (1) (im) 5. of the statutes, as created by  
12 2001 Wisconsin Act 16, is repealed.

13           \*~~4548/2.719~~\* **SECTION 997.** 961.41 (1) (im) 6. of the statutes, as created by  
14 2001 Wisconsin Act 16, is repealed.

15           \*~~4548/2.720~~\* \*~~3265/P1.46~~\* **SECTION 998.** 961.41 (1) (j) of the statutes is  
16 amended to read:

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

20           \*~~4548/2.721~~\* \*~~3265/P1.47~~\* **SECTION 999.** 961.41 (1m) (intro.) of the statutes  
21 is amended to read:

22           961.41 (1m) **POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.**  
23 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,  
24 with intent to manufacture, distribute or deliver, a controlled substance or a  
25 controlled substance analog. Intent under this subsection may be demonstrated by,

1 without limitation because of enumeration, evidence of the quantity and monetary  
2 value of the substances possessed, the possession of manufacturing implements or  
3 paraphernalia, and the activities or statements of the person in possession of the  
4 controlled substance or a controlled substance analog prior to and after the alleged  
5 violation. Any person who violates this subsection with respect to is subject to the  
6 following penalties:

7 \*~~4548/2.722~~\* \*~~3265/P1.48~~\* **SECTION 1000.** 961.41 (1m) (a) of the statutes is  
8 amended to read:

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

15 \*~~4548/2.723~~\* \*~~3265/P1.49~~\* **SECTION 1001.** 961.41 (1m) (b) of the statutes,  
16 as affected by 2001 Wisconsin Act 16, is amended to read:

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

23 \*~~4548/2.724~~\* \*~~3265/P1.50~~\* **SECTION 1002.** 961.41 (1m) (cm) (intro.) of the  
24 statutes is amended to read:

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

5           \*~~4548/2.725~~\* \*~~3265/P1.51~~\* **SECTION 1003.** 961.41 (1m) (cm) 1. of the  
6 statutes is renumbered 961.41 (1m) (cm) 1r. and amended to read:

7           961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than  
8 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned  
9 ~~for not more than 15 years~~ is guilty of a Class F felony.

10          \*~~4548/2.726~~\* \*~~3265/P1.52~~\* **SECTION 1004.** 961.41 (1m) (cm) 1g. of the  
11 statutes is created to read:

12          961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

13          \*~~4548/2.727~~\* \*~~3265/P1.53~~\* **SECTION 1005.** 961.41 (1m) (cm) 2. of the  
14 statutes is amended to read:

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

18          \*~~4548/2.728~~\* \*~~3265/P1.54~~\* **SECTION 1006.** 961.41 (1m) (cm) 3. of the  
19 statutes is amended to read:

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

23          \*~~4548/2.729~~\* \*~~3265/P1.55~~\* **SECTION 1007.** 961.41 (1m) (cm) 4. of the  
24 statutes is amended to read:

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

4           \*~~4548/2.730~~\* \*~~3265/P1.56~~\* **SECTION 1008.** 961.41 (1m) (cm) 5. of the  
5           statutes is repealed.

6           \*~~4548/2.731~~\* \*~~3265/P1.57~~\* **SECTION 1009.** 961.41 (1m) (d) (intro.) of the  
7           statutes is amended to read:

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

12          \*~~4548/2.732~~\* \*~~3265/P1.58~~\* **SECTION 1010.** 961.41 (1m) (d) 1. of the statutes  
13          is amended to read:

14          961.41 (1m) (d) 1. Three grams or less, the person ~~shall be fined not less than~~  
15          ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years~~  
16          ~~and 6 months~~ is guilty of a Class F felony.

17          \*~~4548/2.733~~\* \*~~3265/P1.59~~\* **SECTION 1011.** 961.41 (1m) (d) 2. of the statutes  
18          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          \*~~4548/2.734~~\* \*~~3265/P1.60~~\* **SECTION 1012.** 961.41 (1m) (d) 3. of the statutes  
24          is amended to read:

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

5           \*~~4548/2.735~~\* \*~~3265/P1.61~~\* **SECTION 1013.** 961.41 (1m) (d) 4. of the statutes  
6 is amended to read:

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

11           \*~~4548/2.736~~\* \*~~3265/P1.62~~\* **SECTION 1014.** 961.41 (1m) (d) 5. of the statutes  
12 is repealed.

13           \*~~4548/2.737~~\* \*~~3265/P1.63~~\* **SECTION 1015.** 961.41 (1m) (d) 6. of the statutes  
14 is repealed.

15           \*~~4548/2.738~~\* \*~~3265/P1.64~~\* **SECTION 1016.** 961.41 (1m) (e) (intro.) of the  
16 statutes is amended to read:

17           961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and  
18 methcathinone. (intro.) Phencyclidine If a person violates this subsection with  
19 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a  
20 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or  
21 methcathinone, is subject to the following penalties if and the amount possessed,  
22 with intent to manufacture, distribute, or deliver, is:

23           \*~~4548/2.739~~\* \*~~3265/P1.65~~\* **SECTION 1017.** 961.41 (1m) (e) 1. of the statutes  
24 is amended to read:



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

4           \*~~4548/2.740~~\* \*~~3265/P1.66~~\* **SECTION 1018.** 961.41 (1m) (e) 2. of the statutes  
5           is amended to read:

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

10          \*~~4548/2.741~~\* \*~~3265/P1.67~~\* **SECTION 1019.** 961.41 (1m) (e) 3. of the statutes  
11          is amended to read:

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

16          \*~~4548/2.742~~\* \*~~3265/P1.68~~\* **SECTION 1020.** 961.41 (1m) (e) 4. of the statutes  
17          is amended to read:

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

22          \*~~4548/2.743~~\* \*~~3265/P1.69~~\* **SECTION 1021.** 961.41 (1m) (e) 5. of the statutes  
23          is repealed.

24          \*~~4548/2.744~~\* \*~~3265/P1.70~~\* **SECTION 1022.** 961.41 (1m) (e) 6. of the statutes  
25          is repealed.

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

2           \*~~4548/2.746~~\* \*~~3265/P1.71~~\* **SECTION 1024.** 961.41 (1m) (f) (intro.) of the  
3 statutes is amended to read:

4           961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates  
5 this subsection with respect to lysergic acid diethylamide or a controlled substance  
6 analog of lysergic acid diethylamide is subject to the following penalties if and the  
7 amount possessed, with intent to manufacture, distribute or deliver, is:

8           \*~~4548/2.747~~\* \*~~3265/P1.72~~\* **SECTION 1025.** 961.41 (1m) (f) 1. of the statutes  
9 is amended to read:

10           961.41 (1m) (f) 1. One gram or less, the person shall be fined ~~not less than~~  
11 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~  
12 ~~6 months~~ is guilty of a Class G felony.

13           \*~~4548/2.748~~\* \*~~3265/P1.73~~\* **SECTION 1026.** 961.41 (1m) (f) 2. of the statutes  
14 is amended to read:

15           961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person  
16 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~  
17 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class  
18 F felony.

19           \*~~4548/2.749~~\* \*~~3265/P1.74~~\* **SECTION 1027.** 961.41 (1m) (f) 3. of the statutes  
20 is amended to read:

21           961.41 (1m) (f) 3. More than 5 grams, the person shall be fined ~~not less than~~  
22 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~  
23 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

24           \*~~4548/2.750~~\* \*~~3265/P1.75~~\* **SECTION 1028.** 961.41 (1m) (g) (intro.) of the  
25 statutes is amended to read:

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

5           \*~~4548/2.751~~\* \*~~3265/P1.76~~\* **SECTION 1029.** 961.41 (1m) (g) 1. of the statutes  
6 is amended to read:

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

10          \*~~4548/2.752~~\* \*~~3265/P1.77~~\* **SECTION 1030.** 961.41 (1m) (g) 2. of the statutes  
11 is amended to read:

12          961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the  
13 ~~person shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~  
14 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months~~ is guilty  
15 of a Class F felony.

16          \*~~4548/2.753~~\* \*~~3265/P1.78~~\* **SECTION 1031.** 961.41 (1m) (g) 3. of the statutes  
17 is amended to read:

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

21          \*~~4548/2.754~~\* \*~~3265/P1.79~~\* **SECTION 1032.** 961.41 (1m) (h) (intro.) of the  
22 statutes is amended to read:

23          961.41 (1m) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If a  
24 person violates this subsection with respect to tetrahydrocannabinols, included  
25 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is

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

3 \*~~4548/2.755~~\* \*~~3265/P1.80~~\* **SECTION 1033.** 961.41 (1m) (h) 1. of the statutes  
4 is amended to read:

5 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants  
6 containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor  
7 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months  
8 is guilty of a Class I felony.

9 \*~~4548/2.756~~\* \*~~3265/P1.81~~\* **SECTION 1034.** 961.41 (1m) (h) 2. of the statutes  
10 is amended to read:

11 961.41 (1m) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000  
12 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than  
13 ~~50~~ 20 plants containing tetrahydrocannabinols, the person shall be fined not less  
14 than ~~\$1,000~~ nor more than ~~\$50,000~~ and shall be imprisoned for not less than ~~3~~  
15 months nor more than 7 years and 6 months is guilty of a Class H felony.

16 \*~~4548/2.757~~\* \*~~3265/P1.82~~\* **SECTION 1035.** 961.41 (1m) (h) 3. of the statutes  
17 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 \*~~4548/2.758~~\* \*~~3265/P1.83~~\* **SECTION 1036.** 961.41 (1m) (h) 4. of the statutes  
24 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           \*~~4548/2.759~~\* \*~~3265/P1.84~~\* **SECTION 1037.** 961.41 (1m) (h) 5. of the statutes  
5           is created to read:

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

8           \*~~4548/2.760~~\* **SECTION 1038.** 961.41 (1m) (hm) (intro.) of the statutes, as  
9           created by 2001 Wisconsin Act 16, is amended to read:

10           961.41 (1m) (hm) Certain other schedule I controlled substances and ketamine.

11           (intro.) ~~Gamma-hydroxybutyric~~ If the person violates this subsection with respect

12           to gamma-hydroxybutyric acid, gamma-butyrolactone,  
13           3,4-methylenedioxymethamphetamine

14           4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,

15           ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,

16           gamma-butyrolactone, 3,4-methylenedioxymethamphetamine

17           4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is

18           subject to the following penalties if the amount possessed, with intent to

19           manufacture, distribute, or deliver is:

20           \*~~4548/2.761~~\* **SECTION 1039.** 961.41 (1m) (hm) 1. of the statutes, as created  
21           by 2001 Wisconsin Act 16, is amended to read:

22           961.41 (1m) (hm) 1. Three grams or less, the person shall be fined not less than

23           \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and

24           6 months is guilty of a Class F felony.

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

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

7           \*~~4548/2.763~~\* **SECTION 1041.** 961.41 (1m) (hm) 3. of the statutes, as created  
8 by 2001 Wisconsin Act 16, is amended to read:

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

13           \*~~4548/2.764~~\* **SECTION 1042.** 961.41 (1m) (hm) 4. of the statutes, as created  
14 by 2001 Wisconsin Act 16, is amended to read:

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

19           \*~~4548/2.765~~\* **SECTION 1043.** 961.41 (1m) (hm) 5. of the statutes, as created  
20 by 2001 Wisconsin Act 16, is repealed.

21           \*~~4548/2.766~~\* **SECTION 1044.** 961.41 (1m) (hm) 6. of the statutes, as created  
22 by 2001 Wisconsin Act 16, is repealed.

23           \*~~4548/2.767~~\* \*~~3265/P1.85~~\* **SECTION 1045.** 961.41 (1m) (i) of the statutes is  
24 amended to read:

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

5           \*~~4548/2.768~~\* **SECTION 1046.** 961.41 (1m) (im) (intro.) of the statutes, as  
6           affected by 2001 Wisconsin Act 16, is amended to read:

7           961.41 (1m) (im) Flunitrazepam. (intro.) Flunitrazepam is subject to the  
8           following penalties if If a person violates this subsection with respect to  
9           flunitrazepam and the amount possessed, with intent to manufacture, distribute, or  
10          deliver, is:

11          \*~~4548/2.769~~\* **SECTION 1047.** 961.41 (1m) (im) 1. of the statutes, as created by  
12          2001 Wisconsin Act 16, is amended to read:

13          961.41 (1m) (im) 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          \*~~4548/2.770~~\* **SECTION 1048.** 961.41 (1m) (im) 2. of the statutes, as created by  
17          2001 Wisconsin Act 16, is amended to read:

18          961.41 (1m) (im) 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          \*~~4548/2.771~~\* **SECTION 1049.** 961.41 (1m) (im) 3. of the statutes, as created by  
23          2001 Wisconsin Act 16, is amended to read:

24          961.41 (1m) (im) 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 **\*-4548/2.772\* SECTION 1050.** 961.41 (1m) (im) 4. of the statutes, as created by  
4 2001 Wisconsin Act 16, is amended to read:

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

9 **\*-4548/2.773\* SECTION 1051.** 961.41 (1m) (im) 5. of the statutes, as created by  
10 2001 Wisconsin Act 16, is repealed.

11 **\*-4548/2.774\* SECTION 1052.** 961.41 (1m) (im) 6. of the statutes, as created by  
12 2001 Wisconsin Act 16, is repealed.

13 **\*-4548/2.775\* \*-3265/P1.86\* SECTION 1053.** 961.41 (1m) (j) of the statutes is  
14 amended to read:

15 961.41 (1m) (j) Schedule V drugs. ~~-A- If a person violates this subsection with~~  
16 respect to a substance included in schedule V, may be fined not more than \$5,000 or  
17 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

18 **\*-4548/2.776\* \*-3265/P1.87\* SECTION 1054.** 961.41 (1n) (c) of the statutes is  
19 amended to read:

20 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~  
21 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

22 **\*-4548/2.777\* \*-3265/P1.88\* SECTION 1055.** 961.41 (1q) of the statutes is  
23 amended to read:

24 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.  
25 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2), if~~



1 different penalty provisions apply to a person depending on whether the weight of  
2 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is  
3 considered, the greater penalty provision applies.

4 \*~~4548/2.778~~\* \*~~3265/P1.89~~\* **SECTION 1056.** 961.41 (1r) of the statutes is  
5 amended to read:

6 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under  
7 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) and s. 961.49 (2) (b), an amount  
8 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid  
9 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,  
10 methcathinone or tetrahydrocannabinols or any controlled substance analog of any  
11 of these substances together with any compound, mixture, diluent, plant material  
12 or other substance mixed or combined with the controlled substance or controlled  
13 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)  
14 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14  
15 (4) (t) and includes the weight of any marijuana.

16 \*~~4548/2.779~~\* \*~~3265/P1.90~~\* **SECTION 1057.** 961.41 (2) (intro.) of the statutes  
17 is amended to read:

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

22 \*~~4548/2.780~~\* \*~~3265/P1.91~~\* **SECTION 1058.** 961.41 (2) (a) of the statutes is  
23 amended to read:

24 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person  
25 violates this subsection with respect to a counterfeit substance included in schedule

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

4 \*~~4548/2.781~~\* \*~~3265/P1.92~~\* **SECTION 1059.** 961.41 (2) (b) of the statutes, as  
5 affected by 2001 Wisconsin Act 16, is amended to read:

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

11 \*~~4548/2.782~~\* \*~~3265/P1.93~~\* **SECTION 1060.** 961.41 (2) (c) of the statutes is  
12 repealed.

13 \*~~4548/2.783~~\* **SECTION 1061.** 961.41 (2) (cm) (title) of the statutes is created  
14 to read:

15 961.41 (2) (cm) (title) Counterfeit flunitrazepam.

16 \*~~4548/2.784~~\* \*~~3265/P1.94~~\* **SECTION 1062.** 961.41 (2) (d) of the statutes is  
17 amended to read:

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

22 \*~~4548/2.785~~\* \*~~3265/P1.95~~\* **SECTION 1063.** 961.41 (3g) (a) 1. of the statutes  
23 is renumbered 961.41 (3g) (am) and amended to read:

24 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~  
25 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II

1 which is a narcotic drug, or possesses a controlled substance analog of a controlled  
2 substance included in schedule I or II which is a narcotic drug, the person may, upon  
3 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2  
4 years or both, and, for a 2nd or subsequent offense, the person may be fined not more  
5 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I  
6 felony.

