

1 943.70 (1) (gm) “Interruption in service” means inability to access a computer,
2 computer program, computer system, or computer network, or an inability to
3 complete a transaction involving a computer.

4 *~~0795/2.4~~* **SECTION 3943.** 943.70 (2) (a) (intro.) of the statutes is amended to
5 read:

6 943.70 (2) (a) (intro.) Whoever ~~wilfully~~ willfully, knowingly and without
7 authorization does any of the following may be penalized as provided in ~~par.~~ pars. (b)
8 and (c):

9 *~~0795/2.5~~* **SECTION 3944.** 943.70 (2) (a) 3. of the statutes is amended to read:
10 943.70 (2) (a) 3. Accesses ~~data,~~ computer programs or supporting
11 documentation.

12 *~~0795/2.6~~* **SECTION 3945.** 943.70 (2) (am) of the statutes is created to read:

13 943.70 (2) (am) Whoever intentionally causes an interruption in service by
14 submitting a message, or multiple messages, to a computer, computer program,
15 computer system, or computer network that exceeds the processing capacity of the
16 computer, computer program, computer system, or computer network may be
17 penalized as provided in pars. (b) and (c).

18 *~~0795/2.7~~* **SECTION 3946.** 943.70 (2) (b) (intro.) of the statutes is amended to
19 read:

20 943.70 (2) (b) (intro.) Whoever violates ~~this subsection~~ par. (a) or (am) is guilty
21 of:

22 *~~0795/2.8~~* **SECTION 3947.** 943.70 (2) (b) 1. of the statutes is amended to read:

23 943.70 (2) (b) 1. A Class A misdemeanor unless ~~subd. any of subds. 2., 3. or to~~
24 4. applies.

25 *~~0795/2.9~~* **SECTION 3948.** 943.70 (2) (b) 3. of the statutes is amended to read:

1 943.70 (2) (b) 3. A Class ~~D~~ E felony if the offense results in damage is greater
2 valued at more than \$1,000 but not more than \$2,500 or if it causes an interruption
3 or impairment of governmental operations or public communication, of
4 transportation or of a supply of water, gas or other public service.

5 ***-0795/2.10*** SECTION 3949. 943.70 (2) (b) 3g. of the statutes is created to read:

6 943.70 (2) (b) 3g. A Class C felony if the offense results in damage valued at
7 more than \$2,500.

8 ***-0795/2.11*** SECTION 3950. 943.70 (2) (b) 3r. of the statutes is created to read:

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

12 ***-0795/2.12*** SECTION 3951. 943.70 (2) (c) of the statutes is created to read:

13 943.70 (2) (c) If a person disguises the identity or location of the computer at
14 which he or she is working while committing an offense under par. (a) or (am) with
15 the intent to make it less likely that he or she will be identified with the crime, the
16 penalties under par. (b) may be increased as follows:

17 1. In the case of a misdemeanor, the maximum fine prescribed by law for the
18 crime may be increased by not more than \$1,000 and the maximum term of
19 imprisonment prescribed by law for the crime may be increased so that the revised
20 maximum term of imprisonment is 12 months.

21 2. In the case of a felony, the maximum fine prescribed by law for the crime may
22 be increased by not more than \$2,500 and the maximum term of imprisonment
23 prescribed by law for the crime may be increased by not more than 2 years.

24 ***-0795/2.13*** SECTION 3952. 944.205 (title) of the statutes is amended to read:

1 **944.205** (title) ~~Photographs, motion pictures, videotapes or other~~
2 ~~visual representations~~ Recordings showing nudity.

3 *~~0795/2.14~~* **SECTION 3953.** 944.205 (1) of the statutes is renumbered 944.205
4 (1) (intro.) and amended to read:

5 944.205 (1) (intro.) In this section, ~~“nudity”~~:

6 (b) “Nudity” has the meaning given in s. 948.11 (1) (d).

7 *~~0795/2.15~~* **SECTION 3954.** 944.205 (1) (a) of the statutes is created to read:

8 944.205 (1) (a) “Exhibit” has the meaning given in s. 948.01 (1d).

9 *~~0795/2.16~~* **SECTION 3955.** 944.205 (1) (c) of the statutes is created to read:

10 944.205 (1) (c) “Recording” has the meaning given in 948.01 (3r).

11 *~~0795/2.17~~* **SECTION 3956.** 944.205 (2) (a) of the statutes is amended to read:

12 944.205 (2) (a) ~~Takes a photograph or makes a motion picture, videotape or~~
13 ~~other visual representation or reproduction that depicts~~ Records an image of nudity
14 without the knowledge and consent of the person who is depicted nude while that
15 person is nude in a place and circumstance in which he or she has a reasonable
16 expectation of privacy, if the person recording the image knows or has reason to know
17 that the person who is depicted nude does not know of and consent to the ~~taking or~~
18 ~~making of the photograph, motion picture, videotape or other visual representation~~
19 ~~or reproduction~~ recording.

20 *~~0795/2.18~~* **SECTION 3957.** 944.205 (2) (b) of the statutes is repealed and
21 recreated to read:

22 944.205 (2) (b) Copies, possesses, exhibits, stores, or distributes a recording of
23 an image if all of the following apply:

24 1. The recording was done in violation of par. (a) or was previously copied in
25 violation of this paragraph.

1 2. The actor knows or has reason to know that the violation described under
2 subd. 1. has occurred.

3 3. The person depicted nude in the recording did not consent to the copying,
4 possession, exhibition, storage, or distribution of the recording under par. (b) (intro.).

5 4. The recording depicts the same nudity recorded in violation of par. (a).

6 *~~0795/2.19~~* SECTION 3958. 944.205 (3) of the statutes is amended to read:

7 944.205 (3) Notwithstanding sub. (2) (a) and (b), if the person depicted in a
8 ~~photograph, motion picture, videotape or other visual representation or reproduction~~
9 ~~recording of an image~~ is a child and the ~~making recording, copying, possession,~~
10 ~~exhibition, storage,~~ or distribution of the ~~photograph, motion picture, videotape or~~
11 ~~other visual representation or reproduction recording~~ does not violate s. 948.05 or
12 948.12, a parent, guardian, or legal custodian of the child may do any of the following:

13 (a) ~~Make and Record, copy, possess, exhibit, or store~~ the ~~photograph, motion~~
14 ~~picture, videotape or other visual representation reproduction of the child recording.~~

15 (b) Distribute a ~~photograph, motion picture, videotape or other visual~~
16 ~~representation or reproduction made or recording that was recorded, copied,~~
17 ~~possessed, exhibited, or stored~~ under par. (a) if the distribution is not for commercial
18 purposes.

19 *~~0795/2.20~~* SECTION 3959. 944.205 (4) of the statutes is amended to read:

20 944.205 (4) This section does not apply to a person who receives a ~~photograph,~~
21 ~~motion picture, videotape or other visual representation or reproduction of recording~~
22 ~~of an image depicting~~ a child from a parent, guardian, or legal custodian of the child
23 under sub. (3) (b), if the possession ~~and, copying, exhibition, storage, or distribution~~
24 ~~are~~ is not for commercial purposes.

25 *~~0795/2.21~~* SECTION 3960. 944.21 (2) (am) of the statutes is created to read:

1 944.21 (2) (am) “Exhibit” has the meaning given in s. 948.01 (1d).

2 *~~0795/2.22~~* SECTION 3961. 944.21 (2) (c) (intro.) of the statutes is amended
3 to read:

4 944.21 (2) (c) (intro.) “Obscene material” means a writing, picture, sound
5 ~~recording or film which, or other recording that:~~

6 *~~0795/2.23~~* SECTION 3962. 944.21 (2) (dm) of the statutes is created to read:
7 944.21 (2) (dm) “Recording” has the meaning given in s. 948.01 (3r).

8 *~~0795/2.24~~* SECTION 3963. 944.21 (3) (a) of the statutes is amended to read:
9 944.21 (3) (a) Imports, prints, sells, has in his or her possession for sale,
10 publishes, exhibits, plays, or transfers distributes any obscene material.

11 *~~0795/2.25~~* SECTION 3964. 944.21 (4) (a) and (b) of the statutes are amended
12 to read:

13 944.21 (4) (a) ~~Transfers or Distributes,~~ exhibits, or plays any obscene material
14 to a person under the age of 18 years.

15 (b) Has in his or her possession with intent to ~~transfer or distribute,~~ exhibit,
16 or play to a person under the age of 18 years any obscene material.

17 *~~0795/2.26~~* SECTION 3965. 944.21 (9) of the statutes is amended to read:

18 944.21 (9) In determining whether material is obscene under sub. (2) (c) 1. and
19 3., a judge or jury shall examine individual pictures, recordings of images, or
20 passages in the context of the work in which they appear.

21 *~~0795/2.27~~* SECTION 3966. 944.25 of the statutes is created to read:

22 **944.25 Sending obscene or sexually explicit electronic messages. (1)**
23 In this section:

1 (a) “Electronic mail solicitation” means an electronic mail message, including
2 any attached program or document, that is sent for the purpose of encouraging a
3 person to purchase property, goods, or services.

4 (b) “Obscene material” has the meaning given in s. 944.21 (2) (c).

5 (c) “Sexually explicit conduct” has the meaning given in s. 948.01 (7).

6 (2) Whoever sends an unsolicited electronic mail solicitation to a person that
7 contains obscene material or a depiction of sexually explicit conduct without
8 including the words “ADULT ADVERTISEMENT” in the subject line of the
9 electronic mail solicitation is guilty of a Class A misdemeanor.

10 *b0408/2.1* SECTION 3966h. 945.05 (1) (intro.) of the statutes is amended to
11 read:

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

15 *b0408/2.1* SECTION 3966j. 945.05 (1e) of the statutes is renumbered 945.05
16 (1e) (b) (intro.) and amended to read:

17 945.05 (1e) (b) (intro.) Subsection (1) does not apply to a person who
18 manufactures, transfers commercially or possesses with intent to transfer
19 commercially gambling devices described in sub. (1) (a) and (b) to a any of the
20 following:

21 2. A nonprofit or public educational institution that provides an educational
22 program for which it awards a bachelor’s or higher degree for the use in a casino
23 gaming management class.

24 *b0408/2.1* SECTION 3966m. 945.05 (1e) (a) of the statutes is created to read:

1 945.05 (1e) (a) In this subsection, “authorized gambling facility” means any of
2 the following:

3 1. An Indian gaming facility, as defined in s. 569.01 (1j).

4 2. A gaming establishment located on lands acquired after October 17, 1998,
5 by the U.S. secretary of the interior in trust for the benefit of an Indian tribe.

6 3. A facility at which gambling lawfully takes place.

7 ***b0408/2.1* SECTION 3966q.** 945.05 (1e) (b) 1. of the statutes is created to read:

8 945.05 (1e) (b) 1. An authorized gambling facility.

9 ***b0675/2.3* SECTION 3966r.** 946.82 (4) of the statutes is amended to read:

10 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
11 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
12 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
13 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
14 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
15 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
16 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
17 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(b) to (c)~~
18 and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
19 943.30, 943.32, 943.34 (1) ~~(b) and (c)~~, 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),
20 943.50 (4) ~~(b) and (c)~~, 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33
21 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
22 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
23 947.015, 948.05, 948.08, 948.12, and 948.30.

24 ***-0795/2.28* SECTION 3967.** 948.01 (1d) of the statutes is created to read:

1 948.01 (1d) “Exhibit,” with respect to a recording of an image that is not
2 viewable in its recorded form, means to convert the recording of the image into a form
3 in which the image may be viewed.

