



## 2013 ASSEMBLY BILL 787

February 20, 2014 - Introduced by Representatives KAUFERT, NYGREN, MURPHY, THIESFELDT, TITTL, MURSAU, RIPP, STRACHOTA, PETRYK, RINGHAND, KNODL, A. OTT and BIES, cosponsored by Senators OLSEN and COWLES. Referred to Committee on Criminal Justice.

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.

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### *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.

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*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:

