

2005 DRAFTING REQUEST

Bill

Received: 11/11/2004

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: robin.ryan@legis.state.wi.us
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

Redraft of 2003 AB-212

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 12/01/2004	jdyer 12/07/2004		_____			S&L Crime
/1			rschluet 12/07/2004	_____	lemery 12/07/2004	lemery 01/04/2005	

FE Sent For:

*at intro
1/26*

<END>

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Pre Topic:

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Topic:

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

Instructions:

Redraft of 2003 AB-212

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Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

Redraft of 2003 AB-212 + AA2

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	mdsida	11/12/7 jld					
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FE Sent For:

<END>

keep

0777/1

2003 ASSEMBLY BILL 212

LPS-PWF please

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

Regen

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.

Sentenced to a term of

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 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 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 person may be imprisoned for 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.

Insert Analysis not checked in - LPS - Please type

ASSEMBLY BILL 212

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)

14 ✓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
MGD:.....

as with all criminal sentences

1 **analysis INSERT**

2 *9.3 ← comma* (which, if the sentence is for more than one year, includes a term of confinement

3 and a term of extended supervision) *or both* *keep comma*

Emery, Lynn

From: Liedl, Kimberly
Sent: Tuesday, January 04, 2005 11:25 AM
To: LRB.Legal
Subject: Draft review: LRB 05-0777/1 Topic: Possession, in the presence of children, of drug paraphernalia for making methamphetamine

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

Draft review: LRB 05-0777/1 Topic: Possession, in the presence of children, of drug paraphernalia for making methamphetamine