

ASSEMBLY BILL 48 (LRB -0777)

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

2005

11-10.	A.	Introduced by Representatives Pettis, Suder, Musser, Hines, Nass, Montgomery, Ott, Kreibich, Albers and Gunderson ; cosponsored by Senators Harsdorf and Roessler .	
01-27.	A.	Read first time and referred to committee on Criminal Justice and Homeland Security	47
02-01.	A.	Fiscal estimate received.	
02-04.	A.	Fiscal estimate received.	
02-11.	A.	Fiscal estimate received.	
02-16.	A.	Fiscal estimate received.	
04-06.	A.	Public hearing held.	
04-06.	A.	Executive action taken.	
04-06.	A.	Assembly amendment 1 offered by committee on Criminal Justice and Homeland Security (LRB a0215)	166
04-12.	A.	Report Assembly Amendment 1 adoption recommended by committee on Criminal Justice and Homeland Security, Ayes 8, Noes 4	178
04-12.	A.	Report passage as amended recommended by committee on Criminal Justice and Homeland Security, Ayes 8, Noes 4	178
04-12.	A.	Referred to committee on Rules	178
05-04.	A.	Placed on calendar 5-10-2005 by committee on Rules.	
05-10.	A.	Read a second time	231
05-10.	A.	Refused to refer to joint committee for review of Criminal Penalties, Ayes 39, Noes 59	231
05-10.	A.	Assembly amendment 1 adopted	232
05-10.	A.	Ordered to a third reading	232
05-10.	A.	Rules suspended	232
05-10.	A.	Read a third time and passed , Ayes 83, Noes 15	232
05-10.	A.	Ordered immediately messaged	232
05-11.	S.	Received from Assembly	213
05-11.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	214
06-09.	S.	Public hearing held.	
11-10.	S.	Executive action taken.	
11-15.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 2	457
11-15.	S.	Available for scheduling.	

2006

03-08.	S.	Placed on calendar 3-9-2006 by committee on Senate Organization.	
03-09.	S.	Read a second time.	
03-09.	S.	Ordered to a third reading.	
03-09.	S.	Rules suspended.	
03-09.	S.	Read a third time and concurred in .	
03-09.	S.	Ordered immediately messaged.	
03-09.	A.	Received from Senate concurred in	937

**2005
ENROLLED BILL**

05en A B- 48

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-0777/1

Amendments to above (if none, write "NONE"): AA1 - a 0215/1

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

Topic Rel

3-13-06 JR Miller
Date Enrolling Drafter

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2005 ASSEMBLY BILL 48

January 27, 2005 - Introduced by Representatives PETTIS, SUDER, MUSSER, HINES, NASS, MONTGOMERY, OTT, KREIBICH, ALBERS and GUNDERSON, cosponsored by Senators HARS DORF and ROESSLER. Referred to Committee on Criminal Justice and Homeland Security.

- 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 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 sentenced to a term of imprisonment of not more than six years, which, as with all criminal sentences, includes a term of confinement and a term of extended supervision if the sentence is for more than one year, or may be fined not more than \$10,000 or both.

This bill increases the penalty for a person using, or possessing with intent to use, drug paraphernalia related to methamphetamine, if the person is 18 years of age or older and uses or possesses the drug paraphernalia in the presence of a child who is 14 years of age or younger. In such a case, the person may be sentenced to a term of imprisonment of not more than ten years or fined not more than \$25,000 or both.

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.

ASSEMBLY BILL 48

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:

INSERT 1

INSERT 2

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 14 years of age or younger is guilty of
12 a Class G felony.

13 (END)

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 48**

April 6, 2005 - Offered by COMMITTEE ON CRIMINAL JUSTICE AND HOMELAND SECURITY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 **"SECTION 1g.** 948.015 (8) of the statutes is created to read:

4 948.015 (8) Section 961.573 (3) (b) 2., relating to the use or possession of
5 methamphetamine-related drug paraphernalia in the presence of a child who is 14
6 years of age or younger."

7 **2.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1r".

8 (END)

1

2