4 *~~0795/2.29~~* SECTION 3968. 948.01 (3r) of the statutes is created to read:

5 948.01 (3r) “Recording” includes the creation of a reproduction of an image or
6 a sound or the storage of data representing an image or a sound.

7 *~~0795/2.30~~* SECTION 3969. 948.05 (1) (a) of the statutes is amended to read:

8 948.05 (1) (a) Employs, uses, persuades, induces, entices, or coerces any child
9 to engage in sexually explicit conduct for the purpose of ~~photographing, filming,~~
10 ~~videotaping, recording the sounds of~~ or displaying in any way the conduct.

11 *~~0795/2.31~~* SECTION 3970. 948.05 (1) (b) of the statutes is amended to read:

12 948.05 (1) (b) ~~Photographs, films, videotapes, records the sounds of~~ Records or
13 displays in any way a child engaged in sexually explicit conduct.

14 *~~0795/2.32~~* SECTION 3971. 948.05 (1m) of the statutes is amended to read:

15 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
16 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
17 sell or distribute, any ~~undeveloped film, photographic negative, photograph, motion~~
18 ~~picture, videotape, sound recording or other reproduction~~ of a child engaging in
19 sexually explicit conduct is guilty of a Class C felony if the person knows the
20 character and content of the sexually explicit conduct involving the child and if the
21 person knows or reasonably should know that the child engaging in the sexually
22 explicit conduct has not attained the age of 18 years.

23 *~~0795/2.33~~* SECTION 3972. 948.07 (4) of the statutes is amended to read:

24 948.07 (4) ~~Taking a picture or making an audio recording of~~ Recording the child
25 engaging in sexually explicit conduct.

1 ***-0795/2.34*** **SECTION 3973.** 948.11 (1) (ar) 2. of the statutes is amended to
2 read:

3 948.11 (1) (ar) 2. Any book, pamphlet, magazine, printed matter however
4 reproduced or ~~sound~~ recording that contains any matter enumerated in subd. 1., or
5 explicit and detailed verbal descriptions or narrative accounts of sexual excitement,
6 sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and
7 that, taken as a whole, is harmful to children.

8 ***-0795/2.35*** **SECTION 3974.** 948.11 (1) (bm) of the statutes is repealed.

9 ***-0795/2.36*** **SECTION 3975.** 948.11 (1) (c) of the statutes is repealed.

10 ***-0795/2.37*** **SECTION 3976.** 948.11 (2) (a) of the statutes is renumbered 948.11
11 (2) (a) (intro.) and amended to read:

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

16 ***-0795/2.38*** **SECTION 3977.** 948.11 (2) (a) 1. and 2. of the statutes are created
17 to read:

18 948.11 (2) (a) 1. The person knows or reasonably should know that the child
19 has not attained the age of 18 years.

20 2. The person has face-to-face contact with the child before or during the sale,
21 rental, exhibit, playing, distribution, or loan.

22 ***-0795/2.39*** **SECTION 3978.** 948.11 (2) (am) of the statutes is renumbered
23 948.11 (2) (am) (intro.) and amended to read:

24 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
25 knowledge of the ~~nature~~ character and content of the description or narrative

1 account, verbally communicates, by any means, a harmful description or narrative
2 account to a child, with or without monetary consideration, is guilty of a Class E
3 felony. if any of the following applies:

4 *~~0795/2.40~~* SECTION 3979. 948.11 (2) (am) 1. and 2. of the statutes are created
5 to read:

6 948.11 (2) (am) 1. The person knows or reasonably should know that the child
7 has not attained the age of 18 years.

8 2. The person has face-to-face contact with the child before or during the
9 communication.

10 *~~0795/2.41~~* SECTION 3980. 948.11 (2) (b) of the statutes is renumbered 948.11
11 (2) (b) (intro.) and amended to read:

12 948.11 (2) (b) (intro.) Whoever, with knowledge of the nature character and
13 content of the material, possesses harmful material with the intent to sell, rent,
14 exhibit, transfer play, distribute, or loan the material to a child is guilty of a Class A
15 misdemeanor. if any of the following applies:

16 *~~0795/2.42~~* SECTION 3981. 948.11 (2) (b) 1. and 2. of the statutes are created
17 to read:

18 948.11 (2) (b) 1. The person knows or reasonably should know that the child
19 has not attained the age of 18 years.

20 2. The person has face-to-face contact with the child.

21 *~~0795/2.43~~* SECTION 3982. 948.11 (2) (c) of the statutes is amended to read:

22 948.11 (2) (c) It is an affirmative defense to a prosecution for a violation of ~~this~~
23 ~~section~~ pars. (a) 2., (am) 2., and (b) 2. if the defendant had reasonable cause to believe
24 that the child had attained the age of 18 years, and the child exhibited to the
25 defendant a draft card, driver's license, birth certificate or other official or

1 apparently official document purporting to establish that the child had attained the
2 age of 18 years. A defendant who raises this affirmative defense has the burden of
3 proving this defense by a preponderance of the evidence.

4 ***-0795/2.44* SECTION 3983.** 948.12 of the statutes is renumbered 948.12 (1m),
5 and 948.12 (1m) (intro.) and (b), as renumbered, are amended to read:

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

10 (b) The person knows the character and content of the sexually explicit conduct
11 shown in the material.

12 ***-0795/2.45* SECTION 3984.** 948.12 (2m) of the statutes is created to read:

13 948.12 (2m) Whoever exhibits or plays a recording of a child engaged in
14 sexually explicit conduct, if all of the following apply, is guilty of a Class E felony:

15 (a) The person knows that he or she has exhibited or played the recording.

16 (b) Before the person exhibited or played the recording, he or she knew the
17 character and content of the sexually explicit conduct.

18 (c) Before the person exhibited or played the recording, he or she knew or
19 reasonably should have known that the child engaged in sexually explicit conduct
20 had not attained the age of 18 years.

21 ***b0568/1.7* SECTION 3984m.** 950.04 (1v) (v) of the statutes is amended to read:

22 950.04 (1v) (v) To have the department of corrections make a reasonable
23 attempt to notify the victim under s. 301.046 (4) regarding community residential
24 confinements, under s. 301.048 (4m) regarding participation in the intensive
25 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under

1 s. 301.46 (3) regarding persons registered under s. 301.45, under s. ~~302.115~~ 302.105
2 regarding release upon expiration of certain sentences, under s. 304.063 regarding
3 extended supervision and parole releases, and under s. 938.51 regarding release or
4 escape of a juvenile from correctional custody.

5 ***-0991/P1.1*** SECTION 3985. 961.14 (7) (p) of the statutes is created to read:

6 961.14 (7) (p) 4-methylthioamphetamine, commonly known as “4-MTA.”

7 ***-0991/P1.2*** SECTION 3986. 961.41 (1) (b) of the statutes is amended to read:

8 961.41 (1) (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other
9 controlled substance included in schedule I, II or III, or a controlled substance analog
10 of any other controlled substance included in schedule I or II, may be fined not more
11 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

12 ***-0991/P1.3*** SECTION 3987. 961.41 (1) (hm) of the statutes is created to read:

13 961.41 (1) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
14 3,4-methylenedioxymethamphetamine,
15 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
16 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
17 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine,
18 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
19 subject to the following penalties if the amount manufactured, distributed, or
20 delivered is:

21 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
22 than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

23 2. More than 3 grams but not more than 10 grams, the person shall be fined
24 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
25 6 months nor more than 7 years and 6 months.

1 3. More than 10 grams but not more than 50 grams, the person shall be fined
2 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
3 one year nor more than 22 years and 6 months.

4 4. More than 50 grams but not more than 200 grams, the person shall be fined
5 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
6 3 years nor more than 22 years and 6 months.

7 5. More than 200 grams but not more than 400 grams, the person shall be fined
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
9 5 years nor more than 22 years and 6 months.

10 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
11 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
12 years.

13 ***-0991/P1.4*** **SECTION 3988.** 961.41 (1) (im) of the statutes is renumbered
14 961.41 (1) (im) (intro.) and amended to read:

15 961.41 (1) (im) (intro.) ~~Flunitrazepam, may be fined not more than \$15,000 or~~
16 ~~imprisoned for not more than 7 years and 6 months or both.~~ is subject to the following
17 penalties if the amount manufactured, distributed, or delivered is:

18 ***-0991/P1.5*** **SECTION 3989.** 961.41 (1) (im) 1. to 6. of the statutes are created
19 to read:

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

23 2. More than 3 grams but not more than 10 grams, the person shall be fined
24 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
25 6 months nor more than 7 years and 6 months.

1 3. More than 10 grams but not more than 50 grams, the person shall be fined
2 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
3 one year nor more than 22 years and 6 months.

4 4. More than 50 grams but not more than 200 grams, the person shall be fined
5 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
6 3 years nor more than 22 years and 6 months.

7 5. More than 200 grams but not more than 400 grams, the person shall be fined
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
9 5 years nor more than 22 years and 6 months.

10 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
11 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
12 years.

13 ***-0991/P1.6*** SECTION 3990. 961.41 (1m) (b) of the statutes is amended to read:

14 961.41 (1m) (b) Except as provided in pars. (cm) and (e) to (h) (hm), any other
15 controlled substance included in schedule I, II or III, or a controlled substance analog
16 of any other controlled substance included in schedule I or II, may be fined not more
17 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

18 ***-0991/P1.7*** SECTION 3991. 961.41 (1m) (hm) of the statutes is created to
19 read:

20 961.41 (1m) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
21 3,4-methylenedioxymethamphetamine
22 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
23 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
24 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine
25 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is

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

3 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
4 than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

5 2. More than 3 grams but not more than 10 grams, the person shall be fined
6 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
7 6 months nor more than 7 years and 6 months.

8 3. More than 10 grams but not more than 50 grams, the person shall be fined
9 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
10 one year nor more than 22 years and 6 months.

11 4. More than 50 grams but not more than 200 grams, the person shall be fined
12 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
13 3 years nor more than 22 years and 6 months.

14 5. More than 200 grams but not more than 400 grams, the person shall be fined
15 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
16 5 years nor more than 22 years and 6 months.

17 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
18 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
19 years.

20 *~~0991/P1.8~~ SECTION 3992. 961.41 (1m) (im) of the statutes is renumbered
21 961.41 (1m) (im) (intro.) and amended to read:

22 961.41 (1m) (im) (intro.) ~~Flunitrazepam, may be fined not more than \$15,000~~
23 ~~or imprisoned for not more than 7 years and 6 months or both. is subject to the~~
24 following penalties if the amount possessed, with intent to manufacture, distribute,
25 or deliver, is:

1 ***-0991/P1.9*** SECTION 3993. 961.41 (1m) (im) 1. to 6. of the statutes are created
2 to read:

3 961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than
4 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
5 6 months.

6 2. More than 3 grams but not more than 10 grams, the person shall be fined
7 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
8 6 months nor more than 7 years and 6 months.

9 3. More than 10 grams but not more than 50 grams, the person shall be fined
10 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
11 one year nor more than 22 years and 6 months.

12 4. More than 50 grams but not more than 200 grams, the person shall be fined
13 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
14 3 years nor more than 22 years and 6 months.

15 5. More than 200 grams but not more than 400 grams, the person shall be fined
16 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
17 5 years nor more than 22 years and 6 months.

18 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
19 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
20 years.

21 ***-0991/P1.10*** SECTION 3994. 961.41 (2) (b) of the statutes is amended to read:

22 961.41 (2) (b) ~~Any other~~ Except as provided in pars. (a) and (bm), any
23 counterfeit substance included in schedule I, II or III, may be fined not more than
24 \$15,000 or imprisoned for not more than 7 years and 6 months or both.

