

2017 Jr7 DRAFTING REQUEST**Assembly Amendment (AA-AB3)**For: **John Nygren (608) 266-2343**Drafter: **chanaman**By: **Zach**

Secondary Drafters:

Date: **3/27/2017**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Rep.Nygren@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Separate aider and aided; require aided to get immunity only if deferred prosecution agreement

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 3/27/2017				
/P1	chanaman 3/29/2017	aernstr 3/29/2017	mbarman 3/27/2017		
/P2	chanaman 4/7/2017	aernstr 4/7/2017	hkohn 3/29/2017		
/P3	chanaman 4/18/2017	anienaja 4/18/2017	lparisi 4/7/2017		
/1			lparisi 4/18/2017	lparisi 4/18/2017	

FE Sent For:

<END>

2017 Jr7 DRAFTING REQUEST

Assembly Amendment (AA-AB3)

For: **John Nygren (608) 266-2343**

Drafter: **chanaman**

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Secondary Drafters:

Date: **3/27/2017**

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Separate aider and aided; require aided to get immunity only if deferred prosecution agreement

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/?	chanaman 3/27/2017				
/P1	chanaman 3/29/2017	aernsttr 3/29/2017	mbarman 3/27/2017		
/P2	chanaman 4/7/2017	aernsttr 4/7/2017	hkohn 3/29/2017		
/P3			lparisi 4/7/2017		

*Please
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FE Sent For:

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Possible amendments to JR7AB3

The "aided" person will not be prosecuted for possession of drugs or have their probation, parole or extended supervision revoked only upon the condition that he or she enters treatment or agrees to a period of incarceration in county jail (10-15 days?) In the event that the "aided" person does not agree to one of these stipulations, the "aided" person may be prosecuted for drug possession, and if he or she is on probation, parole or extended supervision, these conditions will remain in force.

X The "aider" will not be prosecuted for drug possession or have his or her probation, parole or extended supervision revoked only if:

- 1) The "aider" makes contact with emergency personnel, and**
- 2) The contact is made immediately upon the recognition that an overdose is taking place. (This would be a clarification of current law)**

Whether or not the "aider" is excused from prosecution for drug possession or has his or her probation, parole or extended supervision revoked will be determined by a judge, and will depend upon:

- 1) The nature of the crime for which the "aider" was on probation, parole or extended supervision for, and**
- 2) The amount of drugs present on the scene.**

The court will record and keep a record of, as a part of the "aider's" criminal record, each time an "aider" is excused from prosecution, or from having his or her probation, parole or extended supervision revoked. In the event that an "aider" is excused on more than two occasions, the court may refuse a request by the "aider" to not be prosecuted, or have his or her probation, parole or extended supervision revoked.

The bill will have a sunset date of three years after the date of enactment so that the legislature can evaluate the effectiveness of the bill. If the legislature determines that the bill has achieved its intended goal of saving lives, the legislature may extend the effective date of the law, or make it a permanent part of the state statutes.



State of Wisconsin
2017 - 2018 LEGISLATURE
January 2017 Special Session

LRBa0212/P1

CMH...the

TODAY (H)

ASAP please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 3

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

4 961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF
5 PAROLE, PROBATION, OR EXTENDED SUPERVISION.

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

8 961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION ~~AND REVOCATION OF~~
9 ~~PAROLE, PROBATION, OR EXTENDED SUPERVISION.~~

History: 2013 a. 194; 2015 a. 264.

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

MS
1-3

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

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

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

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

22 961.443 (2) (b) 1. No aided person may have his or her parole, probation, or
23 extended supervision revoked under the circumstances surrounding or leading to an
24 aider's commission of an act described in sub. (1)[✓] if the aided person completes a

1 treatment program as a condition of his or her parole, probation, or extended
2 supervision or agrees to be imprisoned in the county jail for not less than 15 days.

3 2. If an aided person is subject to prosecution under s. 961.573[✓] for the
4 possession of drug paraphernalia, under s. 961.41[✓] (3g) for the possession of a
5 controlled substance or a controlled substance analog, or under s. 961.69[✓] (2) for
6 possession of a masking agent under the circumstances surrounding or leading to an
7 aider's commission of an act described in sub. (1)[✓], the district attorney shall offer the
8 aided person a deferred prosecution agreement that includes the completion of a
9 treatment program. This subdivision[✓] does not apply to an aided person who is on
10 parole, probation, or extended supervision and fails to complete a treatment program
11 and declines imprisonment as provided in subd. 1.[✓]

12 **SECTION 1im.** 961.443 (2) (b)[✓] of the statutes, as created by 2017 Wisconsin Act
13 (this act), is repealed.

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

16 (1) SUNSET FOR EVALUATION OF LEGISLATION. The treatment of section 961.443⁽²⁾
17 (title) (by SECTION 1em[✓]) and (2)⁽¹⁾ (a) (by SECTION 1gm[✓]) and (b) (by SECTION 1im[✓]) of the
18 statutes takes effect on the first day of the 37th month beginning after publication.”.

