



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4446/1
ALL:ALL:ALL

1999 SENATE BILL 357

February 1, 2000 – Introduced by Senators CHVALA, BURKE, RISSER, MOEN and GEORGE. Referred to Joint committee on Finance.

1 **AN ACT to repeal** 16.54 (11m), 100.207 (6) (em), 118.43 (2) (br) 3., 118.43 (2) (f),
2 165.25 (4) (ar), 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),
3 939.615 (7) (c), 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64,
4 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.195
5 (6), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23
6 (1m), 943.23 (1r), 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5),
7 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6.,
8 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41
9 (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41 (3g) (a)
10 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48
11 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3.; **to**
12 **renumber** 100.207 (title) and (1) to (5), 351.07 (2) (a) and 961.49 (1); **to**
13 **renumber and amend** 49.95 (1), 100.171, 100.173, 100.174, 100.175, 100.177,
14 100.205, 100.206, 100.207 (6) (b), (c), (e) and (f), 100.209, 100.28, 100.50, 100.51,

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1 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm)
2 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 971.17 (1),
3 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d); **to amend** 6.18, 11.61 (1) (a),
4 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 15.01 (2), 15.13, 20.115 (1)
5 (hm), 20.255 (2) (cu), 20.370 (5) (bx), 20.370 (6) (bu), 20.455 (1) (hm), 20.455 (2)
6 (r), 20.566 (2) (r), 20.566 (8) (b), 20.566 (8) (c), 20.566 (8) (q), 20.566 (8) (r), 20.566
7 (8) (v), 20.625 (1) (d), 20.835 (2) (dn), 20.835 (2) (q), 20.835 (5) (a), 20.866 (1) (u),
8 20.866 (2) (s), 20.866 (2) (ta), 20.866 (2) (zd), 23.0917 (3) (dm) 1., 23.0917 (3) (dm)
9 2., 23.0917 (4) (d) 1., 23.0917 (4) (d) 2., 23.0917 (4) (d) 3., 23.33 (13) (cg), 26.14
10 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g)
11 (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 40.51 (8), 40.51 (8m),
12 46.034 (3), 46.215 (2) (c) 1., 46.215 (2) (c) 3., 46.22 (1) (am), 46.22 (1) (e) 3. a.,
13 46.22 (1) (e) 3. c., 46.27 (11) (c) 3., 46.283 (5), 46.284 (5) (a), 46.40 (1) (a), 46.40
14 (2), 46.40 (3), 46.40 (7m), 46.45 (2) (a), 46.45 (3) (a), 46.45 (6), 46.495 (1) (am),
15 46.495 (1) (d), 46.495 (1) (dc), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m) (b) 2.,
16 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (5) (bm) 2., 48.685 (5) (bm) 3., 48.685 (5)
17 (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141
18 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b) 1., 49.49 (2) (a),
19 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12), 51.423 (1), 51.423
20 (2), 51.423 (4), 51.423 (9), 55.06 (11) (am), 60.23 (24), 60.23 (25), 66.184, 66.4025
21 (1) (b), 66.4025 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.07 (9) (b) 4., 71.83 (2)
22 (b), 79.01 (1), 79.03 (3c) (f), 79.03 (4), 79.058 (3) (c), 79.13 (2) (a), 79.13 (2) (b),
23 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.178 (1) (c), 100.178 (4),
24 100.178 (7), 100.18 (8), 100.18 (11) (d), 100.182 (5) (a), 100.182 (5) (b), 100.2095
25 (6) (b), 100.2095 (6) (c), 100.2095 (6) (d), 100.21 (3) (a), 100.26 (1), 100.26 (2),

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1 100.26 (5), 100.26 (6), 100.26 (7), 100.264 (2) (intro.), 100.264 (3), 101.143 (10)
2 (b), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225
3 (18), 110.07 (5) (a), 111.91 (2) (n), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a),
4 118.43 (2) (a), 118.43 (3) (intro.), 118.43 (5) (b), 118.43 (6) (b) 7., 118.43 (6) (b)
5 8., 120.13 (2) (g), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b),
6 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1)
7 (intro.), 134.205 (4), 134.58, 134.71 (12), 134.95 (2), 134.95 (3), 134.99 (1),
8 136.03 (title), 136.03 (1) (intro.), 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8)
9 (c), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a),
10 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2),
11 181.0129 (2), 185.825, 185.981 (4t), 185.983 (1) (intro.), 196.219 (3) (n), 200.09
12 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625
13 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b),
14 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.03 (3), 301.035
15 (2), 301.035 (4), 301.26 (3) (c), 301.26 (4) (a), 301.26 (4) (cm) 1., 301.26 (6) (a),
16 301.26 (7) (a) (intro.), 301.26 (8), 301.46 (5) (a) (intro.), 302.095 (2), 302.11 (1g)
17 (a) 2., 302.11 (1p), 302.113 (2), 302.113 (3) (a) (intro.), 302.113 (7), 302.113 (9),
18 302.114 (3) (a) (intro.), 302.114 (5) (f), 302.114 (6) (b), 302.114 (6) (c), 302.114 (9),
19 302.33 (1), 302.43, 303.065 (1) (b) 1., 303.08 (1) (intro.), 303.08 (2), 303.08 (5)
20 (intro.), 303.08 (6), 303.08 (12), 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06
21 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3),
22 343.31 (1) (i), 343.31 (3) (d) (intro.), 343.44 (2) (b) (intro.), 344.48 (2), 344.576
23 (3) (a) 5., 344.576 (3) (c), 344.579 (2) (intro.), 346.17 (3) (a), 346.17 (3) (b), 346.17
24 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4)
25 (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5),

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1 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11
2 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13
3 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 618.41 (6m), 631.01 (1) (b),
4 631.01 (4m), 632.18, 641.19 (4) (a), 641.19 (4) (b), 704.90 (11) (title), 704.90 (11)
5 (a), 704.90 (11) (b), 707.49 (4), 707.55 (10), 707.57 (2), 707.57 (3), 753.061 (2m),
6 758.19 (5) (b) (intro.), 758.19 (5) (b) 1., 765.30 (1) (intro.), 765.30 (2) (intro.),
7 768.07, 779.93 (title), 779.93 (1), 779.93 (2) (intro.), 783.07, 801.50 (5), 814.04
8 (intro.), 814.245 (2) (d), 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m)
9 (b) 1., 938.355 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1),
10 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50
11 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1)
12 (c), 939.62 (2m) (a) 2m. a., 939.62 (2m) (a) 2m. b., 939.632 (1) (e) 1., 939.632 (2),
13 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04
14 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2),
15 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15
16 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.),
17 940.195 (2), 940.195 (4), 940.195 (5), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20
18 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7)
19 (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2)
20 (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23
21 (1) (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.),
22 940.285 (2) (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2.,
23 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3)
24 (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.),
25 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.),

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1 940.32 (3m) (intro.), 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1),
2 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a),
3 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26
4 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298
5 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32,
6 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b)
7 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2)
8 (intro.), 943.01 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.),
9 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017
10 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07
11 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b),
12 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3)
13 (d) 4., 943.201 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (1g), 943.23
14 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25
15 (2) (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1),
16 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.),
17 943.32 (2), 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38
18 (2), 943.39 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b),
19 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46
20 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50 (4) (a), 943.50 (4) (b),
21 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4)
22 (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70
23 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
24 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34
25 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.),