25 ***-0991/P1.11*** SECTION 3995. 961.41 (2) (bm) of the statutes is created to read:

1 961.41 (2) (bm) A counterfeit substance that is a counterfeit of phencyclidine,
2 methamphetamine, lysergic acid diethylamide, gamma–hydroxybutyric acid,
3 gamma–butyrolactone, 3,4–methylenedioxyamphetamine
4 4–bromo–2,5–dimethoxy–beta–phenylethylamine, 4–methylthioamphetamine, or
5 ketamine is punishable by the applicable fine and imprisonment for manufacture,
6 distribution, delivery, or possession with intent to manufacture, distribute, or
7 deliver, of the genuine controlled substance under sub. (1) or (1m).

8 *–0991/P1.12* **SECTION 3996.** 961.41 (2) (cm) of the statutes is amended to
9 read:

10 961.41 (2) (cm) A counterfeit substance which is flunitrazepam, may be fined
11 not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both
12 is punishable by the applicable fine and imprisonment for manufacture,
13 distribution, delivery, or possession with intent to manufacture, distribute, or
14 deliver, of the genuine controlled substance under sub. (1) or (1m).

15 *–1855/2.36* **SECTION 3998.** 967.04 (9) of the statutes is amended to read:

16 967.04 (9) In any criminal prosecution or juvenile fact–finding hearing under
17 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
18 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
19 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
20 hearing examiner may order and preside at the taking of a videotaped deposition
21 using the procedure provided in subs. (7) and (8) and may admit the videotaped
22 deposition into evidence without an additional hearing under s. 908.08.

23 *–0423/1.3* **SECTION 3999.** 971.14 (2) (d) of the statutes is amended to read:

24 971.14 (2) (d) If the court orders that the examination be conducted on an
25 inpatient basis, ~~it shall arrange for the transportation of~~ the sheriff of the county in

1 which the court is located shall transport any defendant not free on bail to the
2 examining facility within a reasonable time after the examination is ordered and ~~for~~
3 shall transport the defendant ~~to be returned~~ to the jail within a reasonable time after
4 receiving the sheriff and county department of community programs of the county
5 in which the court is located receive notice from the examining facility that the
6 examination has been completed.

7 *~~1855/2.37~~* *~~0590/P5.409~~* SECTION 4000. 971.17 (1) of the statutes is
8 renumbered 971.17 (1) (a) and amended to read:

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

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

24 *~~1855/2.38~~* *~~0590/P5.410~~* SECTION 4001. 971.17 (1) (b) of the statutes is
25 created to read:

1 971.17 (1) (b) *Crimes committed on or after the effective date of this paragraph*
2 *.... [revisor inserts date], for which a bifurcated sentence may be imposed.* When a
3 defendant is found not guilty by reason of mental disease or mental defect of a crime
4 committed on or after the effective date of this paragraph [revisor inserts date],
5 and the crime is one for which a court may impose a bifurcated sentence under s.
6 973.01, the court shall commit the person to the department of health and family
7 services for a specified period not exceeding the maximum term of confinement in
8 prison that could be imposed on an offender convicted of the same crime, including
9 imprisonment authorized by any applicable penalty enhancement statutes, subject
10 to the credit provisions of s. 973.155.

11 *~~1855/2.39~~* *~~0590/P5.411~~* **SECTION 4002.** 971.17 (1) (d) of the statutes is
12 created to read:

13 971.17 (1) (d) *Misdemeanors for which a bifurcated sentence may not be*
14 *imposed.* When a defendant is found not guilty by reason of mental disease or mental
15 defect of one of the following misdemeanors, the court shall commit the person to the
16 department of health and family services for a specified period not exceeding
17 two-thirds of the maximum term of imprisonment that could be imposed against an
18 offender convicted of the same misdemeanor, including imprisonment authorized by
19 any applicable penalty enhancement statutes, subject to the credit provisions of s.
20 973.155:

21 1. A misdemeanor committed before the effective date of this subdivision ...
22 [revisor inserts date].

23 2. A misdemeanor committed on or after the effective date of this subdivision
24 [revisor inserts date], for which a court may not impose a bifurcated sentence
25 under s. 973.01.

1 ***-0181/2.3*** SECTION 4003. 971.23 (10) of the statutes is amended to read:

2 971.23 (10) PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT
3 DEFENDANTS. When the state public defender or a private attorney appointed under
4 s. 977.08 requests photocopies of any item that is discoverable under this section, the
5 state public defender shall pay any fee charged for the photocopies from the
6 appropriation under s. 20.550 (1) (a) (f). If the person providing photocopies under
7 this section charges the state public defender a fee for the photocopies, the fee may
8 not exceed the actual, necessary and direct cost of photocopying.

9 ***-1855/2.40*** SECTION 4004. 972.15 (2c) of the statutes is amended to read:

10 972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and
11 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
12 the presentence investigation report shall include in the report a recommendation
13 as to whether the defendant should be eligible for the challenge incarceration
14 program under s. 302.045.

15 ***-1855/2.41*** SECTION 4005. 973.01 (1) of the statutes is amended to read:

16 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
17 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
18 for a felony committed on or after December 31, 1999, or a misdemeanor committed
19 on or after the effective date of this subsection [revisor inserts date], the court
20 shall impose a bifurcated sentence that consists of a term of confinement in prison
21 followed by a term of extended supervision under s. 302.113.

22 ***-1855/2.42*** SECTION 4006. 973.01 (2) (intro.) of the statutes is amended to
23 read:

1 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
2 ~~that An order imposing~~ a bifurcated sentence ~~imposed~~ under sub. (1) ~~complies shall~~
3 comply with all of the following:

4 *~~1855/2.43~~* SECTION 4007. 973.01 (2) (a) of the statutes is amended to read:

5 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
6 the total length of the bifurcated sentence may not exceed the maximum period of
7 imprisonment for the felony crime.

8 *~~1855/2.44~~* SECTION 4008. 973.01 (2) (b) (intro.) of the statutes is amended
9 to read:

10 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*
11 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
12 in prison may not be less than one year, subject to any minimum sentence prescribed
13 for the felony crime, and, except as provided in par. (c), ~~may not exceed is subject to~~
14 whichever of the following limits is applicable:

15 *~~1855/2.45~~* SECTION 4009. 973.01 (2) (b) 6. of the statutes is renumbered
16 973.01 (2) (b) 6. (intro.) and amended to read:

17 973.01 (2) (b) 6. (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 *~~1855/2.46~~* SECTION 4010. 973.01 (2) (b) 6. a. and b. of the statutes are
21 created to read:

22 973.01 (2) (b) 6. a. A felony specified in subds. 1. to 5.

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

25 *~~1855/2.47~~* SECTION 4011. 973.01 (2) (d) of the statutes is amended to read:

1 973.01 (2) (d) *Minimum term of extended supervision.* The term of extended
2 supervision ~~that follows the term of confinement in prison~~ may not be less than 25%
3 of the length of the term of confinement in prison imposed under par. (b).

4 *~~1855/2.48~~* SECTION 4013. 973.01 (6) of the statutes is amended to read:

5 973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under
6 sub. (1) is not eligible for release on parole under that sentence.

7 *~~0447/3.15~~* SECTION 4014. 973.013 (3m) of the statutes is amended to read:

8 973.013 (3m) If a person who has not attained the age of ~~16~~ 15 years is
9 sentenced to the Wisconsin state prisons, the department of corrections shall place
10 the person at a secured juvenile correctional facility or a secured child caring
11 institution, unless the department of corrections determines that placement in an
12 institution under s. 302.01 is appropriate based on the person's prior record of
13 adjustment in a correctional setting, if any; the person's present and potential
14 vocational and educational needs, interests, and abilities; the adequacy and
15 suitability of available facilities; the services and procedures available for treatment
16 of the person within the various institutions; the protection of the public; and any
17 other considerations promulgated by the department of corrections by rule. This
18 subsection does not preclude the department of corrections from designating an
19 adult correctional institution as a reception center for the person and subsequently
20 transferring the person to a secured juvenile correctional facility or a secured child
21 caring institution. Section 302.11 and ch. 304 apply to all persons placed in a secured
22 juvenile correctional facility or a secured child caring institution under this
23 subsection.

24 *~~1394/2.113~~* SECTION 4015. 973.05 (1) of the statutes is amended to read:

1 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
2 permission for the payment of the fine, of the penalty assessment imposed by s.
3 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
4 assistance surcharge under s. 973.045, the crime laboratories and drug law
5 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
6 analysis surcharge under s. 973.046, any applicable drug abuse program
7 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
8 information protection assessment imposed by s. 100.261, any applicable domestic
9 abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
10 improvement surcharge imposed by s. 346.655, any applicable truck driver
11 education assessment imposed by s. 349.04, any applicable enforcement assessment
12 imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed by s.
13 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any
14 applicable environmental assessment imposed by s. 299.93, any applicable wild
15 animal protection assessment imposed by s. 29.983, any applicable natural resources
16 assessment imposed by s. 29.987, and any applicable natural resources restitution
17 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
18 no such permission is embodied in the sentence, the fine, the penalty assessment, the
19 jail assessment, the crime victim and witness assistance surcharge, the crime
20 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
21 acid analysis surcharge, any applicable drug abuse program improvement
22 surcharge, any applicable consumer ~~information~~ protection assessment, any
23 applicable domestic abuse assessment, any applicable driver improvement
24 surcharge, any applicable truck driver education assessment, any applicable
25 enforcement assessment, any applicable weapons assessment, any applicable

1 uninsured employer assessment, any applicable environmental assessment, any
2 applicable wild animal protection assessment, any applicable natural resources
3 assessment, and any applicable natural resources restitution payment shall be
4 payable immediately.

5 *~~1394/2.114~~* SECTION 4016. 973.05 (2) of the statutes is amended to read:

6 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
7 probation, the court may make the payment of the fine, the penalty assessment, the
8 jail assessment, the crime victim and witness assistance surcharge, the crime
9 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
10 acid analysis surcharge, any applicable drug abuse program improvement
11 surcharge, any applicable consumer information protection assessment, any
12 applicable domestic abuse assessment, any applicable uninsured employer
13 assessment, any applicable driver improvement surcharge, any applicable truck
14 driver education assessment, any applicable enforcement assessment under s.
15 253.06 (4) (c), any applicable weapons assessment, any applicable environmental
16 assessment, any applicable wild animal protection assessment, any applicable
17 natural resources assessment, and any applicable natural resources restitution
18 payments a condition of probation. When the payments are made a condition of
19 probation by the court, payments thereon shall be applied first to payment of the
20 penalty assessment until paid in full, shall then be applied to the payment of the jail
21 assessment until paid in full, shall then be applied to the payment of part A of the
22 crime victim and witness assistance surcharge until paid in full, shall then be
23 applied to part B of the crime victim and witness assistance surcharge until paid in
24 full, shall then be applied to the crime laboratories and drug law enforcement
25 assessment until paid in full, shall then be applied to the deoxyribonucleic acid

1 analysis surcharge until paid in full, shall then be applied to the drug abuse
2 improvement surcharge until paid in full, shall then be applied to payment of the
3 driver improvement surcharge until paid in full, shall then be applied to the truck
4 driver education assessment if applicable until paid in full, shall then be applied to
5 payment of the domestic abuse assessment until paid in full, shall then be applied
6 to payment of the consumer ~~information~~ protection assessment until paid in full,
7 shall then be applied to payment of the natural resources assessment if applicable
8 until paid in full, shall then be applied to payment of the natural resources
9 restitution payment until paid in full, shall then be applied to the payment of the
10 environmental assessment if applicable until paid in full, shall then be applied to the
11 payment of the wild animal protection assessment if applicable until paid in full,
12 shall then be applied to payment of the weapons assessment until paid in full, shall
13 then be applied to payment of the uninsured employer assessment until paid in full,
14 shall then be applied to payment of the enforcement assessment under s. 253.06 (4)
15 (c), if applicable, until paid in full, and shall then be applied to payment of the fine.

