



State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRB-1323/en
CMH:kjf

ASSEMBLY BILL 3

1 **AN ACT** *to repeal* 961.443 (2) (b); *to renumber and amend* 961.443 (2) and
2 961.443 (2) (a); *to amend* 961.443 (1) (a), (b) and (c) and 961.443 (2) (title); and
3 **to create** 961.443 (2) (b) of the statutes; **relating to:** immunity from revocation
4 of probation, parole, or extended supervision for certain controlled substance
5 offenses.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1c.** 961.443 (1) (a), (b) and (c) of the statutes are amended to read:
7 961.443 (1) (a) Brings another person to an emergency room, hospital, fire
8 station, or other health care facility and makes contact with an individual who staffs
9 the emergency room, hospital, fire station, or other health care facility if the other
10 person is, or the if a reasonable person believes would believe him or her to be,

1 suffering from an overdose of, or other adverse reaction to, any controlled substance
2 or controlled substance analog.

3 (b) Summons and makes contact with a law enforcement officer, ambulance,
4 emergency medical technician, or other health care provider, in order to assist
5 another person if the other person is, or ~~the~~ if a reasonable person believes would
6 believe him or her to be, suffering from an overdose of, or other adverse reaction to,
7 any controlled substance or controlled substance analog.

8 (c) ~~Dials~~ Calls the telephone number “911” or, in an area in which the telephone
9 number “911” is not available, the number for an emergency medical service
10 provider, and makes contact with an individual answering the number with the
11 intent to obtain assistance for another person if the other person is, or ~~the~~ if a
12 reasonable person believes would believe him or her to be, suffering from an overdose
13 of, or other adverse reaction to, any controlled substance or controlled substance
14 analog.

15 **SECTION 1e.** 961.443 (2) (title) of the statutes is amended to read:

16 961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF
17 PAROLE, PROBATION, OR EXTENDED SUPERVISION.

18 **SECTION 1em.** 961.443 (2) (title) of the statutes, as affected by 2017 Wisconsin
19 Act (this act), is amended to read:

20 961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION ~~AND REVOCATION OF~~
21 ~~PAROLE, PROBATION, OR EXTENDED SUPERVISION.~~

22 **SECTION 1g.** 961.443 (2) of the statutes is renumbered 961.443 (2) (a) and
23 amended to read:

24 961.443 (2) (a) ~~An~~ No ~~aider~~ aider may have his or her parole, probation, or extended
25 supervision revoked, and an ~~aider~~ aider is immune from prosecution under s. 961.573 for

1 the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a
2 controlled substance or a controlled substance analog, and under s. 961.69 (2) for
3 possession of a masking agent, under the circumstances surrounding or leading to
4 his or her commission of an act described in sub. (1) if the aider's attempt to obtain
5 assistance occurs immediately after the aider believes the other person is suffering
6 from the overdose or other adverse reaction.

7 **SECTION 1gm.** 961.443 (2) (a) of the statutes, as affected by 2017 Wisconsin Act
8 (this act), is renumbered 961.443 (2) and amended to read:

9 961.443 (2) ~~No aider may have his or her parole, probation, or extended~~
10 ~~supervision revoked, and an~~ An aider is immune from prosecution under s. 961.573
11 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of
12 a controlled substance or a controlled substance analog, and under s. 961.69 (2) for
13 possession of a masking agent, under the circumstances surrounding or leading to
14 his or her commission of an act described in sub. (1) ~~if the aider's attempt to obtain~~
15 ~~assistance occurs immediately after the aider believes the other person is suffering~~
16 ~~from the overdose or other adverse reaction.~~

17 **SECTION 1i.** 961.443 (2) (b) of the statutes is created to read:

18 961.443 (2) (b) 1. No aided person may have his or her parole, probation, or
19 extended supervision revoked under the circumstances surrounding or leading to an
20 aider's commission of an act described in sub. (1) if the aided person completes a
21 treatment program as a condition of his or her parole, probation, or extended
22 supervision or, if a treatment program is unavailable or would be prohibitive
23 financially, agrees to be imprisoned in the county jail for not less than 15 days.

24 2. If an aided person is subject to prosecution under s. 961.573 for the
25 possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a

1 controlled substance or a controlled substance analog, or under s. 961.69 (2) for
2 possession of a masking agent under the circumstances surrounding or leading to an
3 aider's commission of an act described in sub. (1), the district attorney shall offer the
4 aided person a deferred prosecution agreement that includes the completion of a
5 treatment program. This subdivision does not apply to an aided person who is on
6 parole, probation, or extended supervision and fails to meet a condition under subd.
7 1.

8 **SECTION 1im.** 961.443 (2) (b) of the statutes, as created by 2017 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 1y. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) SUNSET FOR EVALUATION OF LEGISLATION. The treatment of section 961.443 (2)
13 (title) (by SECTION 1em), (a) (by SECTION 1gm), and (b) (by SECTION 1im) of the statutes
14 takes effect on the first day of the 37th month beginning after publication.

15 (END)