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1 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.),
2 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1)
3 (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3)
4 (intro.), 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (intro.), 946.44 (1)
5 (intro.), 946.44 (1g), 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b),
6 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68
7 (1r) (a), 946.68 (1r) (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1),
8 946.74 (2), 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (1t), 947.013 (1v),
9 947.013 (1x) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b),
10 948.03 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03
11 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05 (1m), 948.05 (2), 948.055
12 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2)
13 (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21
14 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.),
15 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51
16 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b),
17 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 950.04 (1v) (g), 951.18
18 (1), 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b),
19 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4.,
20 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41
21 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e)
22 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41
23 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g)
24 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3.,
25 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m) (a), 961.41 (1m) (b),

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1 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m)
2 (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m)
3 (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m)
4 (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m)
5 (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m)
6 (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m)
7 (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j),
8 961.41 (1n) (c), 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2) (a), 961.41
9 (2) (b), 961.41 (2) (d), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g)
10 (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.455 (1), 961.455 (3), 961.472
11 (2), 961.48 (2m) (a), 961.48 (3), 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3),
12 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (c), 971.365 (2), 973.01 (1),
13 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01
14 (2) (b) 4., 973.01 (2) (b) 5., 973.01 (4), 973.01 (5), 973.0135 (1) (b) 2., 973.03 (3)
15 (e) 1. and 2., 973.032 (4) (c) 2., 973.075 (1) (b) 1m. e., 973.075 (2) (d), 973.09 (2)
16 (b) 1., 977.06 (2) (b) and 978.13 (1) (c); **to repeal and recreate** 20.866 (1) (u),
17 46.45 (2) (a) and 944.15 (title); **to create** 13.48 (31), 13.525, 15.105 (26), 18.13
18 (4g), 19.42 (10) (o), 19.42 (13) (n), 20.410 (3) (ce), 20.410 (3) (cf), 20.435 (3) (fp),
19 20.435 (4) (bv), 20.435 (4) (j), 20.435 (7) (ba), 20.435 (7) (bb), 20.505 (4) (dr),
20 20.505 (4) (mr), 20.866 (2) (zbL), 20.867 (3) (bm), 20.923 (4) (b) 7., 20.923 (6) (hr),
21 46.40 (2g), 46.766, 49.688, 49.95 (1) (e) and (f), 59.25 (3) (rm), 79.058 (3) (d),
22 79.13 (2) (c), 100.18 (11) (b) 1., 118.43 (2) (bt), 118.43 (2) (g), 118.43 (3) (at),
23 118.43 (6) (b) 7m., 118.43 (6) (b) 8m., 118.43 (6) (b) 9., 125.075 (2) (b), 165.07,
24 165.075, 165.076, 230.08 (2) (L) 6., 230.08 (2) (of), 301.03 (3a), 301.26 (7) (k),
25 301.26 (7m), 301.46 (2s), 302.113 (7m), 302.113 (8m), 302.113 (9) (am), 302.113

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1 (9) (d), 302.113 (9g), 302.114 (8m), 302.114 (9) (d), 346.04 (2t), 346.04 (4), 346.17
2 (2t), 609.88, 632.895 (14), 758.19 (8), 801.50 (5c), 895.10, 939.32 (1) (bm), 939.32
3 (1g), 939.32 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g),
4 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50
5 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm),
6 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a),
7 948.51 (3) (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h)
8 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5.,
9 961.41 (3g) (b) (title), 961.48 (1) (a) and (b), 971.17 (1) (b), 971.17 (1) (d), 973.01
10 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (c) 2.,
11 973.01 (2) (d) 1. to 6., 973.01 (7m), 973.017, 973.031, 973.09 (6), 973.15 (2) (am),
12 973.30 and 977.05 (4) (jm) of the statutes; and *to affect* 1997 Wisconsin Act 283,
13 section 454 (1) (f), 1997 Wisconsin Act 283, section 454 (2) and 1999 Wisconsin
14 Act 9, section 9443 (24e); **relating to:** an agreement between the state and
15 tobacco product manufacturers; classification and elements of felony offenses
16 and certain misdemeanor offenses; modification of a bifurcated sentence in
17 certain cases; revocation of extended supervision; the creation of a sentencing
18 commission and temporary sentencing guidelines; legislative procedure for
19 criminal penalties bills; assistant district attorney positions for certain
20 counties; releasing information from the sex offender registry to school district
21 administrators and parents, guardians and legal custodians of children;
22 achievement guarantee contracts; authorizing digital television conversion
23 projects; funding for gaming law enforcement operations, general program
24 operations of the state lottery, lottery retailer compensation, lottery vendor
25 fees, the farmland tax relief credit, costs of administration, administration of

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1 the lottery and gaming credit; prescription drug assistance for elderly persons;
2 funding for the badger care health care program; funding for food pantries;
3 requiring insurance coverage of certain immunizations for children; creating
4 an office of public intervenor in the department of justice; bonding authority
5 under the Warren Knowles-Gaylord Nelson stewardship 2000 program;
6 shared revenue payments to counties and municipalities, circuit court support
7 payments, financial assistance for local recycling programs, community aids,
8 youth aids; transferring certain consumer protection functions performed by
9 the department of agriculture, trade and consumer protection to the
10 department of justice; the composition of the board of agriculture, trade and
11 consumer protection; distribution of national forest income payments from the
12 federal government; restoring the school property tax rent credit; granting
13 bonding authority; granting rule-making authority; making appropriations;
14 and providing penalties.

Analysis by the Legislative Reference Bureau**CORRECTIONAL SYSTEM AND CRIME****PROBATION, EXTENDED SUPERVISION AND PAROLE**

The bill requires the department of corrections (DOC) to take steps to promote the increased effectiveness of probation, extended supervision and parole in Brown, Dane, Kenosha, Milwaukee, Racine and Rock counties. In each of these counties, DOC must, beginning on January 1, 2001, develop a partnership with the community, have strategies for local crime prevention, supervise offenders actively, commit additional resources to enhance supervision and purchase services for offenders, establish day reporting centers and ensure that probation, extended supervision and parole agents, on average, supervise no more than 20 persons on probation, extended supervision or parole.

PENALTIES AND SENTENCING

Effective December 31, 1999, 1997 Wisconsin Act 283 (often called the "truth in sentencing" act) changed felony penalties and created a new structure for sentences for felony offenses. Also created in 1997 Wisconsin Act 283, was a criminal

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penalties study committee, which was directed to study various issues related to the implementation of the act, make recommendations based on its study and submit a report concerning its study and recommendations. The report was to include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

This bill incorporates virtually all of the statutory changes proposed by the committee. It also includes certain other provisions that were not part of the legislation proposed by the committee. The rest of this analysis contains a general description of sentencing provisions in effect for crimes committed before December 31, 1999, the changes made by 1997 Wisconsin Act 283 and some of the most significant changes contained in this bill.