16 ***-1394/2.115*** SECTION 4017. 973.055 (2) (b) of the statutes is amended to read:

17 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
18 determination by the court of the amount due, the court shall collect and transmit
19 the amount to the treasurer of the county, city, town, or village, and that treasurer
20 shall make payment to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

21 ***-1394/2.116*** SECTION 4018. 973.07 of the statutes is amended to read:

22 **973.07 Failure to pay fine or costs or to comply with certain**
23 **community service work.** If the fine, costs, penalty assessment, jail assessment,
24 crime victim and witness assistance surcharge, crime laboratories and drug law
25 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,

1 applicable drug abuse program improvement surcharge, applicable consumer
2 ~~information~~ protection assessment, applicable domestic abuse assessment,
3 applicable driver improvement surcharge, applicable truck driver education
4 assessment, applicable enforcement assessment under s. 253.06 (4) (c), applicable
5 weapons assessment, applicable uninsured employer assessment, applicable
6 environmental assessment, applicable wild animal protection assessment,
7 applicable natural resources assessment, and applicable natural resources
8 restitution payments are not paid or community service work under s. 943.017 (3)
9 is not completed as required by the sentence, the defendant may be committed to the
10 county jail until the fine, costs, penalty assessment, jail assessment, crime victim
11 and witness assistance surcharge, crime laboratories and drug law enforcement
12 assessment, applicable deoxyribonucleic acid analysis surcharge, applicable drug
13 abuse program improvement surcharge, applicable consumer ~~information~~
14 protection assessment, applicable domestic abuse assessment, applicable driver
15 improvement surcharge, applicable truck driver education assessment, applicable
16 enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment,
17 applicable uninsured employer assessment, applicable environmental assessment,
18 applicable wild animal protection assessment, applicable natural resources
19 assessment or applicable natural resources restitution payments are paid or
20 discharged, or the community service work under s. 943.017 (3) is completed, for a
21 period fixed by the court not to exceed 6 months.

22 *b0675/2.4* SECTION 4018f. 973.075 (1) (b) 1m. e. of the statutes is amended
23 to read:

24 973.075 (1) (b) 1m. e. To cause more than \$1,000 \$2,500 worth of criminal
25 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

1 ***b0675/2.4* SECTION 4018h.** 973.075 (2) (d) of the statutes is amended to read:

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

9 ***-1855/2.49* SECTION 4019.** 973.09 (1) (a) of the statutes is amended to read:

10 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a
11 particular offense by statute, if a person is convicted of a crime, the court, by order,
12 may withhold sentence or impose sentence under s. 973.15 and stay its execution,
13 and in either case place the person on probation to the department for a stated period,
14 stating in the order the reasons therefor. The court may impose any conditions which
15 appear to be reasonable and appropriate. The period of probation may be made
16 consecutive to a sentence on a different charge, whether imposed at the same time
17 or previously. If the court imposes an increased term of probation, as authorized
18 under sub. (2) ~~(a)~~ (am) 2. or (b) 2., it shall place its reasons for doing so on the record.

19 ***-1855/2.50* SECTION 4020.** 973.09 (2) (intro.) and (a) 1. of the statutes are
20 consolidated, renumbered 973.09 (2) (am) 1. and amended to read:

21 973.09 (2) (am) 1. The Subject to subd. 2., the original term of probation for an
22 indeterminate sentence misdemeanor shall be: (a) 1. Except as provided in subd. 2.,
23 for misdemeanors, not less than 6 months nor more than 2 years.

24 ***-1855/2.51* SECTION 4021.** 973.09 (2) (a) 2. of the statutes is renumbered
25 973.09 (2) (am) 2. and amended to read:

1 973.09 (2) (am) 2. If the probationer is convicted of not less than 2 nor more than
2 4 indeterminate sentence misdemeanors at the same time, the maximum original
3 term of probation may be increased by one year. If the probationer is convicted of 5
4 or more indeterminate sentence misdemeanors at the same time, the maximum
5 original term of probation may be increased by 2 years.

6 *–1855/2.52* SECTION 4022. 973.09 (2) (ag) of the statutes is created to read:

7 973.09 (2) (ag) *Definitions*. In this subsection:

8 1. “Bifurcated sentence misdemeanor” means a misdemeanor committed on or
9 after the effective date of this subdivision [revisor inserts date], for which a court
10 may impose a bifurcated sentence under s. 973.01.

11 2. “Indeterminate sentence misdemeanor” means a misdemeanor other than
12 a bifurcated sentence misdemeanor.

13 *–1855/2.53* SECTION 4023. 973.09 (2) (am) (title) of the statutes is created to
14 read:

15 973.09 (2) (am) (title) *Misdemeanors for which a bifurcated sentence may not*
16 *be imposed*.

17 *–1855/2.54* SECTION 4024. 973.09 (2) (b) (title) of the statutes is created to
18 read:

19 973.09 (2) (b) (title) *Crimes for which a bifurcated sentence may be imposed*.

20 *–1855/2.55* SECTION 4025. 973.09 (2) (b) 1. of the statutes is amended to read:

21 973.09 (2) (b) 1. ~~Except as provided in~~ Subject to subd. 2., the original term of
22 probation for felonies, and bifurcated sentence misdemeanors shall be not less than
23 one year nor more than either the statutory maximum term of imprisonment
24 confinement in prison for the crime or 3 years, whichever is greater.

25 *–1855/2.56* SECTION 4026. 973.09 (2) (b) 2. of the statutes is amended to read:

1 973.09 (2) (b) 2. If the probationer is convicted of 2 or more crimes, including
2 at least one felony or bifurcated sentence misdemeanor, at the same time, the
3 maximum original term of probation may be increased by one year for each felony
4 conviction for a felony or a bifurcated sentence misdemeanor.

5 ***b0586/2.1* SECTION 4026g.** 973.09 (4) of the statutes is renumbered 973.09
6 (4) (a) and amended to read:

7 973.09 (4) (a) The court may also require as a condition of probation that the
8 probationer be confined during such period of the term of probation as the court
9 prescribes, but not to exceed one year. The court may grant the privilege of leaving
10 the county jail, Huber facility, work camp, or tribal jail during the hours or periods
11 of employment or other activity under s. 303.08 (1) (a) to (e) while confined under this
12 subsection. The court may specify the necessary and reasonable hours or periods
13 during which the probationer may leave the jail, Huber facility, work camp, or tribal
14 jail or the court may delegate that authority to the sheriff. In those counties without
15 a Huber facility under s. 303.09, a work camp under s. 303.10, or an agreement under
16 s. 302.445, the probationer shall be confined in the county jail. In those counties with
17 a Huber facility under s. 303.09, the sheriff shall determine whether confinement
18 under this subsection is to be in that facility or in the county jail. In those counties
19 with a work camp under s. 303.10, the sheriff shall determine whether confinement
20 is to be in the work camp or the county jail. The sheriff may transfer persons confined
21 under this subsection between a Huber facility or a work camp and the county jail.
22 In those counties with an agreement under s. 302.445, the sheriff shall determine
23 whether ~~confinement~~ a person who is confined under this subsection but who is not
24 subject to an order under par. (b) is to be confined in the tribal jail or the county jail,
25 unless otherwise provided under the agreement. In those counties, the sheriff may

1 transfer persons confined under this subsection between a tribal jail and a county
2 jail, unless otherwise provided under the agreement.

3 (c) While subject to this subsection, the probationer is subject to s. 303.08 (1),
4 (3) to (6), (8) to (12), and (14) or to s. 303.10, whichever is applicable, and to all the
5 rules of the county jail, ~~Huber facility, work camp or tribal jail facility to which the~~
6 probationer is confined, and to the discipline of the department, if confined to a
7 facility under par. (b), or the sheriff.

8 *b0586/2.1* SECTION 4026r. 973.09 (4) (b) of the statutes is created to read:

9 973.09 (4) (b) With the consent of the department and when recommended in
10 the presentence investigation, the court may order that a felony offender subject to
11 this subsection be confined in a facility located in the city of Milwaukee under s.
12 301.13 or 301.16 (1q), for the purpose of allowing the offender to complete an alcohol
13 and other drug abuse treatment program.

14 *-1855/2.57* SECTION 4027. 973.15 (2m) of the statutes is created to read:

15 973.15 (2m) (a) *Definitions.* In this subsection:

16 1. “Determinate sentence” means a bifurcated sentence imposed under s.
17 973.01 or a life sentence under which a person is eligible for release to extended
18 supervision under s. 973.014 (1g) (a) 1. or 2.

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

21 a. A determinate sentence.

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

24 3. “Period of confinement in prison,” with respect to any sentence to the
25 Wisconsin state prisons, means any time during which a person is incarcerated

1 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113
2 (3), or 302.114 (3) and any period of confinement in prison required to be served under
3 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

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

9 2. If a court provides that a determinate sentence is to run consecutive to
10 another determinate sentence, the person sentenced shall serve the periods of
11 confinement in prison under the sentences consecutively and the terms of extended
12 supervision under the sentences consecutively and in the order in which the
13 sentences have been pronounced.

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

21 2. If a court provides that a determinate sentence is to run consecutive to an
22 indeterminate sentence, the person sentenced shall serve the period of confinement
23 in prison under the determinate sentence consecutive to the period of confinement
24 in prison under the indeterminate sentence and the parole portion of the

1 indeterminate sentence consecutive to the term of extended supervision under the
2 determinate sentence.

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

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

16 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent
17 determinate sentences and extended supervision is revoked in each case, or if a
18 person is serving a determinate sentence concurrent with an indeterminate sentence
19 and both extended supervision and parole are revoked, the person shall concurrently
20 serve any periods of confinement in prison required under those sentences under s.
21 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

22 *–1855/2.58* SECTION 4028. 973.155 (1) (b) of the statutes is amended to read:

23 973.155 (1) (b) The categories in par. (a) include custody of the convicted
24 offender which is in whole or in part the result of a probation, extended supervision
25 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed

1 upon the person for the same course of conduct as that resulting in the new
2 conviction.

3 *~~0447/3.16~~* SECTION 4029. 976.08 of the statutes is amended to read:

4 **976.08 Additional applicability.** In this chapter, “prisoner” includes any
5 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
6 state prison ~~and any person subject to an order under s. 938.34 (4h) who is 17 years~~
7 ~~of age or older.~~

8 *~~0052/1.1~~* SECTION 4030. 977.05 (6) (c) of the statutes is repealed.

9 *~~0052/1.2~~* SECTION 4031. 977.05 (6) (cm) of the statutes is repealed.

10 *~~b0585/1.4~~* SECTION 4032m. 978.13 (1) (d) of the statutes is amended to read:

11 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
12 and fringe benefit costs of 2 clerk positions providing clerical services to the
13 prosecutors in the district attorney’s office handling cases involving the unlawful
14 possession or use of firearms. The state treasurer shall pay the amount authorized
15 under this paragraph to the county treasurer from the appropriation under s. 20.475
16 (1) (f) pursuant to a voucher submitted by the district attorney to the department of
17 administration. The amount paid under this paragraph may not exceed \$51,300 in
18 ~~the 1999–2000 fiscal year and \$64,000 in the 2000–01 fiscal year~~ the amount
19 appropriated under s. 20.475 (1) (f).