19 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRBa0159/P1

CMH:klm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 3

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

2 **1.** Page 2, line 1: before that line insert:

3 “SECTION 1c. 961.443 (1) (c) of the statutes is amended to read:

4 961.443 (1) (c) ~~Dials~~ Calls the telephone number “911” or, in an area in which
5 the telephone number “911” is not available, the number for an emergency medical
6 service provider, with the intent to obtain assistance for another person 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 (END)

Insert
1-3



State of Wisconsin
2017 - 2018 LEGISLATURE
January 2017 Special Session

P2
LRBa0212/P1
CMH:ahc

ASAP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 3

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) (c) of the statutes is amended to read:

4 961.443 (1) (c) Dials Calls the telephone number "911" or, in an area in which
5 the telephone number "911" is not available, the number for an emergency medical
6 service provider, with the intent to obtain assistance for another person 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 **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.

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

3 961.443 (2) (title) IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF
4 PAROLE, PROBATION, OR EXTENDED SUPERVISION.

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

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

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

18 961.443 (2) ~~No aider may have his or her parole, probation, or extended~~
19 ~~supervision revoked, and an~~ An aider is immune from prosecution under s. 961.573
20 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of
21 a controlled substance or a controlled substance analog, and under s. 961.69 (2) for
22 possession of a masking agent, under the circumstances surrounding or leading to
23 his or her commission of an act described in sub. (1) ~~if the aider makes actual contact~~
24 ~~with emergency medical services personnel and the aider's attempt to obtain~~

if a treatment program is unavailable or would be prohibitive financially)

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

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

4 961.443 (2) (b) 1. No aided person may have his or her parole, probation, or
5 extended supervision revoked under the circumstances surrounding or leading to an
6 aider's commission of an act described in sub. (1) if the aided person completes a
7 treatment program as a condition of his or her parole, probation, or extended
8 supervision or agrees to be imprisoned in the county jail for not less than 15 days.

9 2. If an aided person is subject to prosecution under s. 961.573 for the
10 possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a
11 controlled substance or a controlled substance analog, or under s. 961.69 (2) for
12 possession of a masking agent under the circumstances surrounding or leading to an
13 aider's commission of an act described in sub. (1), the district attorney shall offer the
14 aided person a deferred prosecution agreement that includes the completion of a
15 treatment program. This subdivision does not apply to an aided person who is on
16 parole, probation, or extended supervision and fails to ^{meet} complete a treatment program
17 and declines imprisonment as provided in subd. 1. *condition under*

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

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

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

25 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

P3
LRBa0212/P2
CMH:ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 3

today please

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) (c) of the statutes is amended to read:

4 961.443 (1) (c) ~~Dials~~ Calls the telephone number "911" or, in an area in which
5 the telephone number "911" is not available, the number for an emergency medical
6 service provider, with the intent to obtain assistance for another person 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 **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.

1-10

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

3 961.443 (2) (title) ~~IMMUNITY FROM CRIMINAL PROSECUTION AND REVOCATION OF~~
4 ~~PAROLE, PROBATION, OR EXTENDED SUPERVISION.~~

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

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

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

18 961.443 (2) ~~No aider may have his or her parole, probation, or extended~~
19 ~~supervision revoked, and an~~ An aider is immune from prosecution under s. 961.573
20 for the possession of drug paraphernalia, under s. 961.41 (3g) for the possession of
21 a controlled substance or a controlled substance analog, and under s. 961.69 (2) for
22 possession of a masking agent, under the circumstances surrounding or leading to
23 his or her commission of an act described in sub. (1) if the aider makes actual contact
24 with emergency medical services personnel and 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 1i.** 961.443 (2) (b) of the statutes is created to read:

4 961.443 (2) (b) 1. No aided person may have his or her parole, probation, or
5 extended supervision revoked under the circumstances surrounding or leading to an
6 aider's commission of an act described in sub. (1) if the aided person completes a
7 treatment program as a condition of his or her parole, probation, or extended
8 supervision or, if a treatment program is unavailable or would be prohibitive
9 financially, agrees to be imprisoned in the county jail for not less than 15 days.

10 2. If an aided person is subject to prosecution under s. 961.573 for the
11 possession of drug paraphernalia, under s. 961.41 (3g) for the possession of a
12 controlled substance or a controlled substance analog, or under s. 961.69 (2) for
13 possession of a masking agent under the circumstances surrounding or leading to an
14 aider's commission of an act described in sub. (1), the district attorney shall offer the
15 aided person a deferred prosecution agreement that includes the completion of a
16 treatment program. This subdivision does not apply to an aided person who is on
17 parole, probation, or extended supervision and fails to meet a condition under subd.

18 1.

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

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



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 3

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

2 **1.** Page 2, line 1: before that line insert:

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 ^{if a reasonable} ~~the~~ person believes _{would believe} him or her to be, suffering from an overdose of, or
8 other adverse reaction to, any controlled substance or controlled substance analog.

9 (b) Summons and makes contact with a law enforcement officer, ambulance,
10 emergency medical technician, or other health care provider, in order to assist
11 another person if the other person is, or ^{if a reasonable} ~~the~~ person believes _{would believe} him or her to be, suffering

if a reasonable

1 from an overdose of, or other adverse reaction to, any controlled substance or
2 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 ~~in order~~ to
6 obtain assistance for another person if the other person is, or ~~the person believes~~ ^{with the} him
7 or her to be, suffering from an overdose of, or other adverse reaction to, any controlled
8 substance or controlled substance analog? ^{intention}

9

(END)

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State of Wisconsin
2017 - 2018 LEGISLATURE

January 2017 Special Session

LRBa0212/P3
CMH:ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 3

SA ✓

1/17/17

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)