Felony penalties

Current law provides various penalties for felonies, which are crimes punishable by imprisonment of more than one year. Before December 31, 1999, virtually every felony created in the criminal code was put in one of six classes (Class A, B, BC, C, D or E), with each class having a specific maximum term of imprisonment and a maximum fine. Class A felonies are punishable by life imprisonment. For other classified felonies committed before December 31, 1999, the maximum terms of imprisonment are as follows:

Class B	40 years
Class BC	20 years
Class C	10 years
Class D	5 years
Class E	2 years

1997 Wisconsin Act 283 increased these maximum terms of imprisonment for felonies committed on or after December 31, 1999. The maximum terms of imprisonment for the classes of felonies under 1997 Wisconsin Act 283 are as follows:

Class B	60 years
Class BC	30 years
Class C	15 years
Class D	10 years
Class E	5 years

Except for Class A and Class B felonies, which are not punishable by a fine, each classified felony has a maximum fine of \$10,000. 1997 Wisconsin Act 283 did not change the maximum fines for any of the classified felonies.

1997 Wisconsin Act 283 also increased the maximum terms of imprisonment for all unclassified felony offenses committed on or after December 31, 1999, in part to provide additional time to be used for the imposition of extended supervision under the new bifurcated sentencing law (see below, ***The structure of felony sentences***, item 2). The terms of imprisonment were increased by 50% or one year, whichever was greater. Thus, under 1997 Wisconsin Act 283, a maximum term of imprisonment

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of one year was increased to two years of imprisonment, while a maximum term of imprisonment of five years was increased to seven years and six months. 1997 Wisconsin Act 283 did not change any maximum fine provided for any unclassified felony.

This bill makes the following changes to penalties for offenses committed on or after the effective date:

1. *New felony classes.* The bill expands the number of felony classes from six to nine and, except for Class A and Class B felonies, creates new maximum terms of imprisonment and new maximum fines. The felony classes under the bill and their respective maximum terms of imprisonment and maximum fines are as follows:

<u>Class of Felony</u>	<u>Maximum Imprisonment</u>	<u>Maximum Fine</u>
Class A	Life imprisonment	Not applicable
Class B	60 years	Not applicable
Class C	40 years	\$100,000
Class D	25 years	\$100,000
Class E	15 years	\$50,000
Class F	12 years, 6 months	\$25,000
Class G	10 years	\$25,000
Class H	6 years	\$10,000
Class I	3 years, 6 months	\$10,000

2. *Classification of felonies.* The bill places felony offenses that are classified under current law into the new felony classes, with the exception of a few classified felony offenses that are reduced to misdemeanor offenses. In addition, the bill places unclassified felony offenses into the new felony classes, with the exception of certain unclassified felony offenses that are reduced to misdemeanor offenses and offenses that are felonies only because of the application of a penalty enhancer.

As a general rule, the bill places a felony offense into a felony class based on the amount of time that a person who is given a maximum sentence for the offense under current law would serve in prison before being released on parole under the mandatory release law (see below, *The structure of felony sentences*, item 1). However, in some cases a felony is placed in a higher or lower felony class than the one based on the current mandatory release date for a maximum sentence under current law. For those felony offenses that are reduced to misdemeanor offenses under the bill, the new penalty for the offense is a fine of not more than \$10,000 or imprisonment of not more than nine months or both.

3. *Changes in property offenses.* This bill changes penalties for certain crimes against property. Under current law, the penalties for certain crimes against property (such as theft, criminal damage to property, receiving stolen property, issuing worthless checks and various kinds of fraud) are based on the value of the property stolen, damaged or otherwise involved in the offense. Generally, the current threshold between misdemeanor and felony penalties for these crimes is \$1,000. Thus, if the value of the property involved is \$1,000 or less, the crime is a

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misdemeanor. If the value of the property involved is more than \$1,000, the crime is a felony. This bill increases the threshold between misdemeanor and felony penalties to \$2,000 for property crimes cases in which the penalty depends on the value of the property involved in the offense.

4. *Felony murder.* Under current law, a person commits felony murder if he or she causes the death of another while committing or attempting to commit certain felonies (such as sexual assault, arson or armed robbery). If a person commits felony murder, the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 20 years. This bill provides that the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 15 years.

5. *Changes to the crime of carjacking.* Under current law, a person is guilty of carjacking if he or she intentionally takes any vehicle without the consent of the owner while possessing a dangerous weapon and by using or threatening the use of force or the weapon against another. This bill classifies every carjacking offense as a Class C felony, including an offense resulting in a person's death (currently a Class A felony), and adds carjacking to the list of offenses subject to the felony murder statute (see item 4 above, *Felony murder*).

6. *Increase in certain misdemeanor penalties.* The bill increases penalties for a few misdemeanor offenses by classifying them as felony offenses. The misdemeanor offenses that are changed to felony offenses by the bill (and the classification into which the offense is placed) are as follows:

- a) Stalking (Class I felony).
- b) Criminal damage to railroad property (Class I felony).
- c) Possession of a firearm in a school zone (Class I felony).
- d) Discharge of a firearm in a school zone (Class G felony).

7. *Elimination of certain minimum penalty provisions.* Current law requires a court to impose a minimum sentence of imprisonment in certain cases. In other cases current law specifies a minimum sentence of imprisonment but also allows a court, in the exercise of its discretion, to impose a lesser sentence of imprisonment or no imprisonment at all. This bill eliminates both mandatory and presumptive minimum prison sentences for felony offenses, except for Class A felonies, which carry a mandatory sentence of life imprisonment (see below, ***Sentences of life imprisonment***), and the persistent repeater penalty enhancers (often called the “three strikes, you’re out” and “two strikes, you’re out” laws), which require a sentence of life imprisonment without possibility of release. In addition, the bill does not change the minimum mandatory sentence of six months for fifth and subsequent offenses of operating a motor vehicle while intoxicated.

8. *Elimination of mandatory consecutive sentences.* Under current law, a court sentencing a person convicted of a crime generally may provide that any sentence imposed run concurrent with or consecutive to any other sentence imposed at the same time or any sentence imposed previously. However, a court must impose a consecutive sentence if the person was convicted of certain escape offenses, possession or discharge of a firearm in a school zone, using or possessing a handgun and armor-piercing bullet while committing another crime or violating conditions

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of lifetime supervision by committing another crime. This bill eliminates the requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to bifurcated sentences and sentences imposed for crimes committed before December 31, 1999, that are ordered to run consecutively to each other (see below, *The structure of felony sentences*, item 3-C).

Penalty enhancers

Current law contains various penalty enhancers that allow the penalties for a crime to be increased if the crime is committed under certain circumstances. For instance, current law provides penalty enhancers for committing a crime using a dangerous weapon, committing a crime while wearing a bulletproof garment, committing a crime against a victim chosen because of his or her race, religion, color, disability, sexual orientation, national origin or ancestry (the "hate crime" enhancer), committing certain violent crimes against an elder person and committing certain sex crimes while infected with a sexually transmitted disease. Current law also provides for penalty enhancers that may be triggered by the defendant's status at the time he or she committed the crime. For instance, current law provides a penalty enhancer for habitual criminals (persons who commit a crime after having been previously convicted of a crime) and for persons responsible for the welfare of a child who commit certain crimes against the child.

The bill retains the current penalty enhancers for: 1) habitual criminals; 2) using a dangerous weapon in the commission of a crime; 3) committing a violent crime in a school zone; 4) committing certain domestic abuse offenses within 72 hours after an arrest for a domestic abuse incident; 5) committing a "hate crime"; 6) distributing a controlled substance to a person under the age of 17; and 7) distributing a controlled substance within 1,000 feet of a school, park, correctional institution or certain other facilities. The remaining penalty enhancers contained in current law are eliminated and are instead included in a list of aggravating factors that must be considered by a court when sentencing a person.

In addition, under current law, if a person violates certain prohibitions relating to operating a motor vehicle while intoxicated and, at the time of the offense, a child under the age of 16 is in the vehicle, the penalties for the offense double. This bill retains this penalty enhancer for most of the offenses involving operating a motor vehicle while intoxicated, but the bill eliminates the enhancer for the crimes of homicide by intoxicated use of a vehicle and injury by intoxicated use of a vehicle.

The structure of felony sentences (other than life sentences)

1. *The structure of prison sentences for felony offenses committed before December 31, 1999.* If a person committed a felony before December 31, 1999, and is sentenced to prison, the person will usually have three possible ways of being released from prison on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or six months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding). However, the person could be subject to more restrictive discretionary

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parole eligibility provisions or to restrictions on mandatory release under certain circumstances (for example, if the person has one or more prior convictions for certain serious felonies).

2. *The structure of prison sentences for felony offenses committed on or after December 31, 1999.* Under 1997 Wisconsin Act 283, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence that includes a term of confinement in prison followed by a term of community supervision (called “extended supervision”). The offender is not eligible for parole. A bifurcated sentence imposed under 1997 Wisconsin Act 283 must be structured as follows:

A) The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.

B) The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for a Class BC felony, ten years for a Class C felony, five years for a Class D felony, or two years for a Class E felony. If the person is being sentenced to prison for a felony that is not in one of these classes, the term of confinement in prison portion of the sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

C) The term of extended supervision must equal at least 25% of the length of the term of confinement in prison. For example, if a person is convicted of a Class B felony committed on or after December 31, 1999, and a judge sentences the person to the maximum allowable 40-year term of confinement in prison, the term of extended supervision would have to be at least ten years. There is no limit on the length of the term of extended supervision, other than the limit that results from the requirements that the term of confinement in prison portion of a bifurcated sentence be at least one year and that the total bifurcated sentence not exceed the maximum term of imprisonment specified by law for the crime.

During the term of extended supervision, the person is subject to supervision by DOC and is subject to conditions set by both the court and DOC. If a person violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision, the person’s extended supervision may be revoked in an administrative proceeding and the person may be returned to serve a period of time in prison. The length of time for which the person is returned to prison is determined by an administrative law judge or, if the person waives a revocation hearing, by DOC.

3. *The changes made by this bill.* This bill makes the following changes relating to the imposition of bifurcated sentences:

A) Like 1997 Wisconsin Act 283 did for the current law felony classes, the bill establishes maximum terms of confinement in prison for the new felony classes. Unlike 1997 Wisconsin Act 283, the bill also establishes a maximum amount of extended supervision that a court can impose for classified felonies. The maximum term of confinement in prison and the maximum term of extended supervision for each classified felony is as follows:

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<u>Class of Felony</u>	<u>Maximum Term of Confinement in Prison</u>	<u>Maximum Term of Extended Supervision</u>
Class B	40 years	20 years
Class C	25 years	15 years
Class D	15 years	10 years
Class E	10 years	5 years
Class F	7 years, 6 months	5 years
Class G	5 years	5 years
Class H	3 years	3 years
Class I	1 year, 6 months	2 years

B) Under the bill, when a court is imposing a bifurcated sentence it must consider any advisory sentencing guidelines for the offense adopted by the sentencing commission (see below, **Sentencing commission**) or, if the sentencing commission has not adopted guidelines for the offense, the temporary advisory guidelines adopted by the criminal penalties study committee in its report under 1997 Wisconsin Act 283. In addition, the bill requires the sentencing court to consider any applicable mitigating and aggravating circumstances. The bill includes a partial list of aggravating circumstances that a court must consider. The list incorporates the provisions of current penalty enhancers that are being eliminated by the bill (see above, **Penalty enhancers**).

C) Under the bill, when a court imposes a bifurcated sentence on a person who is also subject to a prison sentence for a crime committed before December 31, 1999 (an indeterminate sentence), the court must specify all of the following: 1) whether the confinement in prison portion of the bifurcated sentence is to run concurrently with or consecutively to the imprisonment portion of the indeterminate sentence; and 2) whether the period of parole under the indeterminate sentence is to run concurrently with or consecutively to the term of extended supervision portion of the bifurcated sentence. The court must also make the same specifications when imposing an indeterminate sentence on a person who is also subject to a bifurcated sentence.

D) The bill allows DOC to take custody of a person who is on extended supervision in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that the or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail.

E) The bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to

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prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison.

F) The bill creates a procedure by which DOC or a person on extended supervision may petition a court to modify the conditions of extended supervision set by the court. The court may hold a hearing on a petition to modify extended supervision and may grant the petition if it determines that the requested modification would meet the needs of DOC and the public and would be consistent with the objectives of the person's bifurcated sentence.

G) The bill creates a procedure by which certain older prisoners who have been given a bifurcated sentence may petition the sentencing court for a modification of the terms of the sentence. The procedure is available to prisoners who are 65 years of age or older and have served at least five years of the term of confinement in prison portion of their bifurcated sentence and to prisoners who are 60 years of age or older and have served at least ten years of the term of confinement in prison portion of the bifurcated sentence.

Under the procedure, the prisoner files a petition with the prison's program review committee, which may then refer the petition to the sentencing court if it finds that the public interest would be served by a modification of the prisoner's bifurcated sentence. If a petition is referred to a sentencing court, the court must determine whether the public interest would be served by a modification of the prisoner's bifurcated sentence. The victim of the prisoner's crime has a right to provide a statement concerning the modification of the sentence.

If the court decides that the public interest would be served by such a modification, the court must modify the sentence by: 1) reducing the term of confinement in prison portion of the sentence to a number that provides for the release of the prisoner to extended supervision; and 2) increasing the term of extended supervision of the prisoner by the same number, so that the total length of the bifurcated sentence does not change.

H) The bill clarifies that, if a misdemeanor offender may be sentenced to prison because of the application of a sentence enhancer and the court decides to sentence the person to prison, the court must impose a bifurcated sentence. In sentencing a person to prison in such a case, the term of confinement in prison portion of the sentence may not constitute more than 75% of the total bifurcated sentence.

Sentences of life imprisonment

If a person is sentenced to life imprisonment for an offense committed before December 31, 1999, the person usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, four months. However, a court may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. No person serving a life sentence of any kind is entitled to mandatory release on parole.

If a person is sentenced to life imprisonment for a crime committed on or after December 31, 1999, he or she is not eligible for parole. Instead, the court sentencing

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the person to life imprisonment must do one of the following: 1) provide that the person is eligible for release to extended supervision after serving 20 years; 2) set a date on which the person becomes eligible for extended supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for extended supervision. If the court provides that the person is eligible for extended supervision, the person may petition the sentencing court for release to extended supervision on or after the extended supervision eligibility date. A person sentenced to life who is released to extended supervision is on extended supervision for the remainder of his or her life and, like a person on extended supervision under a bifurcated sentence (see above, *The structure of felony sentences*, item 2-C), may have his or her extended supervision revoked in an administrative proceeding and be returned to prison if he or she violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision. A person returned to prison after a revocation of extended supervision may not petition for rerelease to extended supervision until he or she has served a period of time back in prison. The time period, which must be at least five years, is determined by an administrative law judge or, if the person waived a revocation hearing, by DOC.

This bill allows DOC to take custody of a person who is on extended supervision under a life sentence in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail. In addition, the bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison. Both the recommendation and the court's final decision must provide for the person to be returned to prison for at least five years.

Court-ordered drug treatment

The bill provides a new sentencing option of court-ordered drug treatment. Under this new option, if a court imposes a sentence or places a person on probation for any offense committed on or after July 1, 2000, the court may order the person to participate in a drug treatment program as a condition of probation or, in the case of a person given a bifurcated sentence, while the person is in prison or as a condition of extended supervision or both. The court may also require DOC to pay for the cost of the court-ordered drug treatment.

Basis for sentencing decisions; modification and review of sentencing decisions

The bill requires a sentencing court to make explicit findings of fact on the record to support each element of its sentencing decision, including its decision as to whether to impose a bifurcated sentence or to place a person on probation and its

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decision as to the length of a bifurcated sentence, including the length of each component of the bifurcated sentence, the amount of a fine and the length of a term of probation.

In addition, the bill requires the director of state courts (director) to promulgate rules that establish a procedure by which a sentencing court may modify a bifurcated sentence and that specify the factors that a court may consider when deciding whether to modify a bifurcated sentence. The rules must provide that a court may modify a bifurcated sentence on its own motion, on a motion of DOC or on a motion of the person serving the sentence. The rules must also provide that a court and DOC may make a motion to modify a bifurcated sentence at any time and that a person serving a bifurcated sentence may make a motion to modify the bifurcated sentence that he or she is serving if at least 12 months have elapsed since the bifurcated sentence was imposed or since the most recent motion to modify the person's bifurcated sentence was made. If a court modifies a bifurcated sentence under the procedure established by the director, the court may do so only by reducing the term of confinement in prison portion of the sentence and lengthening the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

Finally, the bill provides that in an appeal from a court's sentencing decision, the appellate court that is reviewing the sentencing decision must reverse the sentencing decision if it determines that there is not substantial evidence in the record to support the sentencing decision.

Sentencing commission

The bill creates a sentencing commission (commission) consisting of 17 voting members and three nonvoting members, all of whom serve three year terms. (The membership of the commission under the bill differs slightly from the membership proposed by the criminal penalties study committee.) Under the bill, the commission is responsible for studying sentencing practices throughout the state. Using the information it obtains, the commission must adopt advisory sentencing guidelines for use by judges when imposing sentences for felonies committed on or after December 31, 1999. The commission must also assist the legislature in assessing the cost of changes in statutes affecting criminal sentencing and provide information regarding sentencing to judges, lawyers, state agencies, the legislature. In addition, the commission must study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the governor, the legislature and the supreme court. The duties of the commission end on December 31, 2004.

JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES

The Wisconsin Constitution permits each house of the legislature to establish the rules of its own proceedings. Under the current rules, each house generally refers a bill that relates primarily to criminal law to a standing committee responsible for considering legislation in that area before the bill is considered by the full body.

This bill creates a joint review committee on criminal penalties (joint committee). Under the bill, if a bill that is introduced creates a new crime or revises a penalty for an existing crime and is referred to a standing committee in the house

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in which it is introduced, the chairperson of the standing committee may request that the joint committee prepare a report regarding the following: 1) the costs or savings that will result from the bill; 2) the consistency of the bill with existing criminal penalties; 3) alternative language needed to conform the penalties in the bill to existing criminal penalties; and 4) whether acts prohibited under the bill are prohibited under existing criminal statutes. The standing committee may not vote on whether to recommend the bill for passage nor may the bill be passed by the house in which it is introduced before the joint committee submits its report or before 30 days after the report is requested, whichever is earlier.

The joint committee consists of one majority party and one minority party member from each house, the attorney general or his or her designee, the secretary of corrections or his or her designee, the state public defender or his or her designee, two reserve judges and two gubernatorial appointees, one of whom shall have law enforcement experience and one of whom shall be an elected county official. The joint committee may hold hearings to assist it in preparing its reports.

(The bill's provisions regarding the joint committee were not part of the legislation proposed by the criminal penalties study committee.)

DISTRICT ATTORNEYS***Assistant district attorney positions***

Under current law, the state pays for the salaries and various benefits for district attorneys, deputy district attorneys, assistant district attorneys and other state employees of the district attorney's office. This bill adds the following assistant district attorney positions to the following counties, effective July 1, 2000: 0.25 position for Adams County; 1.0 position for Burnett County; 0.25 position for Chippewa County; 0.5 position for Columbia County; 2.5 positions for Dane County; 0.25 position for Jefferson County; 0.5 position for Kenosha County; 0.5 position for LaCrosse County; 1.0 position for Manitowoc County; 1.0 position for Marathon County; 7.0 positions for Milwaukee County; 0.5 position for Oneida County; 0.5 position for Outagamie County; 1.0 position for Polk County; 0.5 position for Portage County; 0.75 position for Rock County; 1.0 position for Sauk County, to serve Marquette and Sauk counties; 0.5 position for Sheboygan County; and 1.25 positions for Winnebago County. (The bill's provisions regarding assistant district attorney positions were not part of the legislation proposed by the criminal penalties study committee.)

SEX OFFENDER REGISTRY

Under current law, with certain exceptions, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. The sex offender registry is maintained by DOC and contains specific information about persons required to register, including information concerning the person's offense, the person's address and place of employment and the name and location of any school in which the person is enrolled. A person registered as a sex offender must also provide updated information to DOC if the information originally provided to the registry changes.

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Generally, the information in the sex offender registry is confidential. However, when a person first registers as a sex offender or when a registered sex offender updates information in the registry, DOC must make the information available to local law enforcement agencies. If the person registering as a sex offender is being released into the community from custody in prison or some other secure institution and the person has been convicted of a sex offense on two or more separate occasions or has been found to be a sexually violent person, the agency releasing the person (either DOC or the department of health and family services (DHFS), depending on the reason the person was in custody) must provide a special written bulletin to law enforcement agencies in the communities in which the person will be living, working or going to school. The special bulletin must notify the law enforcement agencies that the person is being released and must provide them with the information in the sex offender registry concerning the person and with any other information that DOC or DHFS determines is necessary to assist law enforcement officers or to protect the public.

A local law enforcement agency may in turn release information from the registry that it has received from DOC or DHFS (other than information concerning children who are required to register and information concerning juvenile adjudications for sex offenses) if the local law enforcement agency believes that release of the information is necessary to protect to the public. In addition, DOC may release certain information from the registry to specified community organizations, including public and private elementary and secondary schools, and to members of the general public if an organization or a member of the general public requests the information.