20 *~~b0457/2.3~~* SECTION 4033g. 979.01 (1m) of the statutes is amended to read:

21 979.01 (1m) The coroner or medical examiner receiving notification under sub.
22 (1) shall immediately notify the attorney general and district attorney.

23 *~~b0457/2.3~~* SECTION 4033k. 979.015 of the statutes is amended to read:

24 **979.015 Subpoena for documents.** Upon the request of the coroner, medical
25 examiner, attorney general, or district attorney, a court shall issue a subpoena

1 requiring the production of documents necessary for the determination of a
2 decedent's cause of death. The documents may include the decedent's patient health
3 care records and treatment records, as defined in ss. 51.30 and 146.81 (4). The
4 documents shall be returnable to the officer named in the subpoena.

5 ***b0457/2.3* SECTION 4033n.** 979.02 of the statutes is amended to read:

6 **979.02 Autopsies.** The coroner, medical examiner, attorney general, or
7 district attorney may order ~~the conducting of~~ an autopsy upon the body of a dead
8 person any place within the state in cases where an inquest might be had as provided
9 in s. 979.04 notwithstanding the fact that no such inquest is ordered or conducted.
10 The autopsy shall be conducted by a licensed physician who has specialized training
11 in pathology. The attorney general or district attorney may move the circuit court
12 for the county in which the body is buried for an order disinterring the body for
13 purposes of autopsy. The order shall be granted by the circuit court upon a
14 reasonable showing that any of the criteria specified in s. 979.04 exists. This section
15 does not prevent additional autopsies or examinations of the body if there are
16 unanswered pathological questions concerning the death and the causes of death.

17 ***-1606/3.1* SECTION 4034.** 979.025 of the statutes is created to read:

18 **979.025 Autopsy of correctional inmate.** (1) INMATE CONFINED TO AN
19 INSTITUTION IN THIS STATE. If an individual dies while he or she is in the legal custody
20 of the department and confined to a correctional facility located in this state, the
21 coroner or medical examiner of the county where the death occurred shall perform
22 an autopsy on the deceased individual. If the coroner or medical examiner who
23 performs the autopsy determines that the individual's death may have been the
24 result of any of the situations that would permit the district attorney to order an

1 inquest under s. 979.04 (1), the coroner or medical examiner shall follow the
2 procedures under s. 979.04 (2).

3 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an individual dies
4 while he or she is in the legal custody of the department and confined to a correctional
5 facility in another state under a contract under s. 301.07, 301.21, or 302.25, the
6 department shall have an autopsy performed by an appropriate authority in the
7 other state or by the coroner or medical examiner of the county in which the circuit
8 court is located that sentenced the individual to the custody of the department. If
9 the coroner or medical examiner who performs the autopsy in this state determines
10 that the individual's death may have been the result of any of the situations that
11 would permit the district attorney to order an inquest under s. 979.04 (1), the coroner
12 or medical examiner shall forward the results of the autopsy to the appropriate
13 authority in the other state.

14 (3) COSTS OF AN AUTOPSY. The costs of an autopsy performed under sub. (1) or
15 (2) shall be paid by the department.

16 *b0457/2.4* SECTION 4034b. 979.04 (1) of the statutes is amended to read:

17 979.04 (1) If the attorney general or district attorney has notice of the death
18 of any person and there is reason to believe from the circumstances surrounding the
19 death that felony murder, first-degree or 2nd-degree intentional homicide,
20 first-degree or 2nd-degree reckless homicide, homicide by negligent handling of a
21 dangerous weapon, explosives, or fire, homicide by negligent operation of a vehicle,
22 homicide resulting from negligent control of a vicious animal, or homicide by
23 intoxicated user of a vehicle or firearm may have been committed, or that death may
24 have been due to suicide or unexplained or suspicious circumstances, the attorney
25 general or district attorney may order that an inquest be conducted for the purpose

1 of inquiring how the person died. The attorney general or district attorney shall
2 appear in any such inquest representing the state in presenting all evidence which
3 that may be relevant or material to the inquiry of the inquest. The inquest may be
4 held in any county in this state in which venue would lie for the trial of any offense
5 charged as the result of or involving the death. An inquest may only be ordered by
6 the attorney general or district attorney under this subsection or by the circuit judge
7 under sub. (2).

8 *b0457/2.4* SECTION 4034c. 979.04 (2) of the statutes is amended to read:

9 979.04 (2) If the coroner or medical examiner has knowledge of the death of any
10 person in the manner described under sub. (1), he or she shall immediately notify the
11 attorney general and district attorney. The notification shall include information
12 concerning the circumstances surrounding the death. The coroner or medical
13 examiner may request the attorney general and district attorney to order an inquest
14 under sub. (1). If the attorney general and district attorney refuses refuse to order
15 the inquest, a coroner or medical examiner may petition the circuit court to order an
16 inquest. The court may issue the order if it finds that the attorney general or district
17 attorney has abused his or her discretion in not ordering an inquest.

18 *b0457/2.4* SECTION 4034d. 979.04 (3) of the statutes is amended to read:

19 979.04 (3) Subsequent to receipt of notice of the death, the attorney general or
20 district attorney may request the coroner or medical examiner to conduct a
21 preliminary investigation and report back to the attorney general or district
22 attorney. The attorney general or district attorney may determine the scope of the
23 preliminary investigation. This subsection does not limit or prevent any other
24 investigation into the death by any law enforcement agency with jurisdiction over
25 the investigation.

1 ***b0457/2.4* SECTION 4034f.** 979.05 (2) of the statutes is amended to read:

2 979.05 (2) The inquest shall be conducted before a jury unless the attorney
3 general, district attorney, coroner, or medical examiner requests that the inquest be
4 conducted before only the judge or court commissioner ~~only~~. If the inquest is to be
5 conducted before a jury, a sufficient number of names of prospective jurors shall be
6 selected from the prospective juror list for the county in which the inquest is to be
7 held by the clerk of circuit court in the manner provided in s. 756.06. The judge or
8 court commissioner conducting the inquest shall summon the prospective jurors to
9 appear before the judge or court commissioner at the time fixed in the summons. The
10 summons may be served by mail, or by personal service if the judge, court
11 commissioner, attorney general, or district attorney determines personal service to
12 be appropriate. The summons shall be in the form used to summon petit jurors in
13 the circuit courts of the county. Any person who fails to appear when summoned as
14 an inquest juror is subject to a forfeiture of not more than \$40. The inquest jury shall
15 consist of 6 jurors. If 6 jurors do not remain from the number originally summoned
16 after establishment of qualifications, the judge or court commissioner conducting the
17 inquest may require the clerk of the circuit court to select sufficient additional jurors'
18 names. Those persons shall be summoned forthwith by the sheriff of the county.

19 ***b0457/2.4* SECTION 4034g.** 979.05 (3) of the statutes is amended to read:

20 979.05 (3) The judge or court commissioner shall examine on oath or
21 affirmation each person who is called as a juror to discover whether the juror is
22 related by blood, marriage, or adoption to the decedent, any member of the decedent's
23 family, the attorney general, district attorney, any other attorney appearing in the
24 case, or any members of the office of the attorney general, district attorney, or of the
25 office of any other attorney appearing in the case; has expressed or formed any

1 opinion regarding the matters ~~being inquired into in~~ of the inquest; or is aware of or
2 has any bias or prejudice concerning the matters ~~being inquired into in~~ of the
3 inquest. If any prospective juror is found to be not indifferent or is found to have
4 formed an opinion ~~which~~ that cannot be laid aside, that juror shall be excused. The
5 judge or court commissioner may select one or more alternate jurors if the inquest
6 is likely to be protracted. This subsection does not limit the right of the attorney
7 general or district attorney to supplement the judge's or court commissioner's
8 examination of any prospective jurors as to qualifications.

9 ***b0457/2.4* SECTION 4034h.** 979.05 (5) of the statutes is amended to read:

10 979.05 (5) Prior to the submission of evidence to the jury, the judge or court
11 commissioner may instruct the jury on its duties and on the substantive law
12 regarding the issues ~~which may be inquired into~~ before the jury. The attorney
13 general or district attorney may, at any time during the course of the inquest, make
14 statements to the jury relating to procedural or evidentiary matters that he or she
15 and the judge or court commissioner deem appropriate. Section 972.12 applies to the
16 conduct of the inquest jury.

17 ***b0457/2.4* SECTION 4034j.** 979.05 (6) of the statutes is amended to read:

18 979.05 (6) The judge or court commissioner conducting the inquest may order
19 that proceedings be secret if the attorney general or district attorney so requests or
20 concurs.

21 ***b0457/2.4* SECTION 4034m.** 979.06 (1) of the statutes is amended to read:

22 979.06 (1) The judge or court commissioner may issue subpoenas for witnesses
23 at the request of the coroner or medical examiner and shall issue subpoenas for
24 witnesses requested by the attorney general or district attorney. Subpoenas are
25 returnable at the time and place stated therein. Persons who are served with a

1 subpoena may be compelled to attend proceedings in the manner provided in s.
2 885.12.

3 *b0457/2.4* SECTION 4034n. 979.06 (2) of the statutes is amended to read:

4 979.06 (2) The judge or court commissioner conducting the inquest and the
5 attorney general or district attorney may require by subpoena the attendance of one
6 or more expert witnesses, including physicians, surgeons, and pathologists, for the
7 purposes of conducting an examination of the body and all relevant and material
8 scientific and medical tests connected with the examination and testifying as to the
9 results of the examination and tests. The expert witnesses so subpoenaed shall
10 receive reasonable fees determined by the attorney general or district attorney and
11 the judge or court commissioner conducting the inquest.

12 *b0457/2.4* SECTION 4034p. 979.07 (1) (a) of the statutes is amended to read:

13 979.07 (1) (a) If a person refuses to testify or to produce books, papers, or
14 documents when required to do so before an inquest for the reason that the testimony
15 or evidence required of the person may tend to incriminate him or her or subject him
16 or her to a forfeiture or penalty, the person may be compelled to testify or produce the
17 evidence by order of the circuit court of the county in which the inquest is convened
18 on motion of the attorney general or district attorney. A person who testifies or
19 produces evidence in obedience to the command of the court in that case is not subject
20 to any forfeiture or penalty for or on account of testifying or producing evidence,
21 except the person is subject to prosecution and punishment for perjury or false
22 swearing committed in so testifying.

23 *b0457/2.4* SECTION 4034r. 979.08 (1) of the statutes is amended to read:

24 979.08 (1) When the evidence is concluded and the testimony closed, the judge
25 or court commissioner shall instruct the jury on its duties and on the substantive law

1 regarding the issues ~~inquired into~~ before the jury. The attorney general or district
2 attorney shall prepare a written set of appropriate requested instructions and shall
3 submit them to the judge or court commissioner who, together with the attorney
4 general or district attorney, shall compile the final set of instructions ~~which that~~ shall
5 be given. The instructions shall include those criminal offenses for which the judge
6 or court commissioner believes a reasonable jury might return a verdict based upon
7 a finding of probable cause.

8 *b0457/2.4* SECTION 4034t. 979.08 (5) of the statutes is amended to read:

9 979.08 (5) The verdict delivered by the inquest jury is advisory and does not
10 preclude or require the issuance of any criminal charges by the attorney general or
11 district attorney.

12 *b0457/2.4* SECTION 4034u. 979.08 (6) of the statutes is amended to read:

13 979.08 (6) Any verdict so rendered, after being validated and signed by the
14 judge or court commissioner, together with the record of the inquest, shall be
15 delivered to the attorney general or district attorney for consideration. After
16 considering the verdict and record, the attorney general or district attorney may
17 deliver the entire inquest record or any part thereof to the coroner or medical
18 examiner for safekeeping.

19 *b0457/2.4* SECTION 4034v. 979.09 of the statutes is amended to read:

20 **979.09 Burial of body.** If any judge or court commissioner conducts an
21 inquest as to the death of a stranger or of a person whose identity is unknown or
22 whose body is unclaimed, or if the attorney general or district attorney determines
23 that no inquest into the death of such a person is necessary and the circuit judge has
24 not ordered an inquest under s. 979.04 (2), the coroner or medical examiner shall
25 cause the body to be decently buried or cremated and shall certify to all the charges

1 incurred in taking any inquest by him or her and to the expenses of burial or
2 cremation of the dead body. ~~The~~ If the district attorney or circuit court ordered the
3 inquest, charges and expenses shall be audited by the county board of the proper
4 county and paid out of the county treasury. If the attorney general ordered the
5 inquest, charges and expenses, except as provided under s. 979.11, shall be audited
6 and paid by the department of justice.

7 *b0457/2.4* **SECTION 4034w.** 979.10 (2) of the statutes is amended to read:

8 979.10 (2) If a corpse is to be cremated, the coroner or medical examiner shall
9 make a careful personal inquiry into the cause and manner of death, and conduct an
10 autopsy or order the conducting of an autopsy, if in his or her or the attorney general's
11 or district attorney's opinion it is necessary to determine the cause and manner of
12 death. If the coroner or medical examiner determines that no further examination
13 or judicial inquiry is necessary he or she shall certify that fact. Upon written request
14 by the attorney general or district attorney the coroner or medical examiner shall
15 obtain the concurrence of the attorney general or district attorney before issuing the
16 certification. If the coroner or medical examiner determines that further
17 examination or judicial inquiry is necessary, he or she shall notify the attorney
18 general and district attorney under s. 979.04 (2).

19 *b0457/2.4* **SECTION 4034y.** 979.11 of the statutes is amended to read:

20 **979.11 Compensation of officers.** The sole compensation of the coroner and
21 deputy coroners for attendance at an inquest and for any preliminary investigation
22 under this chapter at the direction of the attorney general or district attorney shall
23 be a reasonable sum set by the county board for each day actually and necessarily
24 required for the purpose, and a sum set by the county board for each mile actually
25 and necessarily traveled in performing the duty. Any coroner or deputy coroner may

1 be paid an annual salary and allowance for traveling expenses to be established by
2 the county board under s. 59.22 which shall be in lieu of all fees, per diem and
3 compensation for services rendered.

4 *b0471/1.1* SECTION 4034ym. 980.08 (5m) of the statutes is created to read:

5 980.08 (5m) (a) In this subsection:

6 1. “Building complex” means a group of contiguous buildings under common
7 ownership.

8 2. “Sex offender registrant” means a person on probation, parole, or extended
9 supervision who is required to register as a sex offender under s. 301.45.

10 (b) The department or a county may not place a person who is on supervised
11 release in a residential building or building complex that is within 2,500 feet of
12 another residential building or building complex in which a sex offender registrant
13 or another person on supervised release is placed. This subsection does not prohibit
14 the department or county from placing a person who is on supervised release in the
15 same residential building or building complex in which a sex offender registrant or
16 another person on supervised release is placed.

17 *b0497/1.1* SECTION 4034z. 992.14 of the statutes is created to read:

18 **992.14 Revenue limit agreement.** Notwithstanding s. 121.91, if a school
19 district held a referendum before February 5, 2001, to exceed its revenue limit under
20 s. 121.91 (2m) (e), and the resolution adopted by the school board and referred to in
21 the question submitted to the electors specified a mill rate to be used to calculate the
22 revenue limit increase, the amount by which the school district’s revenue limit is
23 increased as a result of the referendum for each year specified in the referendum is
24 the dollar amount agreed to by the department of public instruction and the school
25 board of that school district.

1 ***-0451/1.1*** **SECTION 4035.** 1997 Wisconsin Act 4, section 4 (1) (a), as last
2 affected by 1999 Wisconsin Act 9, section 3261, is amended to read:

3 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act
4 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
5 until July 1, 2001 2003, operate the secured correctional facility, as defined in section
6 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27, section 9126
7 (26v), as a state prison named in section 302.01 of the statutes, as affected by this
8 act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes,
9 who are not more than 21 years of age and who are not violent offenders, as
10 determined by the department of corrections.

11 ***-1825/1.2*** **SECTION 4036.** 1997 Wisconsin Act 27, section 1622d is repealed.

12 ***-1825/1.3*** **SECTION 4037.** 1997 Wisconsin Act 27, section 1623d is repealed.

13 ***-1825/1.4*** **SECTION 4038.** 1997 Wisconsin Act 27, section 1624d is repealed.

14 ***b0670/3.25*** **SECTION 4039b.** 1997 Wisconsin Act 27, section 9101 (11m) is
15 amended to read:

16 [1997 Wisconsin Act 27] Section 9101 (11m) **REPORT BY LAND INFORMATION**
17 **BOARD AND WISCONSIN LAND COUNCIL.** No later than September 1, 2002 2006, the land
18 information board and Wisconsin land council shall report to the legislature in the
19 manner provided under section 13.172 (2) of the statutes and to the governor
20 concerning the issue of continuation of their functions, including the feasibility of
21 combination of their functions.

22 ***b0479/2.3*** **SECTION 4039p.** 1997 Wisconsin Act 27, section 9123 (6) is
23 repealed.

24 ***b0479/2.3*** **SECTION 4039q.** 1997 Wisconsin Act 27, section 9123 (6m) is
25 repealed.

1 ***b0479/2.3* SECTION 4039r.** 1997 Wisconsin Act 27, section 9123 (10g) is
2 repealed.

3 ***-1825/1.5* SECTION 4040.** 1997 Wisconsin Act 27, section 9423 (10f) is
4 repealed.

5 ***b0670/3.26* SECTION 4041b.** 1997 Wisconsin Act 27, section 9456 (3m) is
6 amended to read:

7 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
8 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
9 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
10 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
11 (e), 36.25 (12m) (intro.), ~~59.43 (2) (ag) 1. and (e)~~, 59.72 (1) (a) and (b), (3) (intro.), (a)
12 and (b) and (5) and 92.10 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2)
13 and, (4) and (5), 16.967, 20.505 (1) (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and
14 59.72 (1) (am), (3) (c) and (4) of the statutes and SECTION 9101 (1) of this act take effect
15 on September 1, ~~2003~~ 2007.

16 ***b0006/15.35* SECTION 4041m.** 1997 Wisconsin Act 237, section 82er is
17 repealed.

18 ***b0006/15.35* SECTION 4041n.** 1997 Wisconsin Act 237, section 9452 is
19 repealed.

20 ***-1825/1.6* SECTION 4042.** 1997 Wisconsin Act 252, section 51 is repealed.

21 ***-1825/1.7* SECTION 4043.** 1997 Wisconsin Act 252, section 53 is repealed.

22 ***-1825/1.8* SECTION 4044.** 1997 Wisconsin Act 252, section 201 (1) is repealed.

23 ***-2309/3.2* SECTION 4045.** 1999 Wisconsin Act 9, section 11ac is repealed.

24 ***-2309/3.3* SECTION 4046.** 1999 Wisconsin Act 9, section 593ac is repealed.

25 ***b0359/4.10* SECTION 4046g.** 1999 Wisconsin Act 9, section 1278t is repealed.

1 ***b0326/3.2* SECTION 4046j.** 1999 Wisconsin Act 9, section 9123 (3) (a) is
2 amended to read:

3 [1999 Wisconsin Act 9] Section 9123 (3) (a) From the appropriations under
4 ~~section 20.435 (6) (a) of the statutes, as affected by this act, and section 20.435 (6) (n)~~
5 appropriation account under section 20.435 (7) (md) of the statutes, the department
6 of health and family services shall expend up to \$398,000 in state fiscal year 2001–02
7 and up to \$38,000 in state fiscal year 2002–03 to contract with counties or federally
8 recognized American Indian tribes or bands to provide up to 4 demonstration projects
9 in state fiscal year 2000–01, except that the department is not precluded from also
10 awarding funds for this purpose under section 46.54 of the statutes, as affected by
11 this act. The demonstration projects shall be to provide mental health and alcohol
12 or other drug abuse services under managed care programs to persons who suffer
13 from mental illness, alcohol or other drug dependency, or both mental illness and
14 alcohol or other drug dependency.

15 ***b0447/2.4* SECTION 4046m.** 1999 Wisconsin Act 9, section 9136 (10) is
16 repealed.

17 ***-1394/2.117* SECTION 4047.** 1999 Wisconsin Act 9, section 9201 (2m) is
18 repealed.

19 ***-1394/2.118* SECTION 4048.** 1999 Wisconsin Act 9, section 9201 (2n) is
20 repealed.

21 ***-1394/2.119* SECTION 4049.** 1999 Wisconsin Act 9, section 9201 (2p) is
22 repealed.

23 ***-1394/2.120* SECTION 4050.** 1999 Wisconsin Act 9, section 9211 (title) and
24 (2g) are repealed.

1 ***-1394/2.121* SECTION 4051.** 1999 Wisconsin Act 9, section 9230 (title) and (1)
2 are repealed.

3 ***-1394/2.122* SECTION 4052.** 1999 Wisconsin Act 9, section 9230 (2m) is
4 repealed.

5 ***-1394/2.123* SECTION 4053.** 1999 Wisconsin Act 9, section 9230 (3m) is
6 repealed.

7 ***-1394/2.124* SECTION 4054.** 1999 Wisconsin Act 9, section 9238 (title) and
8 (1h) are repealed.

9 ***-1394/2.125* SECTION 4055.** 1999 Wisconsin Act 9, section 9239 (title) and
10 (1h) are repealed.

11 ***-1394/2.126* SECTION 4056.** 1999 Wisconsin Act 9, section 9239 (2h) is
12 repealed.

13 ***-0529/6.13* SECTION 4057.** 1999 Wisconsin Act 9, section 9357 (3) is amended
14 to read:

15 [1999 Wisconsin Act 9] Section 9357 (3) ASSIGNMENT OF RECEIVING AND
16 DISBURSING FEES. The treatment of sections 767.265 (1), (2h) (by SECTION 3059) and
17 (2r) and 767.29 (1) (d) (intro.), 1. and 2. of the statutes and the amendment of section
18 ~~767.265 (1m)~~ of the statutes first ~~apply~~ applies to annual receiving and disbursing
19 fees that are ordered on the effective date of this subsection.

20 ***b0670/3.27* SECTION 4059b.** 1999 Wisconsin Act 9, section 9401 (2zt) is
21 amended to read:

22 [1999 Wisconsin Act 9] Section 9401 (2zt) WISCONSIN LAND COUNCIL. The
23 treatment of section 20.505 (1) (ka) (by SECTION 519) of the statutes takes effect on
24 September 1, 2003 2007.

1 ***b0670/3.27* SECTION 4059g.** 1999 Wisconsin Act 9, section 9401 (2zu) is
2 amended to read:

3 [1999 Wisconsin Act 9] Section 9401 (2zu) SOIL SURVEYS AND MAPPING. The
4 repeal of sections 16.967 (11) and 20.505 (1) (ik) ~~and of the statutes,~~ the treatment
5 of sections 15.01 (4) (by SECTION 12n) and 227.01 (1) (by SECTION 2353n) of the
6 statutes and the repeal of section 16.965 (3) and (5) of the statutes take effect on
7 September1, 2003 2007.