7 \*~~4548/2.786~~\* \*~~3265/P1.96~~\* **SECTION 1064.** 961.41 (3g) (a) 2. of the statutes  
8 is repealed.

9 \*~~4548/2.787~~\* \*~~3265/P1.97~~\* **SECTION 1065.** 961.41 (3g) (a) 3. of the statutes  
10 is repealed.

11 \*~~4548/2.788~~\* **SECTION 1066.** 961.41 (3g) (b) of the statutes is amended to read:  
12 961.41 (3g) (b) Other drugs generally. Except as provided in pars. (c), (d), ~~(dm)~~,  
13 (e) and (f), if the person possesses or attempts to possess a controlled substance or  
14 controlled substance analog, other than a controlled substance included in schedule  
15 I or II that is a narcotic drug or a controlled substance analog of a controlled  
16 substance included in schedule I or II that is a narcotic drug, the person is guilty of  
17 a misdemeanor, punishable under s. 939.61.

18 \*~~4548/2.789~~\* \*~~3265/P1.99~~\* **SECTION 1067.** 961.41 (3g) (c) of the statutes is  
19 amended to read:

20 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to  
21 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine  
22 base, the person shall be fined not more than \$5,000 and may be imprisoned for not  
23 more than one year in the county jail upon a first conviction and is guilty of a Class  
24 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense  
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 under this chapter or under any statute of the United States or of any state relating  
3 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,  
4 or depressant, stimulant, or hallucinogenic drugs.

5 \*~~4548/2.790~~\* \*~~3265/P1.100~~\* **SECTION 1068.** 961.41 (3g) (d) of the statutes  
6 is amended to read:

7 961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person  
8 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,  
9 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a  
10 controlled substance analog of lysergic acid diethylamide, phencyclidine,  
11 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person  
12 may be fined not more than \$5,000 or imprisoned for not more than one year in the  
13 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd  
14 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd  
15 or subsequent offense if, prior to the offender's conviction of the offense, the offender  
16 has at any time been convicted of any felony or misdemeanor under this chapter or  
17 under any statute of the United States or of any state relating to controlled  
18 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,  
19 stimulant, or hallucinogenic drugs.

20 \*~~4548/2.791~~\* **SECTION 1069.** 961.41 (3g) (dm) of the statutes is repealed.

21 \*~~4548/2.792~~\* \*~~3265/P1.101~~\* **SECTION 1070.** 961.41 (3g) (e) of the statutes  
22 is amended to read:

23 961.41 (3g) (e) Tetrahydrocannabinols. If a person possesses or attempts to  
24 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled  
25 substance analog of tetrahydrocannabinols, the person may be fined not more than

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

8           \*~~4548/2.793~~\* **SECTION 1071.** 961.41 (3g) (f) of the statutes is amended to read:  
9           961.41 (3g) (f) Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine,  
10          or flunitrazepam. If a person possesses or attempts to possess  
11          gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,  
12          the person may be fined not more than \$5,000 or imprisoned for not more than 2 years  
13          or both is guilty of a Class H felony.

14           \*~~4548/2.794~~\* \*~~3265/P1.103~~\* **SECTION 1072.** 961.41 (4) (am) 3. of the statutes  
15          is amended to read:  
16           961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph  
17          ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~  
18          is guilty of a Class I felony.

19           \*~~4548/2.795~~\* \*~~3265/P1.104~~\* **SECTION 1073.** 961.42 (2) of the statutes is  
20          amended to read:  
21           961.42 (2) Any person who violates this section may be ~~fined not more than~~  
22          ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

23           \*~~4548/2.796~~\* \*~~3265/P1.105~~\* **SECTION 1074.** 961.43 (2) of the statutes is  
24          amended to read:

1           961.43 (2) Any person who violates this section ~~may be fined not more than~~  
2           \$30,000 or imprisoned not more than 6 years or both is guilty of a Class H felony.

3           \*~~4548/2.797~~\* **SECTION 1075.** 961.437 (4) (a) of the statutes is amended to read:

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

7           \*~~4548/2.798~~\* **SECTION 1076.** 961.437 (4) (b) of the statutes is amended to read:

8           961.437 (4) (b) For a 2nd or subsequent offense, the person ~~shall be fined not~~  
9           ~~less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years~~  
10          ~~or both~~ is guilty of a Class F felony.

11          \*~~4548/2.799~~\* \*~~3265/P1.106~~\* **SECTION 1077.** 961.438 of the statutes is  
12          repealed.

13          \*~~4548/2.800~~\* \*~~3265/P1.107~~\* **SECTION 1078.** 961.455 (1) of the statutes is  
14          amended to read:

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

19          \*~~4548/2.801~~\* \*~~0590/P5.405~~\* **SECTION 1079.** 961.455 (3) of the statutes is  
20          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          \*~~4548/2.802~~\* \*~~3265/P1.108~~\* **SECTION 1080.** 961.46 (1) of the statutes is  
25          renumbered 961.46 and amended 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           \*~~4548/2.803~~\* \*~~3265/P1.109~~\* **SECTION 1081.** 961.46 (2) of the statutes is  
11           repealed.

12           \*~~4548/2.804~~\* \*~~3265/P1.110~~\* **SECTION 1082.** 961.46 (3) of the statutes is  
13           repealed.

14           \*~~4548/2.805~~\* \*~~3265/P1.111~~\* **SECTION 1083.** 961.465 of the statutes is  
15           repealed.

16           \*~~4548/2.806~~\* \*~~3265/P1.112~~\* **SECTION 1084.** 961.472 (2) of the statutes is  
17           amended to read:

18           961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found  
19           guilty of possession or attempted possession of a controlled substance or controlled  
20           substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c), or (d) ~~or (dm)~~, the court shall  
21           order the person to comply with an assessment of the person's use of controlled  
22           substances. The court's order shall designate a facility that is operated by or  
23           pursuant to a contract with the county department established under s. 51.42 and  
24           that is certified by the department of health and family services to provide  
25           assessment services to perform the assessment and, if appropriate, to develop a

1 proposed treatment plan. The court shall notify the person that noncompliance with  
2 the order limits the court's ability to determine whether the treatment option under  
3 s. 961.475 is appropriate. The court shall also notify the person of the fee provisions  
4 under s. 46.03 (18) (fm).

5 **\*-4548/2.807\* \*-3265/P1.113\* SECTION 1085.** 961.48 (1) of the statutes is  
6 renumbered 961.48 (1) (intro.) and amended to read:

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

14 **\*-4548/2.808\* \*-3265/P1.114\* SECTION 1086.** 961.48 (1) (a) and (b) of the  
15 statutes are created to read:

16 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

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

18 **\*-4548/2.809\* \*-3265/P1.115\* SECTION 1087.** 961.48 (2) of the statutes is  
19 repealed.

20 **\*-4548/2.810\* \*-3265/P1.116\* SECTION 1088.** 961.48 (2m) (a) of the statutes  
21 is amended to read:

22 961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this  
23 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is  
24 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior  
25 convictions are alleged in the complaint, indictment or information or in an amended



1 complaint, indictment or information that is filed under par. (b) 1. A person is not  
2 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of  
3 applicable prior convictions is withdrawn by an amended complaint filed under par.  
4 (b) 2.

5 \*~~4548/2.811~~\* \*~~3265/P1.117~~\* **SECTION 1089.** 961.48 (3) of the statutes is  
6 amended to read:

7 961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter  
8 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the  
9 offense, the offender has at any time been convicted of any felony or misdemeanor  
10 offense under this chapter or under any statute of the United States or of any state  
11 relating to controlled substances or controlled substance analogs, narcotic drugs,  
12 marijuana or depressant, stimulant or hallucinogenic drugs.

13 \*~~4548/2.812~~\* \*~~3265/P1.118~~\* **SECTION 1090.** 961.48 (4) of the statutes is  
14 repealed.

15 \*~~4548/2.813~~\* **SECTION 1091.** 961.49 (1) of the statutes is renumbered 961.49,  
16 and 961.49 (intro.), as renumbered, is amended to read:

17 **961.49 Distribution of or possession with intent to deliver a controlled**  
18 **substance on or near certain places.** (intro.) If any person violates s. 961.41 (1)  
19 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m)  
20 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute,  
21 cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin,  
22 psilocybin, amphetamine, methamphetamine, methcathinone or any form of  
23 tetrahydrocannabinols or a controlled substance analog of any of these substances  
24 and the delivery, distribution or possession takes place under any of the following

1 circumstances, the maximum term of imprisonment prescribed by law for that crime  
2 may be increased by 5 years:

3 ~~\*-4548/2.814\* \*-3265/P1.120\*~~ **SECTION 1092.** 961.49 (2) of the statutes is  
4 repealed.

5 ~~\*-4548/2.815\* \*-3265/P1.121\*~~ **SECTION 1093.** 961.49 (3) of the statutes is  
6 repealed.

7 ~~\*-4548/2.816\* \*-3265/P1.122\*~~ **SECTION 1094.** 961.492 of the statutes is  
8 repealed.

9 ~~\*-4548/2.817\*~~ **SECTION 1095.** 961.55 (1) (d) 3. of the statutes is amended to  
10 read:

11 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41  
12 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

13 ~~\*-4548/2.818\*~~ **SECTION 1096.** 961.573 (3) of the statutes is amended to read:

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

20 ~~\*-4548/2.819\*~~ **SECTION 1097.** 961.574 (3) of the statutes is amended to read:

21 961.574 (3) No person may deliver, possess with intent to deliver, or  
22 manufacture with intent to deliver, drug paraphernalia, knowing that it will be  
23 primarily used to manufacture, compound, convert, produce, process, prepare, test,  
24 analyze, pack, repack or store methamphetamine or a controlled substance analog  
25 of methamphetamine in violation of this chapter. Any person who violates this

1 subsection may be fined not more than \$10,000 or imprisoned for not more than 5  
2 years or both is guilty of a Class H felony.

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

4 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by  
5 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~  
6 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a  
7 Class G felony.

8 \*~~4548/2.821~~\* **SECTION 1099.** 967.04 (9) of the statutes is amended to read:

9 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under  
10 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken  
11 under subs. (7) and (8) without an additional hearing under s. 908.08. In any  
12 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the  
13 hearing examiner may order and preside at the taking of a videotaped deposition  
14 using the procedure provided in subs. (7) and (8) and may admit the videotaped  
15 deposition into evidence without an additional hearing under s. 908.08.

16 \*~~4548/2.822~~\* \*~~0590/P5.406~~\* **SECTION 1100.** 968.255 (1) (a) 2. of the statutes  
17 is amended to read:

18 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20  
19 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

20 \*~~4548/2.823~~\* \*~~3266/P1.148~~\* **SECTION 1101.** 968.31 (1) (intro.) of the  
21 statutes is amended to read:

22 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or  
23 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~  
24 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~  
25 ~~or both~~ is guilty of a Class H felony:

1           \*~~4548/2.824~~\* \*~~3266/P1.149~~\* **SECTION 1102.** 968.34 (3) of the statutes is  
2 amended to read:

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

5           \*~~4548/2.825~~\* \*~~3266/P1.150~~\* **SECTION 1103.** 968.43 (3) of the statutes is  
6 amended to read:

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

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

12          969.08 (10) (a) “Commission of a serious crime” includes a solicitation,  
13 conspiracy or attempt, under s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 or  
14 948.35, to commit a serious crime.

15          \*~~4548/2.827~~\* \*~~0590/P5.408~~\* **SECTION 1105.** 969.08 (10) (b) of the statutes  
16 is amended to read:

17          969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),  
18 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,  
19 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,  
20 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,  
21 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),  
22 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r),  
23 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,  
24 948.04, 948.05, 948.06, 948.07 or 948.30.

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

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

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

18          \*~~-4548/2.829~~\* \*~~-0590/P5.410~~\* **SECTION 1107.** 971.17 (1) (b) of the statutes is  
19          created to read:

20          971.17 (1) (b) Felonies committed on or after the effective date of this paragraph  
21          .... [revisor inserts date]. Except as provided in par. (c), when a defendant is found  
22          not guilty by reason of mental disease or mental defect of a felony committed on or  
23          after the effective date of this paragraph .... [revisor inserts date], the court shall  
24          commit the person to the department of health and family services for a specified  
25          period not exceeding the maximum term of confinement in prison that could be

1 imposed on an offender convicted of the same felony, plus imprisonment authorized  
2 by any applicable penalty enhancement statutes, subject to the credit provisions of  
3 s. 973.155.

4 **\*-4548/2.830\* \*-0590/P5.411\* SECTION 1108.** 971.17 (1) (d) of the statutes is  
5 created to read:

6 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason  
7 of mental disease or mental defect of a misdemeanor, the court shall commit the  
8 person to the department of health and family services for a specified period not  
9 exceeding two-thirds of the maximum term of imprisonment that could be imposed  
10 against an offender convicted of the same misdemeanor, including imprisonment  
11 authorized by any applicable penalty enhancement statutes, subject to the credit  
12 provisions of s. 973.155.

13 **\*-4548/2.831\* SECTION 1109.** 971.365 (1) (a) of the statutes is amended to read:

14 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)  
15 (cm), (d), (e), (~~em~~), (f), (g) or (h) involving more than one violation, all violations may  
16 be prosecuted as a single crime if the violations were pursuant to a single intent and  
17 design.

18 **\*-4548/2.832\* SECTION 1110.** 971.365 (1) (b) of the statutes is amended to read:

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

23 **\*-4548/2.833\* \*-3265/P1.123\* SECTION 1111.** 971.365 (1) (c) of the statutes is  
24 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes  
2 apply to a crime, the court shall apply them in the order listed in calculating the  
3 maximum term of imprisonment for that crime:

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

5           b. Section 939.63.

6           c. Section 939.62 (1) or 961.48.

7           \*~~4548/2.852~~\* \*~~0590/P5.426~~\* **SECTION 1130.** 973.01 (2) (d) of the statutes is  
8 renumbered 973.01 (2) (d) (intro.) and amended to read:

9           973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)  
10 The term of extended supervision that follows the term of confinement in prison may  
11 not be less than 25% of the length of the term of confinement in prison imposed under  
12 par. (b), and, for a classified felony, is subject to whichever of the following limits is  
13 applicable:

14           \*~~4548/2.853~~\* \*~~0590/P5.427~~\* **SECTION 1131.** 973.01 (2) (d) 1. to 6. of the  
15 statutes are created to read:

16           973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not  
17 exceed 20 years.

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

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

22           4. For a Class E, F, or G felony, the term of extended supervision may not exceed  
23 5 years.

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

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

2           \*~~4548/2.854~~\* \*~~3370/P2.8~~\* **SECTION 1132.** 973.01 (4) of the statutes is  
3 amended to read:

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

9           \*~~4548/2.855~~\* **SECTION 1133.** 973.01 (6) of the statutes is amended to read:

10          973.01 (6) **NO PAROLE.** A person serving a bifurcated sentence imposed under  
11 sub. (1) is not eligible for release on parole under that sentence.

12          \*~~4548/2.856~~\* \*~~0590/P5.428~~\* **SECTION 1134.** 973.0135 (1) (b) 2. of the  
13 statutes is amended to read:

14          973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)  
15 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.  
16 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,  
17 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),  
18 (1m) or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),  
19 948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

20          \*~~4548/2.857~~\* \*~~0590/P5.429~~\* **SECTION 1135.** 973.017 of the statutes is  
21 created to read:

22          **973.017 Bifurcated sentences; use of guidelines; consideration of**  
23 **aggravating and mitigating factors. (1) DEFINITION.** In this section, “sentencing  
24 decision” means a decision as to whether to impose a bifurcated sentence under s.  
25 973.01 or place a person on probation and a decision as to the length of a bifurcated

1 sentence, including the length of each component of the bifurcated sentence, the  
2 amount of a fine, and the length of a term of probation.

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

7 (a) If the offense is a felony, the sentencing guidelines adopted by the  
8 sentencing commission under s. 973.30 or, if the sentencing commission has not  
9 adopted a guideline for the offense, any applicable temporary sentencing guideline  
10 adopted by the criminal penalties study committee created under 1997 Wisconsin  
11 Act 283.

12 (ad) The protection of the public.

13 (ag) The gravity of the offense.

14 (ak) The rehabilitative needs of the defendant.

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

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

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

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

24 (c) The fact that the person committed the crime for the benefit of, at the  
25 direction of, or in association with any criminal gang, as defined in s. 939.22 (9), with

1 the specific intent to promote, further, or assist in any criminal conduct by criminal  
2 gang members, as defined in s. 939.22 (9g).

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

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

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

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

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

16 2. a. In this subdivision, “labor dispute” includes any controversy concerning  
17 terms, tenure, or conditions of employment or concerning the association or  
18 representation of persons in negotiating, fixing, maintaining, changing, or seeking  
19 to arrange terms or conditions of employment, regardless of whether the disputants  
20 stand in the proximate relation of employer and employee.

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

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

1           1. “HIV” means any strain of human immunodeficiency virus, which causes  
2 acquired immunodeficiency syndrome.

3           2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2),  
4 or 948.025.

5           3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B,  
6 hepatitis C, or chlamydia.

7           4. “Significantly exposed” means sustaining a contact which carries a potential  
8 for transmission of a sexually transmitted disease or HIV by one or more of the  
9 following:

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

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

17           c. Exchange, into an eye, an open wound, an oozing lesion, or other place where  
18 a significant breakdown in the epidermal barrier has occurred, of blood; semen;  
19 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or  
20 amniotic fluid; or other body fluid that is visibly contaminated with blood.

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

24           1. At the time that he or she committed the serious sex crime, the person  
25 convicted of committing the serious sex crime had a sexually transmitted disease or

1 acquired immunodeficiency syndrome or had had a positive test for the presence of  
2 HIV, antigen, or nonantigenic products of HIV or an antibody to HIV.

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

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

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

12 In this subsection:

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

14 2. "Violent felony" means any felony under s. 940.19 (2), (4), (5), or (6), 940.225  
15 (1), (2), or (3), 940.23, or 943.32.

16 (b) When making a sentencing decision concerning a person convicted of a  
17 violent felony, the court shall consider as an aggravating factor the fact that the  
18 victim of the violent felony was an elder person. This paragraph applies even if the  
19 person mistakenly believed that the victim had not attained the age of 62 years.

20 **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**

21 **PERSONS. (a)** In this subsection, "person responsible for the welfare the child"

22 includes the child's parent, stepparent, guardian, foster parent, or treatment foster

23 parent; an employee of a public or private residential home, institution, or agency;

24 any other person legally responsible for the child's welfare in a residential setting;



1 or a person employed by one who is legally responsible for the child's welfare to  
2 exercise temporary control or care for the child.

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

7 **(7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.**

8 When making a sentencing decision concerning a person convicted of a violation of  
9 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact  
10 that, at the time of the violation, there was a minor passenger under 16 years of age  
11 or an unborn child in the person's motor vehicle.

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

15 2. When making a sentencing decision concerning a person convicted of  
16 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the  
17 fact that the violation involved delivering, distributing, or possessing with intent to  
18 deliver or distribute a controlled substance or controlled substance analog to a  
19 prisoner within the precincts of any prison, jail, or house of correction.

20 (b) *Distribution or delivery on public transit vehicles.* When making a  
21 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),  
22 the court shall consider as an aggravating factor the fact that the violation involved  
23 delivering, distributing, or possessing with intent to deliver or distribute a controlled  
24 substance included in schedule I or II or a controlled substance analog of any

1 controlled substance included in schedule I or II and that the person knowingly used  
2 a public transit vehicle during the violation.

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

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

17 (10m) STATEMENT OF REASONS FOR SENTENCING DECISION. (a) The court shall  
18 state the reasons for its sentencing decision and, except as provided in par. (b), shall  
19 do so in open court and on the record.

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

24 \*~~4548/2.858~~\* \*~~0590/P5.430~~\* **SECTION 1136.** 973.03 (3) (e) 1. and 2. of the  
25 statutes are amended to read:

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

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

4           \*~~4548/2.859~~\* \*~~0590/P5.431~~\* **SECTION 1137.** 973.03 (3) (e) 3. of the statutes  
5 is repealed.

6           \*~~4548/2.860~~\* \*~~0590/P5.432~~\* **SECTION 1138.** 973.032 (4) (c) 2. of the statutes  
7 is amended to read:

8           973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~  
9 to a sentence of imprisonment concurrent with the sentence to the intensive  
10 sanctions program.

11           \*~~4548/2.861~~\* **SECTION 1139.** 973.075 (1) (b) 1m. e. of the statutes, as affected  
12 by 2001 Wisconsin Act 16, is amended to read:

13           973.075 (1) (b) 1m. e. To cause more than ~~\$2,500~~ \$1,000 worth of criminal  
14 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

15           \*~~4548/2.862~~\* **SECTION 1140.** 973.075 (2) (d) of the statutes, as affected by 2001  
16 Wisconsin Act 16, is amended to read:

17           973.075 (2) (d) The officer has probable cause to believe that the property was  
18 derived from or realized through a crime or that the property is a vehicle which was  
19 used to transport any property or weapon used or to be used or received in the  
20 commission of any felony, which was used in the commission of a crime relating to  
21 a submerged cultural resource in violation of s. 44.47, or which was used to cause  
22 more than ~~\$2,500~~ \$1,000 worth of criminal damage to cemetery property in violation  
23 of s. 943.01 (2) (d) or 943.012.

24           \*~~4548/2.863~~\* \*~~0590/P5.435~~\* **SECTION 1141.** 973.09 (2) (b) 1. of the statutes  
25 is amended to read:

1           973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one  
2 year nor more than either the ~~statutory~~ maximum term of imprisonment  
3 confinement in prison for the crime or 3 years, whichever is greater.

4           \*~~4548/2.864~~\* **SECTION 1142.** 973.15 (2m) of the statutes is created to read:

5           973.15 (2m) (a) *Definitions.* In this subsection:

6           1. “Determinate sentence” means a bifurcated sentence imposed under s.  
7 973.01 or a life sentence under which a person is eligible for release to extended  
8 supervision under s. 973.014 (1g) (a) 1. or 2.

9           2. “Indeterminate sentence” means a sentence to the Wisconsin state prisons  
10 other than one of the following:

11           a. A determinate sentence.

12           b. A sentence under which the person is not eligible for release on parole under  
13 s. 939.62 (2m) (c) or 973.014 (1) (c).

14           3. “Period of confinement in prison,” with respect to any sentence to the  
15 Wisconsin state prisons, means any time during which a person is incarcerated  
16 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113  
17 (3), or 302.114 (3) and any period of confinement in prison required to be served under  
18 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

19           (b) *Determinate sentences imposed to run concurrent with or consecutive to*  
20 *determinate sentences.* 1. If a court provides that a determinate sentence is to run  
21 concurrent with another determinate sentence, the person sentenced shall serve the  
22 periods of confinement in prison under the sentences concurrently and the terms of  
23 extended supervision under the sentences concurrently.

24           2. If a court provides that a determinate sentence is to run consecutive to  
25 another determinate sentence, the person sentenced shall serve the periods of

1 confinement in prison under the sentences consecutively and the terms of extended  
2 supervision under the sentences consecutively and in the order in which the  
3 sentences have been pronounced.

4 (c) *Determinate sentences imposed to run concurrent with or consecutive to*  
5 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run  
6 concurrent with an indeterminate sentence, the person sentenced shall serve the  
7 period of confinement in prison under the determinate sentence concurrent with the  
8 period of confinement in prison under the indeterminate sentence and the term of  
9 extended supervision under the determinate sentence concurrent with the parole  
10 portion of the indeterminate sentence.

11 2. If a court provides that a determinate sentence is to run consecutive to an  
12 indeterminate sentence, the person sentenced shall serve the period of confinement  
13 in prison under the determinate sentence consecutive to the period of confinement  
14 in prison under the indeterminate sentence and the parole portion of the  
15 indeterminate sentence consecutive to the term of extended supervision under the  
16 determinate sentence.

17 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*  
18 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run  
19 concurrent with a determinate sentence, the person sentenced shall serve the period  
20 of confinement in prison under the indeterminate sentence concurrent with the  
21 period of confinement in prison under the determinate sentence and the parole  
22 portion of the indeterminate sentence concurrent with the term of extended  
23 supervision required under the determinate sentence.