This bill creates a new method by which a parent, guardian or legal custodian of a child may request information from the sex offender registry concerning registered sex offenders who are subject to special bulletin notification because they have been convicted of a sex offense on two or more separate occasions or have been found to be a sexually violent person. Under the bill, a parent, guardian or legal custodian of a child may request the information under any of the following situations:

1. If the child is enrolled in a public school, the parent, guardian or legal custodian may ask the school district administrator for the information.
2. If the child is enrolled in a private school, the parent, guardian or legal custodian may ask for the information from the school district administrator of the school district in which the child resides or the school district administrator of the school district in which the private school is located.
3. If a parent, guardian or legal custodian of a child intends to move to a new residence that is located in a different school district or intends to enroll his or her child in a private school, the parent, guardian or legal custodian may ask for the information from the school district administrator of the school district in which the new residence is located or the school district administrator of the school district in which the private school is located.

When a school district administrator receives a request from a parent, guardian or legal custodian for information concerning registered sex offenders who are

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subject to special bulletin notification, the school district administrator must in turn request information concerning the persons from the police chief of the community in which the school district is located or the sheriff of the county in which the school district is located. Upon receiving a request from a school district administrator, the police chief or sheriff must immediately provide in writing to the school district administrator information concerning each person who is residing, employed or attending school in the community or county and about whom the police chief or sheriff has received a special bulletin notification. The information that the police chief or sheriff must provide includes the name and address of the person who is registered as a sex offender, the offense the person committed, the person's place of employment and the location of any school the person is attending. The information provided will include information about children who are required to register as sex offenders and information concerning juvenile adjudications for sex offenses. Upon receiving the information from the police chief or sheriff, the school district administrator must provide the information to the parent, guardian or legal custodian who asked the school district administrator for the information.

COURTS AND PROCEDURE**TOBACCO PRODUCT MANUFACTURERS**

On November 23, 1998, Wisconsin and other states agreed to a settlement of lawsuits brought against the major U.S. tobacco product manufacturers, the "master settlement agreement". As part of that agreement, each state may enact model legislation that would affect tobacco product manufacturers that did not originally join in the master settlement agreement. This bill enacts the model legislation in Wisconsin. Under this bill, a tobacco product manufacturer that sells cigarettes in this state is given the choice of joining in the master settlement agreement and performing the obligations under that agreement or placing money into an escrow fund, based on the number of cigarettes sold each year. The amount of money to be placed into escrow per cigarette increases each year until the year 2007, when the amount is \$.0188482. The amount paid into escrow, under the bill, is intended to ensure that tobacco product manufacturers that do not participate in the master settlement agreement have funds available to satisfy judgments on the types of claims that were asserted in the state's tobacco lawsuit. Under the bill, any interest in money in the escrow account accrues to the tobacco product manufacturer that put the money into escrow and any money remaining in the escrow account after 25 years is returned to the tobacco product manufacturer that put the money into escrow.

The bill permits the attorney general to bring a civil action against a tobacco product manufacturer that fails to put money into escrow as required. If a court finds that a tobacco product manufacturer failed to place the money into escrow, the bill permits the court to impose a penalty of up to 5% of the amount improperly withheld from escrow for each day of the violation, up to 100% of the amount improperly withheld. If the court finds that a tobacco product manufacturer knowingly failed to place the money into escrow, the bill permits the court to impose a penalty of up to 15% of the amount improperly withheld from escrow for each day of the violation, up to 300% of the amount improperly withheld. The bill also provides that if a tobacco

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product manufacturer failed to place the money into escrow on two or more occasions, the court is required to prohibit the manufacturer from selling cigarettes in this state for up to two years. The bill requires the court to award the attorney general costs and reasonable attorney fees if he or she prevails in the lawsuit.

The bill requires the department of administration (DOA) to provide a copy of the master settlement agreement to each public library system in the state and requires the revisor of statutes to publish the master settlement agreement in the Wisconsin Administrative Register.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

In the 1996-97 and 1998-99 school years, school boards with a certain percentage of low-income pupils could enter into five-year student achievement guarantee contracts (SAGE contracts) with the department of public instruction (DPI) to reduce class size and improve academic achievement in grades kindergarten to three in exchange for receiving state aid. Beginning in the 2000-01 school year, a school board may enter into a SAGE contract regardless of the school board's percentage of low-income pupils, but the school board must satisfy other eligibility requirements that also pertain to SAGE contracts entered into in 1996-97 and 1998-99 school years. One of these requirements is that a school board that was eligible to participate in the SAGE program in the 1996-97 and 1998-99 school years must have participated in the SAGE program in either school year.

This bill repeals this eligibility requirement. The bill also permits DPI to renew an existing SAGE contract for five years and to enter into new SAGE contracts after the 2000-01 school year if funding for contract renewals and the new contracts is available. In making payments for contract renewals and the new contracts, DPI must give priority to schools that have the highest percentage of low-income pupil enrollment.

PUBLIC BROADCASTING

Under current law, the following are responsible for providing certain types of public broadcasting in this state: the educational communications board (ECB), the board of regents of the University of Wisconsin (UW) System and the Milwaukee Area Technical College. This bill increases the general fund supported bonding authority of the building commission by the following amounts: \$13,220,800 for a digital television conversion project for the ECB; \$1,700,000 for a digital television conversion project for the UW System; and \$3,500,000 for a digital conversion project for the Milwaukee Area Technical College. The bill enumerates the authorization of these projects in the 1999-2001 authorized state building program.

GAMBLING

Under current law, the general program operations of the state lottery, lottery retailer compensation, fees that are paid to lottery vendors for on-line and instant ticket services and supplies, the farmland tax relief credit, costs of the administration of the lottery and gaming credit and a portion of the department of

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justice's (DOJ's) gaming law enforcement activities are funded with general purpose revenue in fiscal year 1999-2000. There is currently no funding for these programs in fiscal year 2001-02.

This bill appropriates general purpose revenue to fund the general program operations of the state lottery, lottery retailer compensation, fees that are paid to lottery vendors for on-line and instant ticket services and supplies, the farmland tax relief credit, costs of the administration of the lottery and gaming credit and to partially fund DOJ's gaming law enforcement activities in fiscal year 2001-02.

HEALTH AND HUMAN SERVICES**PRESCRIPTION DRUG ASSISTANCE**

This bill creates an entitlement program for prescription drug assistance for elderly persons in DHFS and a sum sufficient appropriation of general purpose revenues for the program. Under the program, beginning April 1, 2001, state residents who are aged at least 65 years, who are ineligible for medical assistance and whose gross incomes, if single, are not more than \$50,000 or, if married, are not more than \$75,000 per couple, as annually indexed for inflation, may apply for assistance of up to \$10,000 per year in paying for prescription drugs. Prescription drugs for which a program participant may receive coverage are those prescription drugs that are covered under the medical assistance program. Participants in the prescription drug assistance program must pay 25% of the cost of the prescription drug, at the rate under which pharmacists are reimbursed under the medical assistance program, plus copayments of \$5 for each generic prescription drug and \$10 for each brand-name drug. Under the program, DHFS is the payer of last resort for coverage for prescription drugs and must reimburse pharmacist providers at the rate under which pharmacists are reimbursed under the medical assistance program. DHFS must also maintain or contract for the maintenance of a toll-free telephone number to provide application information about the prescription drug assistance program. In order for drugs manufactured by a manufacturer doing business in this state to be included in the program, the manufacturer must enter with DHFS into a rebate agreement that is modeled on rebate agreements under federal medicaid law. The rebate agreement must provide that the manufacturer make payments to DHFS each calendar quarter or as scheduled by DHFS and that the rebate payment amounts be determined by the method specified in federal medicaid law. The bill appropriates \$1,000,000 in general purpose revenues in fiscal year 1999-2000 to the general program supplementation appropriation account of the joint committee on finance (JCF) and requires DHFS to submit to JCF a plan for expenditure of these funds for administration of the prescription drug assistance program. If the cochairpersons of JCF do not notify the secretary of health and family services of the committee's intent to schedule a meeting to review the plan, JCF must supplement the DHFS general program operations appropriation account as provided in the DHFS plan. If the cochairpersons of JCF notify the secretary of health and family services that JCF intends to schedule a meeting to review the plan, the DHFS appropriation account may be supplemented only as approved by JCF.