8 ***-2309/3.4* SECTION 4060.** 1999 Wisconsin Act 9, section 9421 (1x) is amended
9 to read:

10 [1999 Wisconsin Act] Section 9421 (1x) ASSISTANCE FROM DEPARTMENT OF
11 WORKFORCE DEVELOPMENT. The treatment of section 20.445 (3) (mc) (by SECTION
12 474ac) of the statutes ~~and the repeal of sections 14.18 and 20.525 (1) (kb) of the~~
13 ~~statutes take~~ takes effect on January 6, 2003.

14 ***b0359/4.11* SECTION 4060d.** 1999 Wisconsin Act 9, section 9423 (14g) is
15 repealed.

16 ***b0006/15.36* SECTION 4060fm.** 1999 Wisconsin Act 42, sections 18 and 27 are
17 repealed.

18 ***b0493/3.7* SECTION 4060gg.** 1999 Wisconsin Act 109, section 17 is repealed.

19 ***b0493/3.7* SECTION 4060gj.** 1999 Wisconsin Act 109, section 26 is repealed.

20 ***b0493/3.7* SECTION 4060gk.** 1999 Wisconsin Act 109, section 38 is repealed.

21 ***b0493/3.7* SECTION 4060gm.** 1999 Wisconsin Act 109, section 56j is repealed.

22 ***b0493/3.7* SECTION 4060hd.** 1999 Wisconsin Act 109, section 70 is repealed.

23 ***b0493/3.7* SECTION 4060hg.** 1999 Wisconsin Act 109, section 72 is repealed.

24 ***b0493/3.7* SECTION 4060hj.** 1999 Wisconsin Act 109, section 73 is repealed.

25 ***b0493/3.7* SECTION 4060hk.** 1999 Wisconsin Act 109, section 84 is repealed.

1 ***b0493/3.7* SECTION 4060hm.** 1999 Wisconsin Act 109, section 85 is repealed.

2 ***b0493/3.7* SECTION 4060hp.** 1999 Wisconsin Act 109, section 86 is repealed.

3 ***b0493/3.7* SECTION 4060hr.** 1999 Wisconsin Act 109, section 87 is repealed.

4 ***b0493/3.7* SECTION 4060ht.** 1999 Wisconsin Act 109, section 88 (2) is

5 amended to read:

6 [1999 Wisconsin Act 109] Section 88 (2) The department of transportation and
7 the department of health and family services shall study jointly and evaluate the
8 effectiveness of using ignition interlock devices and vehicle immobilization as
9 methods of reducing the prevalence of drunk driving and the recidivism of
10 drunk-driving offenders. The departments shall consult with the counties, the law
11 enforcement agencies, the courts, and the providers of services to alcohol abusers
12 regarding this study and evaluation. No later than ~~the first day of the 24th month~~
13 ~~beginning after the effective date of section 343.301 of the statutes, as created in this~~
14 ~~act~~ January 1, 2004, the department shall submit a report to the legislature in the
15 manner provided under section 13.172 (2) of the statutes that contains the
16 conclusions of the departments' study and evaluation and any recommendations
17 concerning implementation of the conclusions.

18 ***b0493/3.7* SECTION 4060hw.** 1999 Wisconsin Act 109, section 90 (3) is
19 amended to read:

20 [1999 Wisconsin Act 109] Section 90 (3) IGNITION INTERLOCK AND IMMOBILIZATION.
21 The treatment of sections 342.12 (4) (a), (b) and (c) 1. (intro.), ~~343.10 (5) (a) 3.,~~
22 ~~343.301, 343.305 (10m), 346.65 (6) (a) 1. (by SECTION 56j), 2m. and 3. and (b), (d), (k)~~
23 ~~and (m), and 347.413 (1) and (2), 347.417 (1) and (2), 940.09 (1d) (a) and 940.25 (1d)~~
24 ~~(a) of the statutes and the renumbering of sections 940.09 (1d) and 940.25 (1d) of the~~
25 statutes first ~~apply~~ applies to violations committed or refusals occurring on the

1 effective date of this subsection, but does not preclude the counting of other
2 convictions, suspensions or revocations as prior convictions, suspensions or
3 revocations for purposes of administrative action by the department of
4 transportation or sentencing by a court.

5 ***b0493/3.7* SECTION 4060hy.** 1999 Wisconsin Act 109, section 91 (2) is
6 amended to read:

7 [1999 Wisconsin Act 109] Section 91 (2) The treatment of sections 342.12 (4)
8 (a), (b) and (c) 1. (intro.), ~~343.10 (5) (a) 3., 343.301, 343.305 (10m), 346.65 (6) (a) 1.~~
9 ~~(by SECTION 56j), 2m. and 3. and, (b), (k) and (m), and 347.413 (1) and (2), 347.417 (1)~~
10 ~~and (2), 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes, the renumbering of sections~~
11 ~~940.05 (1d) and 940.25 (1d) of the statutes and SECTION 90 (3) of this act take effect~~
12 on January 1, 2002.

13 ***b0606/1.2* SECTION 4060j.** 1999 Wisconsin Act 9, section 9423 (1) is amended
14 to read:

15 [1999 Wisconsin Act 9] Section 9423 (1) ELIMINATION OF COUNCIL ON LONG-TERM
16 CARE. The repeal of sections 15.197 (5), 46.281 (1) (a) and (b) and 46.282 (1) of the
17 statutes takes effect on July 1, ~~2001~~ 2003, or on the day after publication of the
18 ~~2001-03~~ 2003-05 biennial budget act, whichever is later.

19 ***-0664/2.9101* SECTION 9101. Nonstatutory provisions;**
20 **administration.**

21 ***-0664/2.9101*(1) TANK PLAN REVIEW AND INSPECTION FEES.** The secretary of
22 administration shall calculate the amount of fees collected for plan review and
23 inspection of tanks for the storage, handling, or use of flammable or combustible
24 liquids and for any certification or registration required under section 101.09 (3) (c)
25 of the statutes beginning on July 1, 2000, and ending on the effective date of this

1 subsection, less the costs encumbered under the appropriation under section 20.143
2 (3) (j) of the statutes during that period for 2 program specialists for the program
3 under section 101.143 of the statutes.

4 ***-0869/1.9101*(2)** PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal
5 and program revenue moneys appropriated to the department of administration for
6 the office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes,
7 the department shall expend \$84,000 in fiscal year 2001–02 and \$91,000 in fiscal
8 year 2002–03 to provide the multijurisdictional enforcement group serving Dane
9 County with funding for one assistant district attorney to prosecute criminal
10 violations of chapter 961 of the statutes.

11 ***-0869/1.9101*(3)** PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From
12 federal and program revenue moneys appropriated to the department of
13 administration for the office of justice assistance under section 20.505 (6) (kp) and
14 (p) of the statutes, the department shall expend \$277,900 in fiscal year 2001–02 and
15 \$291,400 in fiscal year 2002–03 to provide the multijurisdictional enforcement group
16 serving Milwaukee County with funding for 3 assistant district attorneys to
17 prosecute criminal violations of chapter 961 of the statutes.

18 ***-0985/8.9101*(4)** EDUCATIONAL BROADCASTING.

19 (a) *Determination of license fee transfer date.* If the secretary of administration
20 determines that the federal communications commission has approved the transfer
21 of all broadcasting licenses held by the educational communications board or all
22 broadcasting licenses, except licenses for student radio, held by the board of regents
23 of the University of Wisconsin, or both, to the corporation described under section
24 39.82 (1) of the statutes, as created by this act, the secretary shall immediately notify
25 the revisor of statutes in writing of the effective date of the last license transferred.

1 (b) *Transfer of University of Wisconsin System funds.* If the secretary of
2 administration determines that the federal communications commission has
3 approved the transfer of all broadcasting licenses held by the educational
4 communications board and the board of regents of the University of Wisconsin
5 System, except licenses for student radio, to the corporation described under section
6 39.82 (1) of the statutes, as created by this act, on the effective date of the last license
7 transferred, all unencumbered balances appropriated to the board of regents of the
8 University of Wisconsin System under section 20.285 of the statutes for public
9 broadcasting, as determined by the secretary of administration, are transferred to
10 the corporation described under section 39.82 (1) of the statutes, as created by this
11 act.

12 ***-1555/2.9101***(7) CONSOLIDATION OF APPROPRIATIONS.

13 (av) On the effective date of this paragraph, the secretary of administration
14 shall apportion and transfer the unencumbered moneys and accounts receivable
15 from the appropriation account under section 20.505 (1) (kd), 1999 stats., to the
16 appropriation accounts under sections 20.505 (1) (kb) and 20.530 (1) (kL) of the
17 statutes, as affected by this act, and shall apportion and transfer the liabilities,
18 including any liabilities incurred under section 20.903 (2) (b) of the statutes, as
19 affected by this act, from the appropriation under section 20.505 (1) (kd) of the
20 statutes to the appropriations under sections 20.505 (1) (kb) and 20.530 (1) (kL) of
21 the statutes, as affected by this act, in the manner determined by the secretary.

22 (bv) On the effective date of this paragraph, the secretary of administration
23 shall apportion and transfer the unencumbered moneys and accounts receivable that
24 are attributable to state telecommunications services from the appropriation
25 account under section 20.505 (1) (kL) of the statutes, as affected by this act, to the

1 appropriation account under section 20.530 (1) (ke) of the statutes, as affected by this
2 act.

3 ***-1694/11.9101***(10) WISCONSIN ADVANCED TELECOMMUNICATIONS FOUNDATION
4 FUNDS.

5 (a) *Determination by secretary of administration.* On the effective date of this
6 paragraph, the secretary of administration shall determine whether the Wisconsin
7 Advanced Telecommunications Foundation has granted to the state, before the
8 effective date of this paragraph, some or all of the unencumbered balances of the
9 endowment fund established under section 14.28 (2) (g), 1999 stats., and the fast
10 start fund established under section 14.28 (6) (a), 1999 stats. If the secretary
11 determines that such a grant has been made, the amount of the grant, except for any
12 amount in excess of \$13,465,100, is credited to the appropriation under section
13 20.865 (4) (gm) of the statutes, as created by this act, and any amount of the grant
14 in excess of \$13,465,100 is credited to the appropriation under section 20.275 (1) (jm)
15 of the statutes, as created by this act. If the secretary determines that the amount
16 of the grant is less than \$13,465,100, the secretary shall notify the cochairpersons
17 of the joint committee on finance. If the secretary determines that the amount of the
18 grant is \$13,465,100 or more, each of the following applies:

19 1. 'Wisconsin Informational Network for School Success.' An amount equal to
20 \$579,000 is transferred from the appropriation account under section 20.865 (4) (gm)
21 of the statutes, as created by this act, to the appropriation account under section
22 20.255 (1) (ke) of the statutes, for the purpose of upgrading the Wisconsin
23 Informational Network for School Success.

24 2. 'State school finance information system.' An amount equal to \$77,800 is
25 transferred from the appropriation account under section 20.865 (4) (gm) of the

1 statutes, as created by this act, to the appropriation account under section 20.255 (1)
2 (ke) of the statutes, for the purpose of upgrading the state school finance information
3 system.

4 3. ‘Wisconsin Center for the Blind and Visually Impaired.’ An amount equal
5 to \$526,000 is transferred from the appropriation account under section 20.865 (4)
6 (gm) of the statutes, as created by this act, to the appropriation account under section
7 20.255 (1) (ke) of the statutes, for the purpose of upgrading and replacing assistive
8 technology devices and related software programs at the Janesville facility of the
9 Wisconsin Center for the Blind and Visually Impaired and the regional satellite
10 facilities of the center and for completing a network upgrade at the Janesville facility.

11 4. ‘Wisconsin Regional Library for the Blind and Physically Handicapped.’ An
12 amount equal to \$161,600 is transferred from the appropriation account under
13 section 20.865 (4) (gm) of the statutes, as created by this act, to the appropriation
14 account under section 20.255 (1) (ke) of the statutes, for the purpose of replacing the
15 automated system at the Wisconsin Regional Library for the Blind and Physically
16 Handicapped.

17 5. ‘Technology for educational achievement in Wisconsin board.’ An amount
18 equal to \$136,200 is transferred from the appropriation account under section 20.865
19 (4) (gm) of the statutes, as created by this act, to the appropriation account under
20 section 20.275 (1) (k) of the statutes, as created by this act, for the purpose of carrying
21 out the duties of the technology for educational achievement in Wisconsin board
22 under section 44.71 (2) (i) of the statutes.

23 6. ‘Technical college system board.’ An amount equal to \$2,000,000 is
24 transferred from the appropriation account under section 20.865 (4) (gm) of the

1 statutes, as created by this act, to the appropriation account under section 20.292 (1)
2 (km) of the statutes, as created by this act.

3 7. 'Wisconsin advanced telecommunications foundation grants.' An amount
4 equal to \$566,200 is transferred from the appropriation account under section 20.865
5 (4) (gm) of the statutes, as created by this act, to the appropriation account under
6 section 20.275 (1) (k) of the statutes, as created by this act, for the purpose of closing
7 out any existing grants made by the Wisconsin advanced telecommunications
8 foundation.

9 8. 'Wisconsin advanced distributed co-laboratory.' An amount equal to
10 \$1,000,000 is transferred from the appropriation account under section 20.865 (4)
11 (gm) of the statutes, as created by this act, to the appropriation account under section
12 20.285 (1) (k) of the statutes for the purpose of funding the Wisconsin advanced
13 distributed co-laboratory. After the transfer described in this subdivision is made,
14 the board of regents of the University of Wisconsin System shall, by September 1,
15 2003, submit a report to the department of administration that shows how the board
16 of regents used the amount transferred to benefit the Wisconsin advanced
17 distributed co-laboratory and describes any federal funding received for the
18 co-laboratory.

19 9. 'Worldwide distance education.' An amount equal to \$250,000 is transferred
20 from the appropriation account under section 20.865 (4) (gm) of the statutes, as
21 created by this act, to the appropriation account under section 20.285 (1) (k) of the
22 statutes for the purpose of the University of Wisconsin Learning Innovations at the
23 University of Wisconsin-Extension to establish a nonstock, nonprofit corporation
24 that is described in section 501 (c) (3) of the Internal Revenue Code, whose purpose
25 is to establish distance education classrooms in Wisconsin trade offices abroad and

1 to offer University of Wisconsin System distance education courses from those
2 classrooms.

3 10. ‘University of Wisconsin Learning Innovations.’ An amount equal to
4 \$3,000,000 is transferred from the appropriation account under section 20.865 (4)
5 (gm) of the statutes, as created by this act, to the appropriation account under section
6 20.285 (1) (k) of the statutes for the purpose of funding the activities of the University
7 of Wisconsin Learning Innovations at the University of Wisconsin–Extension.

8 11. ‘Department of commerce grants for technology research.’ An amount equal
9 to \$1,500,000 is transferred from the appropriation account under section 20.865 (4)
10 (gm) of the statutes, as created by this act, to the appropriation account under section
11 20.143 (1) (kt) of the statutes, as created by this act, for the purpose of allowing the
12 department of commerce to make grants, no later than June 30, 2003, to the
13 University of Wisconsin–Milwaukee, the University of Wisconsin–Parkside,
14 Marquette University, the Milwaukee School of Engineering, and the Medical
15 College of Wisconsin for research related to emerging technologies that will promote
16 industrial and economic development in southeastern Wisconsin. The department
17 of commerce may not make a grant under this subdivision unless the department and
18 the recipient enter into an agreement that specifies reporting and auditing
19 requirements for the grant.

20 12. ‘University of Wisconsin System wireless networking.’ An amount equal
21 to \$500,000 is transferred from the appropriation account under section 20.865 (4)
22 (gm) of the statutes, as created by this act, to the appropriation account under section
23 20.285 (1) (k) of the statutes for the purpose of developing wireless networking
24 systems that allow students to use laptop computers and docking stations to connect
25 to the Internet.

1 13. ‘University of Wisconsin System Internet 2 project.’ An amount equal to
2 \$2,000,000 is transferred from the appropriation account under section 20.865 (4)
3 (gm) of the statutes, as created by this act, to the appropriation account under section
4 20.285 (1) (k) of the statutes for the purpose of funding the project of the University
5 of Wisconsin System designated as “Internet 2” that upgrades technology
6 infrastructure on campuses for enhancing high-speed Internet activity.

7 14. ‘University of Wisconsin–Madison Medical School.’ An amount equal to
8 \$500,000 is transferred from the appropriation account under section 20.865 (4) (gm)
9 of the statutes, as created by this act, to the appropriation account under section
10 20.285 (1) (k) of the statutes for the purpose of purchasing a digital mammography
11 machine for the University of Wisconsin–Madison Medical School.

12 15. ‘Higher educational aids board.’ An amount equal to \$168,300 is
13 transferred from the appropriation account under section 20.865 (4) (gm) of the
14 statutes, as created by this act, to the appropriation account under section 20.235 (1)
15 (kt) of the statutes, as created by this act, for the purpose of upgrading technology
16 at the higher educational aids board.

17 (b) *Wisconsin geographical education program.* If the secretary of
18 administration determines under paragraph (a) (intro.) that the Wisconsin
19 Advanced Telecommunications Foundation has made a grant in an amount that is
20 \$13,465,100 or more and determines that the National Geographic Society
21 Education Foundation has provided the matching funds described in section 115.28
22 (42) (a) of the statutes, as created by this act, on the effective date of this paragraph
23 or on the date that the secretary makes the determination under this paragraph,
24 whichever is later, an amount equal to \$500,000 is transferred from the
25 appropriation account under section 20.865 (4) (gm) of the statutes, as created by this

1 act, to the appropriation account under section 20.255 (1) (ke) of the statutes, for the
2 purpose of making a grant to the National Geographic Society Education Foundation
3 for the geographical education program established under section 115.28 (42) of the
4 statutes, as created by this act.

5 ***-1415/P1***(11) POSITION AUTHORIZATION. The authorized FTE positions for the
6 department of administration are increased by 1.0 PR position for the performance
7 of duties primarily related to printing services in the division of information
8 technology services.

9 ***-1728/1.9101***(12) TRANSFER OF CAPACITY BUILDING GRANT PROGRAM.

10 (a) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of administration
12 that is primarily related to the capacity building grant program, as determined by
13 the secretary of administration, is transferred to the technical college system board.

14 (b) *Contracts.* All contracts entered into by the department of administration
15 in effect on the effective date of this paragraph that are primarily related to the
16 capacity building grant program, as determined by the secretary of administration,
17 remain in effect and are transferred to the technical college system board. The
18 technical college system board shall carry out any obligations under such a contract
19 until the contract is modified or rescinded by the technical college system board to
20 the extent allowed under the contract.

21 (c) *Rules.* All rules promulgated by the department of administration that are
22 primarily related to the capacity building grant program, as determined by the
23 secretary of administration, and that are in effect on the effective date of this
24 paragraph remain in effect until their specified expiration date or until amended or
25 repealed by the technical college system board.

1 (d) *Pending matters.* Any matter pending with the department of
2 administration on the effective date of this paragraph that is primarily related to the
3 capacity building grant program, as determined by the secretary of administration,
4 is transferred to the technical college system board and all materials submitted to
5 or actions taken by the department of administration with respect to the pending
6 matter are considered as having been submitted to or taken by the technical college
7 system board.

8 ***-1792/2.9101***(13) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary
9 of administration may allocate up to \$1,864,700 in fiscal year 2002–03 from the
10 appropriation accounts under section 20.505 (6) (kt) of the statutes and under section
11 20.505 (6) (m) of the statutes, as affected by this act, for distribution to the public
12 defender board, the director of state courts, and the Wisconsin District Attorneys
13 Association to fund activities to divert misdemeanor offenders from imprisonment.
14 The money allocated under this subsection may not be expended unless the secretary
15 of administration approves a proposal for a misdemeanor diversion program
16 submitted to the secretary by the public defender board; the secretary submits the
17 proposal to the joint committee on finance; and the cochairpersons of the joint
18 committee on finance do not notify the secretary within 14 working days after the
19 date of his or her submittal that the committee has scheduled a meeting for the
20 purpose of reviewing the proposal, or if, within 14 working days after the date of the
21 secretary's submittal, the cochairpersons of the committee notify the secretary that
22 the committee has scheduled a meeting for the purpose of reviewing the proposal,
23 and the committee meets and approves a proposal for the expenditure of money
24 allocated under this subsection.

1 ***-1857/5.9101***(15) TRANSFER OF INFORMATION TECHNOLOGY AND
2 TELECOMMUNICATIONS FUNCTIONS.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department of administration that are primarily related to its
5 information technology or telecommunications functions, except educational
6 technology functions, as determined by the secretary of administration, shall become
7 assets and liabilities of the department of electronic government, as created by this
8 act.

9 (b) *Positions and employees.*

10 1. On the effective date of this subdivision, all full-time equivalent positions
11 in the department of administration having duties that are primarily related to its
12 information technology or telecommunications functions, except educational
13 technology functions, as determined by the secretary of administration, are
14 transferred to the department of electronic government, as created by this act.

15 2. All incumbent employees holding positions specified in subdivision 1. are
16 transferred on the effective date of this subdivision to the department of electronic
17 government, as created by this act.

18 3. Employees transferred under subdivision 2. have all of the rights and the
19 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the
20 department of electronic government, as created by this act, that they enjoyed in the
21 department of administration immediately before the transfer. Notwithstanding
22 section 230.28 (4) of the statutes, no employee so transferred who has attained
23 permanent status in class is required to serve a probationary period.

24 (c) *Tangible personal property.* On the effective date of this paragraph, all
25 tangible personal property, including records, of the department of administration

1 that is primarily related to its information technology or telecommunications
2 functions, except educational technology functions, as determined by the secretary
3 of administration, is transferred to the department of electronic government, as
4 created by this act.

5 (d) *Contracts.* All contracts entered into by the department of administration
6 in effect on the effective date of this paragraph that are primarily related to its
7 information technology or telecommunications functions, except educational
8 technology functions, as determined by the secretary of administration, are
9 transferred to the department of electronic government, as created by this act. The
10 department of electronic government shall carry out any contractual obligations
11 under such a contract until the contract is modified or rescinded by the department
12 of electronic government to the extent allowed under the contract.

13 (e) *Rules and orders.* All rules promulgated by the department of
14 administration that are primarily related to its information technology or
15 telecommunications functions, except educational technology functions, and that
16 are in effect on the effective date of this paragraph remain in effect until their
17 specified expiration dates or until amended or repealed by the department of
18 electronic government, as created by this act. All orders issued by the department
19 of administration that are primarily related to its information technology or
20 telecommunications functions, except educational technology functions, and that
21 are in effect on the effective date of this paragraph remain in effect until their
22 specified expiration dates or until modified or rescinded by the department of
23 electronic government, as created by this act.

24 (f) *Pending matters.* Any matter pending with the department of
25 administration that is primarily related to its information technology or