

**January 2017 Special Session Assembly Bill 3 (LRB -1323)**

An Act to amend 961.443 (2) of the statutes; relating to: immunity from revocation of probation, parole, or extended supervision for certain controlled substance offenses.

**2017**

02-17.	A.	Introduced by <b>Committee on Assembly Organization</b> , Representatives <b>Nygren, Petryk, Mursau, Tittl, Horlacher, Rohrkaste, E. Brooks, Bernier, Edming, Krug, Petersen, Jagler, VanderMeer, R. Brooks, Murphy, Felzkowski, Skowronski, Novak, Quinn, Ripp, Swearingen, Kleefisch, Billings, Kolste, Subeck, Spreitzer, Brostoff, Stuck, Genrich, Ohnstad, C. Taylor, Zepnick, Sinicki, Doyle, Ballweg, Tranel, Vruwink, Fields, Kulp, Sargent, Allen, Spiros, Wachs and Zamarripa</b> ; cosponsored by Senators <b>Harsdorf, Darling, Vukmir, Olsen, Wanggaard, Testin, L. Taylor, Carpenter and Marklein</b> , by request of Governor Scott Walker. ....	57
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06-14.	S.	Read a third time and <b>concurred in</b> , Ayes 32, Noes 1	
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06-14.	A.	Received from Senate concurred in	



January 2017 Special Session  
17en A B-3

2017 ENROLLED BILL

**Adopted Documents**

Original

Engrossed

Substitute Amdt

17 1323 / 1

Amendments:  None or  Listed below.

AA 2

Corrections:  None or  Listed by date below.

Topic:  Same as relating clause or  other, indicated below.

6/16/17

Date

Enrolling Drafter



State of Wisconsin  
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRB-1323/1  
CMH&MLJ:klm

## ASSEMBLY BILL 3

February 17, 2017 - Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION, Representatives NYGREN, PETRYK, MURSAU, TITTL, HORLACHER, ROHRKASTE, E. BROOKS, BERNIER, EDMING, KRUG, PETERSEN, JAGLER, VANDERMEER, R. BROOKS, MURPHY, FELZKOWSKI, SKOWRONSKI, NOVAK, QUINN, RIPP, SWEARINGEN, KLEEFISCH, BILLINGS, KOLSTE, SUBECK, SPREITZER, BROSTOFF, STUCK, GENRICH, OHNSTAD, C. TAYLOR, ZEPNICK, SINICKI, DOYLE, BALLWEG, TRANEL, VRUWINK, FIELDS, KULP, SARGENT, ALLEN, SPIROS, WACHS and ZAMARRIPA, cosponsored by Senators HARSDORF, DARLING, VUKMIR, OLSEN, WANGGAARD, TESTIN, L. TAYLOR, CARPENTER and MARKLEIN, by request of Governor Scott Walker. Referred to Committee on Judiciary.

1     **AN ACT** *to amend* 961.443 (2) of the statutes; **relating to:** immunity from  
2             revocation of probation, parole, or extended supervision for certain controlled  
3             substance offenses.

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### *Analysis by the Legislative Reference Bureau*

This bill grants immunity from having probation, parole, or extended supervision revoked for possessing a controlled substance or controlled substance analog to a person, called an aider, who summons or provides emergency medical assistance to another person because the aider believes the other person is suffering from an overdose or other adverse reaction to a controlled substance or controlled substance analog. This bill also grants immunity from prosecution or from having probation, parole, or extended supervision revoked for possessing a controlled substance or controlled substance analog to the aided person in this circumstance.

This is an extension of current law, which grants immunity from prosecution for possessing a controlled substance or controlled substance analog to an aider who summons or provides emergency medical assistance to another person because the aider believes the other person is suffering from an overdose or other adverse reaction to a controlled substance or controlled substance analog.