SENATE BILL 357**BADGER CARE HEALTH CARE PROGRAM**

Under current law, DHFS administers the badger care health care program. This program provides health care coverage to certain low-income families and certain low-income children who do not reside at home. Low-income is generally defined as having an income at or below 185% of the federal poverty line.

This bill increases funding for the badger care health care program for the 1999–2001 fiscal biennium.

GRANTS TO FOOD PANTRIES

This bill requires DHFS to award annual grants to food pantries that meet certain conditions. Twenty-five percent of the total amount appropriated for the grants is to be distributed to qualified rural food pantries in proportion to the number of persons served by each of those food pantries. The remainder is to be distributed among qualified food pantries statewide, also in proportion to the number of persons served by each food pantry. No grant, however, may exceed \$15,000. Each food pantry may use the grant to purchase, store and distribute food to needy households, to purchase equipment, for various hunger prevention programs and for the general operations of the food pantry. The bill also directs DHFS to convene an advisory committee composed of representatives of various hunger prevention organizations and fields prior to promulgating any rules needed to implement the grant program.

INSURANCE

This bill requires every health insurance policy (called “disability insurance policy” in the statutes), including managed care plans, health care plans offered by the state, and every self-insured health plan of the state or a county, city, town, village or school district, to provide coverage of appropriate and necessary immunizations, specified in the bill, from birth to age six, for a dependent child of the insured if the policy or plan covers a dependent of the insured. (Under current law, health insurance policies are required to cover a newly born child of the insured, even if the policy did not provide coverage for dependents at the time of the birth.) Generally, coverage of the specified immunizations may not be subject to any deductibles, coinsurance or copayments under the policy or plan. Specifically excluded from this coverage requirement are health insurance policies that cover only hospital and surgical charges or only certain specified diseases, health care plans offered by limited service health organizations or by preferred provider plans that are not managed care plans, medicare replacement or supplement policies and long-term care insurance policies.

NATURAL RESOURCES

Current law grants the state the authority to bond for various conservation purposes under the Warren Knowles–Gaylord Nelson stewardship 2000 program (stewardship program). The bill establishes the overall bonding authority of the stewardship program at \$460,000,000 and limits the annual bonding authority to \$46,000,000. The stewardship program begins on July 1, 2000, and is administered by the department of natural resources (DNR). The stewardship program consists

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of four subprograms: one for land acquisition, one for property development and local assistance, one for bluff protection and one for the Baraboo Hills. Under the stewardship program, there are specific maximum and minimum amounts that are imposed, with limited exceptions, on the amount that may be bonded in each fiscal year under each subprogram. Purposes for which bonding under the land acquisition subprogram may be used include land acquisition for habitat and natural areas and land acquisition that preserves or enhances the state's water resources. Bonding under the property development and local acquisition programs may be used for nature-based outdoor recreation, as defined in rules promulgated by DNR.

This bill changes these bonding amounts. It raises the overall bonding authority to \$600,000,000 and the annual bonding authority to \$60,000,000 for each fiscal year. It also increases the amounts that may or must be bonded in each fiscal year under the land acquisition subprogram and the property development and local assistance subprogram.

PAYMENTS TO LOCAL GOVERNMENTS**SHARED REVENUE AND PROPERTY TAX CREDITS**

Under current law, the state administers a shared revenue program that distributes state tax revenues to counties and municipalities for the counties and municipalities to use at their discretion. Under this bill, the amounts of the shared revenue payments to counties and municipalities are annually adjusted to reflect changes in the consumer price index.

Under current law, the state makes payments to municipalities for services that the municipalities provide to certain state facilities that are located in the municipality and that are exempt from local property taxes. Under the bill, these payments are annually adjusted to reflect changes in the consumer price index.

COURTS

Under current law, the director of state courts administers a program that provides payments to counties to support the operation of circuit courts. Under the bill, the amounts of those payments are annually adjusted to reflect changes in the consumer price index.

RECYCLING

Under current law, DNR administers a program that provides grants to local governmental units that are responsible for solid waste management (responsible units) to pay a portion of the costs of operating recycling programs. This bill changes the amount of funding for the responsible unit recycling grant program each year to reflect changes in the consumer price index.

HEALTH AND HUMAN SERVICES

Under current law, DHFS distributes general purpose revenues and federal revenues, as community aids, to counties to provide social, mental health, developmental disabilities and alcohol and other drug abuse services. This bill changes the amount of general purpose revenues that are appropriated for community aids in each fiscal year to reflect changes in the consumer price index and any loss of federal revenues for community aids since the previous fiscal year.

SENATE BILL 357**JUVENILE CORRECTIONAL SYSTEM**

Under current law, DOC distributes general purpose revenues and federal revenues, as community, youth and family aids (commonly referred to as “youth aids”), to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. This bill changes the amount of general purpose revenues that are appropriated for youth aids in each fiscal year to reflect changes in the consumer price index and any loss of federal revenues for youth aids since the previous fiscal year.

STATE GOVERNMENT**OFFICE OF PUBLIC INTERVENOR**

This bill recreates an office of public intervenor attached to DOJ, with the same duties and authority that existed prior to 1995 Wisconsin Act 27 (the 1995–97 biennial budget act). That act transferred the office of public intervenor from DOJ to DNR, eliminated the public intervenor’s authority to formally commence or intervene in lawsuits, and substituted an eight-member board (consisting of four members nominated by the governor and approved by the senate and four members each appointed by the majority and minority leaders of the senate and assembly) for the seven-member to nine-member advisory committee (consisting of members appointed by the attorney general). The office of public intervenor and its board were eliminated by 1997 Wisconsin Act 27 (the 1997–99 biennial budget act).

The bill requires the attorney general to appoint an assistant attorney general to serve as the public intervenor. The bill authorizes the public intervenor to do all of the following:

1. Formally commence or intervene in proceedings before any court whenever such intervention is necessary to protect the public rights in water and other natural resources of this state, and requires the public intervenor to intervene in such matters when requested to do so by a division administrator in DNR.

2. Act as an interested party in actions in which he or she intervenes, with full power to present evidence, subpoena witnesses, cross-examine witnesses, file briefs and do any other acts appropriate for a party to the proceedings.

3. Appeal administrative rulings to the courts.

The bill requires DNR personnel to notify the public intervenor of all administrative proceedings under the environmental protection chapters and to make such investigations, studies and reports to assist the public intervenor either before or during such formal intervention.

