

**BILL HISTORY FOR SENATE BILL 4 (LRB -1283)**

An Act to amend 961.41 (3g) (b), 961.41 (3g) (d), 961.472 (2), 961.55 (1) (d) 3., 971.365 (1) (c) and 971.365 (2); and to create 961.41 (3g) (g) and 961.48 (5) of the statutes; relating to: possession of methamphetamine and providing a penalty. (FE)

2003

01-10. S.	Introduced by Senators <b>Harsdorf, A. Lasee, Kedzie and Schultz</b> ; cosponsored by Representatives <b>Rhoades, Gronemus, Pettis, Ladwig, Jeskewitz, Musser, Kreibich, Freese, Suder, Ward, Kaufert, Hines, Bies, Hahn, Krawczyk, Ott, Shilling and LeMahieu.</b>	
01-10. S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	5
01-10. S.	Report of Joint review committee on Criminal Penalties requested pursuant to s. 13.525, Wisconsin Statutes.	
01-31. S.	Fiscal estimate received.	
03-04. S.	Public hearing held.	
03-04. S.	Executive action taken.	
03-05. S.	Report passage recommended by committee on Judiciary, Corrections and Privacy, Ayes 4, Noes 1	106
03-05. S.	Available for scheduling.	
03-11. S.	Placed on calendar 3-13-2002 by committee on Senate Organization.	
03-13. S.	Read a second time	119
03-13. S.	Ordered to a third reading	119
03-13. S.	Rules suspended	119
03-13. S.	Read a third time and passed	119
03-13. S.	Senator Darling added as a coauthor	120
03-13. S.	Ordered immediately messaged	120
03-21. A.	Received from Senate	139
03-21. A.	Read first time and referred to committee on Criminal Justice	140
04-09. A.	Public hearing held.	
04-23. A.	Executive action taken.	
04-29. A.	Report concurrence recommended by committee on Criminal Justice, Ayes 9, Noes 3	170
04-29. A.	Referred to committee on Rules	170
05-06. A.	Rules suspended to withdraw from committee on Rules and take up	195
05-06. A.	Read a second time	195
05-06. A.	Assembly amendment 1 offered by Representative Staskunas ( <b>LRB a0510</b> )	195
05-06. A.	Assembly amendment 1 laid on table, Ayes 58, Noes 40	195
05-06. A.	Refused to refer to joint committee for review of Criminal Penalties, Ayes 40, Noes 58	195
05-06. A.	Ordered to a third reading	195
05-06. A.	Refused to suspend rules to read a third time, Ayes 58, Noes 40	195
05-29. A.	Read a third time and concurred in, Ayes 81, Noes 14	222
05-29. A.	Ordered immediately messaged	222
05-30. S.	Received from Assembly concurred in.	

**2003  
ENROLLED BILL**

03en S B- 4

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

03 - 1283, 1

Amendments to above (if none, write "NONE"):     new    

Corrections - show date (if none, write "NONE"):     none    

Topic     Possession of methamphetamine    

6/2/03  
Date

[Signature]  
Enrolling Drafter

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## 2003 SENATE BILL 4

January 10, 2003 - Introduced by Senators HARSDORF, A. LASEE, KEDZIE and SCHULTZ, cosponsored by Representatives RHOADES, GRONEMUS, PETTIS, LADWIG, JESKEWITZ, MUSSER, KREIBICH, FREESE, SUDER, WARD, KAUFERT, HINES, BIES, HAHN, KRAWCZYK, OTT, SHILLING and LEMAHIEU. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT to amend** 961.41 (3g) (b), 961.41 (3g) (d), 961.472 (2), 961.55 (1) (d) 3.,  
2 971.365 (1) (c) and 971.365 (2); and **to create** 961.41 (3g) (g) and 961.48 (5) of  
3 the statutes; **relating to:** possession of methamphetamine and providing a  
4 penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits the possession or the attempted possession of the controlled substance methamphetamine. A person who violates this prohibition on or after February 1, 2003, is guilty of a misdemeanor and may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both, unless, before committing the offense, the person had been convicted of any crime under any federal or state law relating to controlled substances. In that case, the person is guilty of a Class I felony, for which he or she may be fined not more than \$10,000 or imprisoned for not more than three and one-half years (with the term of confinement being served in a state prison, if the sentence imposed is for more than one year) or both. Under this bill, a person who possesses or attempts to possess methamphetamine on or after February 1, 2003, is guilty of a Class I felony, regardless of whether the person has any prior controlled substance offenses.

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.

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

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

1           **SECTION 1.** 961.41 (3g) (b) of the statutes, as affected by 2001 Wisconsin Act  
2 109, is amended to read:

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

9           **SECTION 2.** 961.41 (3g) (d) of the statutes, as affected by 2001 Wisconsin Act  
10 109, is amended to read:

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

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

3 **SECTION 3.** 961.41 (3g) (g) of the statutes is created to read:

4 961.41 (3g) (g) *Methamphetamine*. If a person possesses or attempts to possess  
5 methamphetamine or a controlled substance analog of methamphetamine, the  
6 person is guilty of a Class I felony.

7 **SECTION 4.** 961.472 (2) of the statutes, as affected by 2001 Wisconsin Act 109,  
8 is amended to read:

9 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found  
10 guilty of possession or attempted possession of a controlled substance or controlled  
11 substance analog under s. 961.41 (3g) (am), (c), ~~or~~ (d), or (g), the court shall order the  
12 person to comply with an assessment of the person's use of controlled substances.  
13 The court's order shall designate a facility that is operated by or pursuant to a  
14 contract with the county department established under s. 51.42 and that is certified  
15 by the department of health and family services to provide assessment services to  
16 perform the assessment and, if appropriate, to develop a proposed treatment plan.  
17 The court shall notify the person that noncompliance with the order limits the court's  
18 ability to determine whether the treatment option under s. 961.475 is appropriate.  
19 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

20 **SECTION 5.** 961.48 (5) of the statutes is created to read:

21 961.48 (5) This section does not apply if the person is presently charged with  
22 a felony under s. 961.41 (3g) (c), (d), (e), or (g).

23 **SECTION 6.** 961.55 (1) (d) 3. of the statutes, as affected by 2001 Wisconsin Act  
24 109, is amended to read:

