

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB702)**

Received: 2/18/2014 Received By: **chanaman**  
Wanted: **As time permits** Same as LRB:  
For: **Dean Kaufert (608) 266-5719** By/Representing: **Adam**  
May Contact: Drafter: **chanaman**  
Subject: **Criminal Law - drugs** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Kaufert@legis.wisconsin.gov**  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Add technical changes regarding attempt to possess schedule I or II narcotic

**Instructions:**

See attached -4096/1

**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>
/1	chanaman 2/18/2014	kfollett 2/18/2014	jmurphy 2/18/2014	_____	srose 2/18/2014	srose 2/18/2014	

FE Sent For:

<END>

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/1	chanaman	<i>JKF</i> <i>2/18</i>	<i>JKF</i> <i>2/18</i>	<i>JK</i> <i>2/18</i>			
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FE Sent For:

<END>

*PA's  
please  
send  
to  
the  
Kaufert  
office  
NOT the  
floor*



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1891/1  
CMH...

*today  
not for  
floor*

*SAC & KJF*

**ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 702**

✓

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

2 **1.** Page 1, line 5: after "agreement" insert "f".

*INS REL.*

3 **2.** Page 4, line 15: after that line insert:

4 (END)

*JWS  
2*



# 2013 BILL

1 AN ACT to amend 961.41 (3g) (am) of the statutes; relating to attempt to  
2 possess a schedule I or II controlled substance or analog that is a narcotic.

INS  
KEL

### *Analysis by the Legislative Reference Bureau*

Under current law, in the uniform controlled substances act, the penalty for illegally possessing or attempting to illegally possess a controlled substance varies depending on the controlled substance. The uniform controlled substance act provides identical penalties for the actual possession and the attempt to possess each controlled substance except for a schedule I or II controlled substance or analog that is a narcotic. Under the uniform controlled substances act, the actual possession of a schedule I or II controlled substance or analog that is a narcotic is a Class I felony, but the uniform controlled substances act does not provide a specific penalty for the attempt to possess such a controlled substance or analog. The attempt, therefore, is subject to the general provision that an attempt to commit a Class I felony is a Class A misdemeanor.

This bill provides that the attempt to possess a schedule I or II controlled substance or analog that is a narcotic is a Class I felony, the same penalty as the actual possession of that controlled substance.

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

3

SECTION 1. 961.41 (3g) (am) of the statutes is amended to read:

INS  
2

4g



**BILL**

1           961.41 (3g) (am) *Schedule I and II narcotic drugs*. If a person possesses or  
2 attempts to possess a controlled substance included in schedule I or II which is a  
3 narcotic drug, or ~~possesses~~ a controlled substance analog of a controlled substance  
4 included in schedule I or II which is a narcotic drug, the person is guilty of a Class  
5 I felony. "

(END)

6  
END OF  
MS-2