24 2. If a court provides that an indeterminate sentence is to run consecutive to  
25 a determinate sentence, the person sentenced shall serve the period of confinement

1 in prison under the indeterminate sentence consecutive to the period of confinement  
2 in prison under the determinate sentence and the parole portion of the  
3 indeterminate sentence consecutive to the term of extended supervision under the  
4 determinate sentence.

5 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent  
6 determinate sentences and extended supervision is revoked in each case, or if a  
7 person is serving a determinate sentence concurrent with an indeterminate sentence  
8 and both extended supervision and parole are revoked, the person shall concurrently  
9 serve any periods of confinement in prison required under those sentences under s.  
10 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

11 \*~~4548/2.865~~\* **SECTION 1143.** 973.155 (1) (b) of the statutes is amended to read:  
12 973.155 (1) (b) The categories in par. (a) include custody of the convicted  
13 offender which is in whole or in part the result of a probation, extended supervision  
14 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed  
15 upon the person for the same course of conduct as that resulting in the new  
16 conviction.

17 \*~~4548/2.866~~\* \*~~3361/P2.14~~\* **SECTION 1144.** 973.30 of the statutes is created  
18 to read:

19 **973.30 Sentencing commission.** (1) DUTIES. The sentencing commission  
20 shall do all of the following:

21 (a) Select an executive director having appropriate training and experience to  
22 study sentencing practices and prepare proposed sentencing guidelines.

23 (b) Monitor and compile data regarding sentencing practices in the state.

24 (c) Adopt advisory sentencing guidelines for felonies committed on or after the  
25 effective date of this paragraph .... [revisor inserts date], to promote public safety, to

1 reflect changes in sentencing practices and to preserve the integrity of the criminal  
2 justice and correctional systems.

3 (d) Provide information to the legislature, state agencies, and the public  
4 regarding the costs to and other needs of the department which result from  
5 sentencing practices.

6 (e) Provide information to judges and lawyers about the sentencing guidelines.

7 (f) Publish and distribute to all circuit judges hearing criminal cases an annual  
8 report regarding its work, which shall include all sentencing guidelines and all  
9 changes in existing sentencing guidelines adopted during the 12 months preceding  
10 the report.

11 (g) Study whether race is a basis for imposing sentences in criminal cases and  
12 submit a report and recommendations on this issue to the governor, to each house  
13 of the legislature under s. 13.172 (2), and to the supreme court.

14 (h) Assist the legislature in assessing the cost of enacting new or revising  
15 existing statutes affecting criminal sentencing.

16 (i) At least semiannually, submit reports to all circuit judges, and to the chief  
17 clerk of each house of the legislature for distribution to the appropriate standing  
18 committees under s. 13.172 (3), containing statistics regarding criminal sentences  
19 imposed in this state. Each report shall have a different focus and need not contain  
20 statistics regarding every crime. Each report shall contain information regarding  
21 sentences imposed statewide and in each of the following geographic areas:

- 22 1. Milwaukee County.
- 23 2. Dane and Rock counties.
- 24 3. Brown, Outagamie, Calumet, and Winnebago counties.
- 25 4. Racine and Kenosha counties.

1           5. All other counties.

2           (j) Study how sentencing options affect various types of offenders and offenses.

3           **(2) STAFF.** Subject to authorization under s. 16.505, the sentencing commission  
4 may hire staff to assist it in the performance of its duties.

5           **(3) SUNSET.** This section does not apply after December 31, 2007.

6           \***-4548/2.867\* \*-3370/P2.9\* SECTION 1145.** 977.05 (4) (jm) of the statutes is  
7 created to read:

8           977.05 (4) (jm) At the request of an inmate determined by the state public  
9 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent  
10 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113  
11 (9g) before a program review committee and the sentencing court, if the state public  
12 defender determines the case should be pursued.

13           \***-4548/2.868\* \*-3266/P1.151\* SECTION 1146.** 977.06 (2) (b) of the statutes is  
14 amended to read:

15           977.06 (2) (b) A person who makes a false representation that he or she does  
16 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~  
17 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~  
18 is guilty of a Class I felony.

19           \***-4548/2.869\* SECTION 1147.** 978.13 (1) (intro.) of the statutes is amended to  
20 read:

21           978.13 (1) (intro.) The Subject to sub. (1m), the state shall assume financial  
22 responsibility for all of the following:

23           \***-4548/2.870\* SECTION 1148.** 978.13 (1) (b) of the statutes is amended to read:

24           978.13 (1) (b) In counties having a population of 500,000 or more, the salary  
25 and fringe benefit costs of 2 clerk positions providing clerical services to the



1 prosecutors in the district attorney's office handling cases involving felony violations  
2 under ch. 961. The state treasurer shall pay the amount authorized under this  
3 ~~paragraph subsection~~ to the county treasurer pursuant to a voucher submitted by  
4 the district attorney to the department of administration from the appropriation  
5 under s. 20.475 (1) (i). ~~The amount paid under this paragraph may not exceed~~  
6 ~~\$75,200 in the 1999-2000 fiscal year and \$77,500 in the 2000-01 fiscal year.~~

7 \*~~4548/2.871~~\* **SECTION 1149.** 978.13 (1) (c) of the statutes is amended to read:

8 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and  
9 fringe benefit costs of clerk positions in the district attorney's office necessary for the  
10 prosecution of violent crime cases primarily involving felony violations under s.  
11 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,  
12 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32 (2). The state treasurer shall  
13 pay the amount authorized under this ~~paragraph subsection~~ to the county treasurer  
14 pursuant to a voucher submitted by the district attorney to the secretary of  
15 administration from the appropriation under s. 20.475 (1) (i). ~~The amount paid~~  
16 ~~under this paragraph may not exceed \$94,400 in the 1999-2000 fiscal year and~~  
17 ~~\$97,200 in the 2000-01 fiscal year.~~

18 \*~~4548/2.872~~\* **SECTION 1150.** 978.13 (1) (d) of the statutes, as affected by 2001  
19 Wisconsin Act 16, is amended to read:

20 978.13 (1) (d) In counties having a population of 500,000 or more, the salary  
21 and fringe benefit costs of 2 clerk positions providing clerical services to the  
22 prosecutors in the district attorney's office handling cases involving the unlawful  
23 possession or use of firearms. The state treasurer shall pay the amount authorized  
24 under this ~~paragraph subsection~~ to the county treasurer from the appropriation  
25 under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the

1 department of administration. ~~The amount paid under this paragraph may not~~  
2 ~~exceed the amount appropriated under s. 20.475 (1) (f).~~

3 **\*-4548/2.873\* SECTION 1151.** 978.13 (1m) of the statutes is created to read:

4 978.13 (1m) The amount paid under sub. (1) (b) and (c) combined may not  
5 exceed the amount appropriated under s. 20.475 (1) (i). The amount paid under sub.  
6 (1) (d) may not exceed the amount appropriated under s. 20.475 (1) (f).

7 **\*-4471/3.5\* SECTION 1152.** 980.08 (4) of the statutes is amended to read:

8 980.08 (4) The court, without a jury, shall hear the petition within 30 days after  
9 the report of the court-appointed examiner is filed with the court, unless the  
10 petitioner waives this time limit. Expenses of proceedings under this subsection  
11 shall be paid as provided under s. 51.20 (18) (b), (c), and (d). The court shall grant  
12 the petition unless the state proves by clear and convincing evidence that the person  
13 is still a sexually violent person and that it is still substantially probable that the  
14 person will engage in acts of sexual violence if the person is not continued in  
15 institutional care. In making a decision under this subsection, the court may  
16 consider, without limitation because of enumeration, the nature and circumstances  
17 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)  
18 (a), the person's mental history and present mental condition, where the person will  
19 live, how the person will support himself or herself, and what arrangements are  
20 available to ensure that the person has access to and will participate in necessary  
21 treatment, ~~including pharmacological treatment using an antiandrogen or the~~  
22 ~~chemical equivalent of an antiandrogen if the person is a serious child sex offender.~~  
23 ~~A decision under this subsection on a petition filed by a person who is a serious child~~  
24 ~~sex offender may not be made based on the fact that the person is a proper subject~~  
25 ~~for pharmacological treatment using an antiandrogen or the chemical equivalent of~~

1 ~~an antiandrogen or on the fact that the person is willing to participate in~~  
2 ~~pharmacological treatment using an antiandrogen or the chemical equivalent of an~~  
3 ~~antiandrogen.~~