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

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

2           961.443 (2) IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF PAROLE,  
3           PROBATION, OR EXTENDED SUPERVISION. ~~An~~ No aider or aided person may have his or  
4           her parole, probation, or extended supervision revoked, and an aider or aided person  
5           is immune from prosecution under s. 961.573 for the possession of drug  
6           paraphernalia, under s. 961.41 (3g) for the possession of a controlled substance or a  
7           controlled substance analog, and under s. 961.69 (2) for possession of a masking  
8           agent, under the circumstances surrounding or leading to ~~his or her~~ the aider's  
9           commission of an act described in sub. (1).

10

(END)

INS  
AA 2  
1.



State of Wisconsin  
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRBa0212/1  
CMH:ahc

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY BILL 3**

April 19, 2017 - Offered by Representatives OTT and NYGREN.

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

2 **1.** Page 2, line 1: delete lines 1 to 9 and substitute:

3 **"SECTION 1c.** 961.443 (1) (a), (b) and (c) of the statutes are amended to read:

4 961.443 (1) (a) Brings another person to an emergency room, hospital, fire  
5 station, or other health care facility and makes contact with an individual who staffs  
6 the emergency room, hospital, fire station, or other health care facility if the other  
7 person is, or ~~the~~ if a reasonable person believes would believe him or her to be,  
8 suffering from an overdose of, or other adverse reaction to, any controlled substance  
9 or controlled substance analog.

10 (b) Summons and makes contact with a law enforcement officer, ambulance,  
11 emergency medical technician, or other health care provider, in order to assist  
12 another person if the other person is, or ~~the~~ if a reasonable person believes would

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

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

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

11 961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF  
12 PAROLE, PROBATION, OR EXTENDED SUPERVISION.

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

15 961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION ~~AND REVOCATION OF~~  
16 ~~PAROLE, PROBATION, OR EXTENDED SUPERVISION.~~

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

19 961.443 (2) (a) ~~An~~ No aider may have his or her parole, probation, or extended  
20 supervision revoked, and an aider is immune from prosecution under s. 961.573 for  
21 the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a  
22 controlled substance or a controlled substance analog, and under s. 961.69 (2) for  
23 possession of a masking agent, under the circumstances surrounding or leading to  
24 his or her commission of an act described in sub. (1) if the aider's attempt to obtain

1 assistance occurs immediately after the aider believes the other person is suffering  
2 from the overdose or other adverse reaction.

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

5 961.443 (2) ~~No aider may have his or her parole, probation, or extended~~  
6 ~~supervision revoked, and an~~ An aider is immune from prosecution under s. 961.573  
7 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of  
8 a controlled substance or a controlled substance analog, and under s. 961.69 (2) for  
9 possession of a masking agent, under the circumstances surrounding or leading to  
10 his or her commission of an act described in sub. (1) ~~if the aider's attempt to obtain~~  
11 ~~assistance occurs immediately after the aider believes the other person is suffering~~  
12 ~~from the overdose or other adverse reaction.~~

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

14 961.443 (2) (b) 1. No aided person may have his or her parole, probation, or  
15 extended supervision revoked under the circumstances surrounding or leading to an  
16 aider's commission of an act described in sub. (1) if the aided person completes a  
17 treatment program as a condition of his or her parole, probation, or extended  
18 supervision or, if a treatment program is unavailable or would be prohibitive  
19 financially, agrees to be imprisoned in the county jail for not less than 15 days.

20 2. If an aided person is subject to prosecution under s. 961.573 for the  
21 possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a  
22 controlled substance or a controlled substance analog, or under s. 961.69 (2) for  
23 possession of a masking agent under the circumstances surrounding or leading to an  
24 aider's commission of an act described in sub. (1), the district attorney shall offer the  
25 aided person a deferred prosecution agreement that includes the completion of a

1 treatment program. This subdivision does not apply to an aided person who is on  
2 parole, probation, or extended supervision and fails to meet a condition under subd.  
3 1.

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

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

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

11 (END)