



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4648/2
PJH:emw

2015 ASSEMBLY BILL 995

March 15, 2016 – Introduced by Representatives GOYKE, BOWEN, BARNES, BROSTOFF, ZAMARRIPA, ZEPNICK, SPREITZER and CONSIDINE. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber and amend* 947.01 (1); *to amend* 48.685 (2) (bb), 50.065
2 (2) (bb), 943.50 (4) (a) and 961.41 (3g) (e); and *to create* 943.50 (4) (am) and
3 947.01 (1) (a) and (b) of the statutes; **relating to:** reclassifying or changing
4 penalties for certain crimes and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill changes the penalty for, or reclassifies from a misdemeanor to a forfeiture, certain crimes. Under current law, a person is guilty of a Class B misdemeanor if he or she engages publicly in conduct that tends to cause or provoke a disturbance. Under the bill, the person is guilty of a Class B misdemeanor if his or her conduct does cause or provoke a disturbance, and subject to a Class A forfeiture if his or her conduct does not cause or provoke a disturbance.

Under current law, a person is generally guilty of a Class A misdemeanor if he or she steals merchandise that is worth less than \$500. Under the bill, the person is subject to a Class A forfeiture if he or she steals merchandise that is less than \$500 and the merchandise is recovered by the merchant, but guilty of the Class A misdemeanor if the merchandise is not recovered by the merchant.

The bill changes the penalties for marijuana possession. Under current law, a person who possesses marijuana may, for a first offense, be fined up to \$1,000, imprisoned for up to six months, or both. A second or subsequent offense is a Class I felony. Under the bill, a person who possesses marijuana may, for a first offense, be fined up to \$1,000, imprisoned for up three months, or both; a person who commits

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a second offense may be fined up to \$1,000, imprisoned for up to six months, or both; and a person who commits a third or subsequent offense is guilty of a Class I felony.

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.** 48.685 (2) (bb) of the statutes is amended to read:

2 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
3 charge of a serious crime, but does not completely and clearly indicate the final
4 disposition of the charge, the department, county department, agency contracted
5 with under s. 48.651 (2), child welfare agency, school board, or entity shall make
6 every reasonable effort to contact the clerk of courts to determine the final disposition
7 of the charge. If a background information form under sub. (6) (a) or (am) indicates
8 a charge or a conviction of a serious crime, but information obtained under par. (am)
9 or (b) 1. does not indicate such a charge or conviction, the department, county
10 department, agency contracted with under s. 48.651 (2), child welfare agency, school
11 board, or entity shall make every reasonable effort to contact the clerk of courts to
12 obtain a copy of the criminal complaint and the final disposition of the complaint.
13 If information obtained under par. (am) or (b) 1., a background information form
14 under sub. (6) (a) or (am), or any other information indicates a conviction of a
15 violation of s. 947.01 (1), 2013 stats., or s. 940.19 (1), 940.195, 940.20, 941.30, 942.08,
16 947.01 (1) (b), or 947.013 obtained not more than 5 years before the date on which
17 that information was obtained, the department, county department, agency
18 contracted with under s. 48.651 (2), child welfare agency, school board, or entity shall
19 make every reasonable effort to contact the clerk of courts to obtain a copy of the
20 criminal complaint and judgment of conviction relating to that violation.

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1 **SECTION 2.** 50.065 (2) (bb) of the statutes is amended to read:

2 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
3 of a serious crime, but does not completely and clearly indicate the final disposition
4 of the charge, the department or entity shall make every reasonable effort to contact
5 the clerk of courts to determine the final disposition of the charge. If a background
6 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
7 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
8 a serious crime, but information obtained under par. (am) or (b) does not indicate
9 such a charge or conviction, the department or entity shall make every reasonable
10 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
11 final disposition of the complaint. If information obtained under par. (am) or (b), a
12 background information form under sub. (6) (a) or (am), any disclosure made
13 pursuant to a disclosure policy described under sub. (6) (am), or any other
14 information indicates a conviction of a violation of s. 947.01 (1), 2013 stats., or s.
15 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1) (b), or 947.013 obtained not
16 more than 5 years before the date on which that information was obtained, the
17 department or entity shall make every reasonable effort to contact the clerk of courts
18 to obtain a copy of the criminal complaint and judgment of conviction relating to that
19 violation.

20 **SECTION 3.** 943.50 (4) (a) of the statutes is amended to read:

21 943.50 (4) (a) Except as provided in sub. (4m), a Class A misdemeanor, if the
22 value of the merchandise does not exceed \$500 and the merchandise is not recovered
23 by the merchant.

24 **SECTION 4.** 943.50 (4) (am) of the statutes is created to read:

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1 943.50 (4) (am) Except as provided in sub. (4m), a civil offense and subject to
2 a Class A forfeiture, if the value of the merchandise does not exceed \$500 and the
3 merchandise is recovered by the merchant.

4 **SECTION 5.** 947.01 (1) of the statutes is renumbered 947.01 (1) (intro.) and
5 amended to read:

6 947.01 (1) (intro.) Whoever, in a public or private place, engages in violent,
7 abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly
8 conduct under circumstances in which the conduct tends to cause or provoke a
9 disturbance is guilty of ~~a Class B misdemeanor.~~ the following:

10 **SECTION 6.** 947.01 (1) (a) and (b) of the statutes are created to read:

11 947.01 (1) (a) Except as provided in par. (b), a civil offense and subject to a Class
12 A forfeiture.

13 (b) A Class B misdemeanor if the conduct caused or provoked a disturbance.

14 **SECTION 7.** 961.41 (3g) (e) of the statutes is amended to read:

15 961.41 (3g) (e) *Tetrahydrocannabinols.* If a person possesses or attempts to
16 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
17 substance analog of tetrahydrocannabinols, the person may be fined not more than
18 \$1,000 or imprisoned for not more than ~~6~~ 3 months or both upon a first conviction,
19 may be fined not more than \$1,000 or imprisoned for not more than 6 months or both
20 for a 2nd conviction, and is guilty of a Class I felony for a ~~2nd~~ 3rd or subsequent
21 offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent
22 offense if, prior to the offender's conviction of the offense, the offender has at any time
23 been convicted of any felony or misdemeanor under this chapter or under any statute
24 of the United States or of any state relating to controlled substances, controlled

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

3 (END)