LRB-1390

2003 DRAFTING REQUEST

Bill

Received: **01/09/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing: **Kimber**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pettis@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Possession, in the presence of children, of drug paraphernalia for making methamphetamine

---

Instructions:

Redraft 2001 AB-661

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mdsida 02/03/2003	jdyer 02/26/2003 jdyer 02/26/2003		_____ _____ _____ _____			S&L Crime
/1			rschluet 02/27/2003	_____ _____	sbasford 02/27/2003	sbasford 02/28/2003	

LRB-1390

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
				_____		sbasford	
				_____		02/28/2003	

FE Sent For: At intro.

<END>

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/1			rschluet 02/27/2003	_____ _____	sbasford 02/27/2003		

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Instructions:

Redraft 2001 AB-661 +AA1

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mdsida	1/26 jcd					

FE Sent For:

2-26-03 pb

<END>

1390/1

2001 – 2002 LEGISLATURE

LRB–~~3791/1~~

MGD+~~RLR:rs&cjs~~:jf

jld

2001 ASSEMBLY BILL 661

December 3, 2001 – Introduced by Representatives PETTIS, SUDER, KRAWCZYK, MUSSER, SYKORA, BIES, FREESE and OTT, cosponsored by Senators HARSDORF, DARLING and ROESSLER. Referred to Committee on Criminal Justice.

Regen

AN ACT ***to create*** 961.573 (4) of the statutes; **relating to:** use of, and possession with intent to use, ~~or use of~~ certain drug paraphernalia and providing a penalty.

Analysis by the Legislative Reference Bureau

A person who

Current law prohibits the use of, and the possession with intent to use, ~~or use of~~ drug paraphernalia ~~for a variety of activities including growing, making, processing, analyzing, or storing a controlled substance.~~ ~~The penalty for~~ violat~~ing~~es this prohibition ~~is confinement in jail~~ for not more than 30 days or ~~a fine~~ fined not ~~to exceed~~ more than $500 or both. If the paraphernalia is for ~~prohibited activities related to~~ methamphetamine ~~or a controlled substance analog of methamphetamine~~, the ~~penalty is a term of imprisonment (consisting of confinement in prison followed by extended supervision) not to exceed five years or a fine not to exceed $10,000 or both.~~ analysis insert

may be imprisoned

This bill increases the penalty for the use of, and the possession with intent to use, ~~or use of~~ drug paraphernalia ~~for prohibited activities~~ related to methamphetamine, or a controlled substance analog of methamphetamine, to a term of imprisonment not to exceed ten ~~10~~ years or a fine not to exceed $20,000 or both, if the possession ~~or~~ or use occurs on a premises where a person who is under the age of 18 resides.

CRIME

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

making or storing

1 **SECTION 1.** 961.573 (4) of the statutes is created to read:

2 961.573 **(4)** Any person who violates sub. (3) while on a premises where a
3 person who is under age 18 resides may be fined not more than $20,000 or imprisoned
4 for not more than 10 years or both.

5 (END)

ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 661

January 8, 2002 – Offered by Representatives PETTIS, BIES and FRISKE.

renumbered 961.573 (3)(a) and

At the locations indicated, amend the bill as follows:

1. Page 2, line 1: delete lines 1 to 4 and substitute:

Fix component → **SECTION 1g.** 961.573 (3) of the statutes is amended to read:

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

PWF

SECTION 1r. 961.573 (3)(b)2. of the statutes is created to read:

¶ (b)1. Except as provided in subd. (2),

(B) (3) (b) 2.

961.573 (~~4~~) Any person who is 18 years of age or older and who violates ~~sub. (3)~~ par. (a) while in the presence ~~or company~~ of a child who is 16 years of age or younger ~~may be fined not more than $20,000 or imprisoned for not more than 10 years or both.~~ is guilty of a Class G felony.

(END)

analysis INSERT

NO ¶ person may be imprisoned for not more than six years or fined not more than $10,000 or both.

This bill increases the penalty for using, or possessing with intent to use, drug paraphernalia related to methamphetamine, if the defendant is 18 years of age or older and possesses or uses the drug paraphernalia in the presence of a child who is 16 or younger. In such a case, the defendant may be imprisoned for not more than ten years or fined not more than $25,000 or both.

Emery, Lynn

From: Pettis, Mark
Sent: Thursday, February 27, 2003 3:35 PM
To: LRB.Legal
Subject: Draft review: LRB 03-1390/1 Topic: Possession, in the presence of children, of drug paraphernalia for making methamphetamine

It has been requested by <Pettis, Mark> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1390/1 Topic: Possession, in the presence of children, of drug paraphernalia for making methamphetamine

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, March 04, 2003 12:24 PM
To: Lyne, Becky
Subject: LRB-1390/1 & 1dn (attached as requested)

03-1390/1 03-1390/1dn

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Emery, Lynn

From: Emery, Lynn
Sent: Wednesday, March 05, 2003 2:14 PM
To: Liedl, Kimberly
Subject: LRB-1390/1 (attached as requested)

03-1390/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Basford, Sarah

From: Basford, Sarah
Sent: Friday, March 07, 2003 10:32 AM
To: Liedl, Kimberly
Subject: LRB -1390/1 (attached)

03-1390/1

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Corrected copy

2003 ASSEMBLY BILL 212

04-02-2003

March 25, 2003 – Introduced by Representatives PETTIS, SUDER, LEMAHIEU, KRAWCZYK, BIES, HINES and ALBERS, cosponsored by Senator ROESSLER. Referred to Committee on Criminal Justice.

1 AN ACT ***to renumber and amend*** 961.573 (3); and ***to create*** 961.573 (3) (b) 2.
2 of the statutes; **relating to:** use of, and possession with intent to use, certain
3 of drug paraphernalia and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits the use of, and the possession with intent to use, drug paraphernalia. A person who violates this prohibition may be imprisoned for not more than 30 days or fined not more than $500 or both. If the paraphernalia is for making or storing methamphetamine, the person may be imprisoned for not more than six years or fined not more than $10,000 or both.

This bill increases the penalty for using, or possessing with intent to use, drug paraphernalia related to methamphetamine, if the defendant is 18 years of age or older and possesses or uses the drug paraphernalia in the presence of a child who is 16 years of age or younger. In such a case, the defendant may be imprisoned for not more than ten years or fined not more than $25,000 or both.

This bill increases the penalty for the use of, and the possession with intent to use, drug paraphernalia related to methamphetamine, or a controlled substance analog of methamphetamine, to a term of imprisonment not to exceed ten years or a fine not to exceed $20,000 or both, if the use or possession occurs on a premises where a person who is under the age of 18 resides.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 961.573 (3) of the statutes is renumbered 961.573 (3) (a) and
2 amended to read:

3 961.573 **(3)** (a) No person may use, or possess with the primary intent to use,
4 drug paraphernalia to manufacture, compound, convert, produce, process, prepare,
5 test, analyze, pack, repack, or store methamphetamine or a controlled substance
6 analog of methamphetamine in violation of this chapter. ~~Any~~

7 (b) 1. Except as provided in subd. 2., any person who violates ~~this subsection~~
8 par. (a) is guilty of a Class H felony.

9 **SECTION 2.** 961.573 (3) (b) 2. of the statutes is created to read:

10 961.573 **(3)** (b) 2. Any person who is 18 years of age or older and who violates
11 par. (a) while in the presence of a child who is 16 years of age or younger is guilty of
12 a Class G felony.

13 **(END)**

1390/1

CCC

AB-212

#. Page 1, line 3: delete "of".

KMG:

State of Wisconsin
2003–2004 LEGISLATURE

CORRECTIONS IN:

2003 ASSEMBLY BILL 212

Prepared by the Legislative Reference Bureau
(September 24, 2003)

1. Page 1, line 3: delete "of".

LRB–1390/1ccc–1
KMG:ch

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.