4 \*~~4471/3.6~~\* **SECTION 1153.** 980.08 (5) of the statutes, as affected by 2001  
5 Wisconsin Act 16, is amended to read:

6 980.08 (5) If the court finds that the person is appropriate for supervised  
7 release, the court shall notify the department. The department shall make its best  
8 effort to arrange for placement of the person in a residential facility or dwelling that  
9 is in the person's county of residence, as determined by the department under s.  
10 980.105. The department and the county department under s. 51.42 in the county  
11 of residence of the person shall prepare a plan that identifies the treatment and  
12 services, if any, that the person will receive in the community. The plan shall address  
13 the person's need, if any, for supervision, counseling, medication, community support  
14 services, residential services, vocational services, and alcohol or other drug abuse  
15 treatment. In developing a plan for where the person may reside while on supervised  
16 release, the department shall consider the proximity of any potential placement to  
17 the residence of other persons on supervised release and to the residence of persons  
18 who are in the custody of the department of corrections and regarding whom a sex  
19 offender notification bulletin has been issued to law enforcement agencies under s.  
20 301.46 (2m) (a) or (am). ~~If the person is a serious child sex offender, the plan shall~~  
21 ~~address the person's need for pharmacological treatment using an antiandrogen or~~  
22 ~~the chemical equivalent of an antiandrogen.~~ The department may contract with a  
23 county department, under s. 51.42 (3) (aw) 1. d., with another public agency, or with  
24 a private agency to provide the treatment and services identified in the plan. The  
25 plan shall specify who will be responsible for providing the treatment and services

1 identified in the plan. The plan shall be presented to the court for its approval within  
2 60 days after the court finding that the person is appropriate for supervised release,  
3 unless the department, county department, and person to be released request  
4 additional time to develop the plan. If the county department of the person's county  
5 of residence declines to prepare a plan, the department may arrange for another  
6 county to prepare the plan if that county agrees to prepare the plan and if the person  
7 will be living in that county. If the department is unable to arrange for another  
8 county to prepare a plan, the court shall designate a county department to prepare  
9 the plan, order the county department to prepare the plan, and place the person on  
10 supervised release in that county, except that the court may not so designate the  
11 county department in any county where there is a facility in which persons  
12 committed to institutional care under this chapter are placed unless that county is  
13 also the person's county of residence.

14 \*~~4471/3.7~~\* **SECTION 1154.** 980.12 (title) of the statutes is amended to read:

15 **980.12 (title) Department duties; costs.**

16 \*~~4471/3.8~~\* **SECTION 1155.** 980.12 (1) of the statutes is renumbered 980.12.

17 \*~~4471/3.9~~\* **SECTION 1156.** 980.12 (2) of the statutes is repealed.

18 \*~~4548/2.874~~\* **SECTION 1157.** 1997 Wisconsin Act 283, section 454 (1) (f) is  
19 amended to read:

20 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~  
21 The committee shall submit a report of its findings and recommendations to the  
22 legislature in the manner provided under section 13.172 (2) of the statutes and to the  
23 governor. The report shall include any proposed legislation that is necessary to  
24 implement the recommendations made by the committee in its report.

1           \***-4589/1.1\*** **SECTION 1158.** 1999 Wisconsin Act 113, section 32 (7) is amended  
2 to read:

3           [1999 Wisconsin Act 113] Section 32 (7) ALLOCATION OF OIL OVERCHARGE FUNDS  
4 TO ENERGY PROGRAMS. Notwithstanding section 14.065 of the statutes, the secretary  
5 of administration shall allocate all oil overcharge restitution funds exceeding  
6 \$1,000,000 on the effective date of the amendment of this subsection by 2001  
7 Wisconsin Act .... (this act) and all accruing interest earnings on those funds under  
8 section 20.505 (1) (md) of the statutes that are not approved for expenditure on the  
9 effective date of this subsection, for reduction of lead paint hazards in dwellings that  
10 is done to allow for and in conjunction with energy conservation activities in rental  
11 properties owned by persons who seek a certificate of lead-free status, as defined in  
12 section 254.11 (4g) of the statutes, as created by this act, or a certificate of lead-safe  
13 status, as defined in section 254.11 (4h) of the statutes, as created by this act. In  
14 awarding moneys under this subsection, the department of administration shall give  
15 priority to projects that emphasize comprehensive lead removal plans for rental  
16 properties.

17           \***-4711/1.1\*** **SECTION 1159.** 2001 Wisconsin Act 16, section 9101 (23r) (b) 1. is  
18 amended to read:

19           [2001 Wisconsin Act 16] Section 9101 (23r) (b) 1. During the 2001-02 and  
20 2002-03 fiscal years, the secretary shall recommend lapses or transfers to the  
21 general fund, whichever is appropriate, from state operations appropriations made  
22 to state agencies from program revenue or segregated revenue that in total equal  
23 \$18,800,000 in each year \$17,710,900 in the 2001-02 fiscal year and \$16,690,100 in  
24 the 2002-03 fiscal year.

1           \***-4509/2.9101\***           **SECTION           9101. Nonstatutory           provisions;**  
2           **administration.**

3           (1) COMMISSION ON LOCAL GOVERNMENT.

4           (a) There is created a special committee to be called the commission on local  
5 government, which shall consist of members appointed by the governor.

6           (b) The governor shall appoint or determine the method of appointment of the  
7 officers of the commission and shall call the first meeting of the commission.

8           (c) The department of administration shall provide necessary administrative  
9 support services to the commission.

10          (d) The department of administration shall reimburse members of the  
11 commission for their actual and necessary expenses incurred in carrying out their  
12 functions from the appropriation under section 20.505 (4) (ba) of the statutes, within  
13 the budget of the committee authorized under section 16.40 (14) of the statutes.

14          (e) The commission shall:

15           1. Examine the organization, authority, and efficiency of local governments, the  
16 services provided by each type of local government, and the services required of local  
17 governments by the state.

18           2. Review the relationship of local governments with the state, examine  
19 spending by local governments, and identify ways to increase efficiency in the  
20 delivery of local governmental services.

21          (f) No later than February 1, 2003, the commission shall report its findings and  
22 recommendations to the governor, and to the legislature in the manner provided in  
23 section 13.172 (2) of the statutes. Upon submittal of its report, the commission ceases  
24 to exist.

1           \*~~4548/2.9101~~\* (2) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding  
2 section 15.105 (27) (c) 1. of the statutes, as created by this act, the initial members  
3 of the sentencing commission shall be appointed for the following terms:

4           (a) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as  
5 created by this act, one of whom is not employed by any unit of federal, state, or local  
6 government, one circuit judge, and one district attorney, for terms expiring on  
7 January 1, 2004.

8           (b) Three members appointed under section 15.105 (27) (a) 3. of the statutes,  
9 as created by this act, one of whom is not employed by any unit of federal, state, or  
10 local government, and one circuit judge, for terms expiring on January 1, 2005.

11           (c) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as  
12 created by this act, one representative of crime victims, and one attorney in private  
13 practice, for terms expiring on January 1, 2006.

14           (3) POSITION AUTHORIZATION. There is authorized for the sentencing commission  
15 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position, and  
16 4.0 FTE GPR other positions to be funded from the appropriation under section  
17 20.505 (4) (dr) of the statutes, as created by this act.

18           (4) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing  
19 commission created under section 973.30 of the statutes, as created by this act, are  
20 appointed, the criminal penalties study committee shall provide information to  
21 lawyers, judges, the legislature, and the public regarding changes made in the  
22 substance and structure of criminal penalties to be imposed under this act.

23           \*~~4550/8.9101~~\* (5) PAYMENTS FROM PERMANENT ENDOWMENT FUND RELATING TO  
24 PUBLIC DEBT. When amending the schedule under section 20.004 (2) of the statutes,  
25 the department of administration shall insert the amount of \$200,000,000 as the

1 estimated expenditure amount for the appropriation under section 20.855 (4) (rm)  
2 of the statutes, as created by this act, in the 2001-02 fiscal year.

3 **\*-4655/3.9101\*** (6) POSITION TRANSFER.

4 (a) In this subsection, "executive branch agency" has the meaning given in  
5 section 16.70 (4) of the statutes.

6 (b) Notwithstanding section 16.505 (1) and (4) of the statutes, unless otherwise  
7 required by state or federal law, the secretary of administration may, prior to  
8 January 1, 2003, transfer to the office of the governor 1.0 FTE position authorized  
9 for any executive branch agency that is vacant on the date of the transfer and that  
10 was occupied by an employee in the unclassified service immediately prior to the date  
11 that the position was vacated for the purpose of filling the domestic security  
12 coordinator position authorized under section 14.21 of the statutes, as created by this  
13 act. The number of authorized full-time equivalent positions for the executive  
14 branch agency from which the transfer is made is decreased by 1.0 FTE position from  
15 the source or sources from which the position was funded on the date that the  
16 transfer is made. The number of authorized full-time equivalent positions for the  
17 office of the governor is increased by 1.0 FTE GPR position on the date that the  
18 transfer is made.

19 **\*-4666/1.9101\*** (7) ELIMINATION OF CERTAIN UNFUNDED STATE AGENCY POSITIONS.

20 (a) In this subsection:

- 21 1. "Secretary" means the secretary of administration.  
22 2. "State agency" has the meaning given in section 20.001 (1) of the statutes.

23 (b) No later than September 30, 2002, the secretary shall determine the  
24 number of positions in each state agency that were not funded as a result of any  
25 reduction in state agency operations appropriations under 2001 Wisconsin Act 16 for



1 the 2001–03 fiscal biennium and any reduction in such appropriations required  
2 under this act.

3 (c) After making the determination under paragraph (b), the secretary shall  
4 notify the joint committee on finance in writing of the determination. If the  
5 cochairpersons of the committee do not notify the secretary within 14 working days  
6 after the date of the secretary's notification that the committee has scheduled a  
7 meeting to review the determination, the secretary shall reduce each state agency's  
8 authorized positions for the 2002–03 fiscal year by the number of unfunded positions  
9 for that state agency as determined under paragraph (b). If, within 14 working days  
10 after the date of the secretary's notification, the cochairpersons of the committee  
11 notify the secretary that the committee has scheduled a meeting to review the  
12 determination, the secretary may make the reductions in the authorized positions  
13 only upon approval of the committee.

14 **\*-4597/P2.9102\* SECTION 9102. Nonstatutory provisions; adolescent**  
15 **pregnancy prevention and pregnancy services board.**

16 **\*-4597/P2.9103\* SECTION 9103. Nonstatutory provisions; aging and**  
17 **long-term care board.**

18 **\*-4597/P2.9104\* SECTION 9104. Nonstatutory provisions; agriculture,**  
19 **trade and consumer protection.**

20 **\*-4597/P2.9105\* SECTION 9105. Nonstatutory provisions; arts board.**

21 **\*-4597/P2.9106\* SECTION 9106. Nonstatutory provisions; boundary**  
22 **area commission, Minnesota-Wisconsin.**

23 **\*-4510/5.9107\* SECTION 9107. Nonstatutory provisions; building**  
24 **commission.**

25 (1) PROCEEDS FROM THE SALE OF CERTAIN STATE OFFICE BUILDINGS.

1 (a) Notwithstanding section 13.48 (14) (c) of the statutes, if the building  
2 commission sells any or all of the state office buildings located at 123 West  
3 Washington Avenue, 121 East Wilson Street, and 149 East Wilson Street in the city  
4 of Madison, the commission shall deposit any net proceeds from the sale, after  
5 depositing any amount required to be deposited into the bond security and  
6 redemption fund, into the general fund.

7 (b) If the building commission sells any state office building specified in  
8 paragraph (a) during the period beginning on July 1, 2001, and ending on the day  
9 before the effective date of this paragraph, and any portion of the proceeds of that  
10 sale is transferred to the appropriation account under section 20.865 (4) (a) of the  
11 statutes, the lesser of the amount transferred or any unencumbered balance in that  
12 account is transferred on the effective date of this paragraph from the appropriation  
13 account under section 20.865 (4) (a) of the statutes to the general fund.

14 (c) This subsection does not apply after June 30, 2003.

15 **\*-4597/P2.9108\* SECTION 9108. Nonstatutory provisions; child abuse**  
16 **and neglect prevention board.**

17 **\*-4597/P2.9109\* SECTION 9109. Nonstatutory provisions; circuit courts.**

18 **\*-4597/P2.9110\* SECTION 9110. Nonstatutory provisions; commerce.**

19 **\*-4471/3.9111\* SECTION 9111. Nonstatutory provisions; corrections.**

20 (1) ANTIANDROGEN TREATMENT. The authorized FTE positions for the  
21 department of corrections, funded from the appropriation under section 20.410 (1)  
22 (bm) of the statutes, are decreased by 1.0 GPR position for the pharmacological  
23 treatment program for child sex offenders.

24 **\*-4638/1.9111\* (2) EMERGENCY RULES REGARDING FEES FROM PERSONS ON**  
25 **PROBATION, PAROLE, OR EXTENDED SUPERVISION. Using the procedure under section**

1 227.24 of the statutes, the department of corrections shall promulgate the rules that  
2 are required under section 304.074 (5) of the statutes and that set rates under section  
3 304.074 (2) of the statutes. The rules shall take effect on July 1, 2002, but may not  
4 remain effective for longer than the period authorized under section 227.24 (1) (c)  
5 and (2) of the statutes. Notwithstanding section 304.074 (2) of the statutes, the rules  
6 shall require the department to have a goal of receiving at least \$2 per day, if  
7 appropriate, from each person who is on probation, parole, or extended supervision  
8 and who is not under administrative supervision, as defined in section 304.74 (1) (a)  
9 of the statutes, or minimum supervision, as defined in section 304.74 (1) (b) of the  
10 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the  
11 department is not required to provide evidence that promulgating a rule under this  
12 subsection as an emergency rule is necessary for the preservation of the public peace,  
13 health, safety, or welfare and is not required to provide a finding of emergency for a  
14 rule promulgated under this subsection.

15 \***4639/2.9111**\* (3) EMERGENCY RULES REGARDING PRISONER COPAYMENTS FOR  
16 MEDICAL AND DENTAL CARE. Using the procedure under section 227.24 of the statutes,  
17 the department of corrections shall promulgate the rules that are required under  
18 section 302.386 (4) (a) of the statutes relating to the deductible, coinsurance,  
19 copayment, or similar charge that must be imposed under section 302.386 (3) (b) of  
20 the statutes. The rules shall take effect on July 1, 2002, but may not remain effective  
21 for longer than the period authorized under section 227.24 (1) (c) and (2) of the  
22 statutes. Notwithstanding section 302.386 (3) (b) of the statutes, the rules shall  
23 require the department to require that, subject to the exception and waiver  
24 provisions under section 302.386 (3) (c) of the statutes, each person to whom section  
25 302.386 (1) of the statutes applies pay a deductible, coinsurance, copayment, or

1 similar charge of at least \$7.50 for each request that the person makes for medical  
2 or dental services. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
3 statutes, the department is not required to provide evidence that promulgating a rule  
4 under this subsection as an emergency rule is necessary for the preservation of the  
5 public peace, health, safety, or welfare and is not required to provide a finding of  
6 emergency for a rule promulgated under this subsection.

7 **\*-4597/P2.9112\* SECTION 9112. Nonstatutory provisions; court of**  
8 **appeals.**

9 **\*-4597/P2.9113\* SECTION 9113. Nonstatutory provisions; district**  
10 **attorneys.**

11 **\*-4597/P2.9114\* SECTION 9114. Nonstatutory provisions; educational**  
12 **communications board.**

13 **\*-4597/P2.9115\* SECTION 9115. Nonstatutory provisions; elections**  
14 **board.**

15 **\*-4597/P2.9116\* SECTION 9116. Nonstatutory provisions; employee**  
16 **trust funds.**

17 **\*-4597/P2.9117\* SECTION 9117. Nonstatutory provisions; employment**  
18 **relations commission.**

19 **\*-4597/P2.9118\* SECTION 9118. Nonstatutory provisions; employment**  
20 **relations department.**

21 **\*-4597/P2.9119\* SECTION 9119. Nonstatutory provisions; ethics board.**

22 **\*-4597/P2.9120\* SECTION 9120. Nonstatutory provisions; financial**  
23 **institutions.**

24 **\*-4597/P2.9121\* SECTION 9121. Nonstatutory provisions; governor.**