The bill also requires the attorney general to appoint a public intervenor advisory council consisting of seven to nine members who have a background in or demonstrated experience or records relating to environmental protection or natural resource conservation. In addition, at least one member must have working knowledge of business and at least one member must have knowledge of agriculture. The advisory committee must hold open, publicized meetings and must advise the public intervenor consistent with his or her duties.

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The bill requires DNR to transfer to DOJ all assets, liabilities and tangible personal property, including records, of the public intervenor that were transferred from DOJ to DNR by 1995 Wisconsin Act 27.

The bill authorizes two attorney positions in DOJ and appropriates \$241,400 to DOJ for fiscal year 2000-01 for the purposes of the public intervenor.

CONSUMER PROTECTION

Under current law, the department of agriculture, trade and consumer protection (DATCP) administers and enforces certain consumer protection and trade practice laws. In administering and enforcing these laws, DATCP either has exclusive authority or joint authority, with DOJ having a secondary role. These laws include laws relating to fraudulent drug advertising, methods of competition and trade practices, motor vehicle rustproofing warranties, telecommunications services, sale of cleaning agents and water conditioners containing phosphorus, sale of products containing or made with ozone-depleting substances, ticket refunds, dating service contracts, fitness center and weight reduction center contracts, pawnbrokers and secondhand article and jewelry dealers, prize notices, mail-order sales, time-share ownerships, motor fuel dealerships, prepaid maintenance liens, self-service storage facilities, rental of private passenger vehicles, future service plans, and cable television subscriber rights.

This bill transfers either all of or part of the administrative and enforcement authority for these laws that DATCP has under current law to DOJ. For those laws for which DATCP and DOJ have joint authority under the bill, DATCP has a secondary role in their enforcement and administration.

BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Under current law, there are nine members on the board of agriculture, trade and consumer protection, seven of whom have backgrounds in agriculture and two of whom are consumer representatives. This bill eliminates the two consumer representative members.

STATE FINANCE

Under current law, all money received by the state from receipts on national forest lands must be distributed to school districts in accordance with the number of acres of national forest land located within the school district boundaries. This requirement was imposed by 1999 Wisconsin Act 9 (the biennial budget bill). Before the enactment of 1999 Wisconsin Act 9, all money received by the state from receipts on national forest lands was required to be distributed to towns in accordance with the number of acres of national forest land located within the town boundaries. Any town that received any of these moneys was required to expend at least 50% of the moneys on public roads in the town. This bill restores the law to the way it was before the enactment of 1999 Wisconsin Act 9.

TAXATION**INCOME TAXATION**

Under current law, an individual may not receive the individual income tax school property tax rent credit for taxable years beginning after December 31, 1998.

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This bill allows an individual to claim and receive the credit for property taxes paid, or rent constituting property taxes paid, on the individual's principal dwelling during the taxable year to which the claim relates. The credit may be claimed for taxable years beginning after December 31, 1999.

Under the bill, the credit that may be claimed by an individual is 10% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 10% of the first \$1,000 of property taxes accrued or rent constituting property taxes for a married person filing separately. The credit is nonrefundable, meaning that it may be claimed only up to the amount of a claimant's tax liability.

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.** 6.18 of the statutes is amended to read:

2 **6.18 Former residents.** If ineligible to qualify as an elector in the state to

3 which the elector has moved, any former qualified Wisconsin elector may vote an

4 absentee ballot in the ward of the elector's prior residence in any presidential election

5 occurring within 24 months after leaving Wisconsin by requesting an application

6 form and returning it, properly executed, to the municipal clerk of the elector's prior

7 Wisconsin residence. When requesting an application form for an absentee ballot,

8 the applicant shall specify the applicant's eligibility for only the presidential ballot.

9 The application form shall require the following information and be in substantially

10 the following form:

11 This blank shall be returned to the municipal clerk's office. Application must

12 be received in sufficient time for ballots to be mailed and returned prior to any

13 presidential election at which applicant wishes to vote. Complete all statements in

14 full.

15

APPLICATION FOR PRESIDENTIAL

SENATE BILL 357

ELECTOR'S ABSENT BALLOT.

(To be voted at the Presidential Election

on November, (year)

I, hereby swear or affirm that I am a citizen of the United States, formerly residing at in the ward aldermanic district (city, town, village) of, County of for 10 days prior to leaving the State of Wisconsin. I, do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of(State you now reside in) where I am presently residing. A citizen must be a resident of: State(Insert time) County(Insert time) City, Town or Village(Insert time), in order to be eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of(the State where you now reside) on Month Day Year.

Signed

Address(Present address)

....(City)(State)

Subscribed and sworn to before me this day of (year)

....(Notary Public, or other officer authorized to administer oaths.)

....(County)

My Commission expires

MAIL BALLOT TO:

NAME

ADDRESS

CITY STATE ZIP CODE

Penalties for Violations. Whoever swears falsely to any absent elector affidavit under this section may be fined not more than \$1,000 or imprisoned for not more than

SENATE BILL 357**SECTION 1**

1 6 months, or both. Whoever intentionally votes more than once in an election may
2 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months
3 or both.

4(Municipal Clerk)

5(Municipality)

6 **SECTION 2.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
9 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
10 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
11 felony.

12 **SECTION 3.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
15 or 11.38 ~~where~~ is guilty of a Class I felony ~~if the intentional violation does not involve~~
16 ~~a specific figure, or where~~ if the intentional violation concerns a figure which exceeds
17 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
18 ~~more than 4 years and 6 months or both.~~

19 **SECTION 4.** 12.60 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),
22 (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not~~
23 ~~more than 4 years and 6 months or both~~ is guilty of a Class I felony.

24 **SECTION 5.** 13.05 of the statutes, as affected by 1997 Wisconsin Act 283, is
25 amended to read:

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1 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
2 offers or promises to give his or her vote or influence in favor of or against any
3 measure or proposition pending or proposed to be introduced, in the legislature in
4 consideration or upon condition that any other person elected to the same legislature
5 will give or will promise or agree to give his or her vote or influence in favor of or
6 against any other measure or proposition pending or proposed to be introduced in
7 such legislature, or who gives, offers or promises to give his or her vote or influence
8 for or against any measure on condition that any other member will give his or her
9 vote or influence in favor of any change in any other bill pending or proposed to be
10 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~
11 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~
12 is guilty of a Class I felony.

13 **SECTION 6.** 13.06 of the statutes, as affected by 1997 Wisconsin Act 283, is
14 amended to read:

15 **13.06 Executive favor.** Any member of the legislature who gives, offers or
16 promises to give his or her vote or influence in favor of or against any measure or
17 proposition pending or proposed to be introduced in the legislature, or that has
18 already been passed by either house of the legislature, in consideration of or on
19 condition that the governor approve, disapprove, veto or sign, or agree to approve,
20 disapprove, veto or sign, any other measure or proposition pending or proposed to be
21 introduced in the legislature or that has already been passed by the legislature, or
22 either house thereof, or in consideration or upon condition that the governor
23 nominate for appointment or appoint or remove any person to or from any office or
24 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~

SENATE BILL 357**SECTION 6**

1 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
2 of a Class I felony.

3 **SECTION 7.** 13.48 (31) of the statutes is created to read:

4 13.48 (31) DIGITAL TELEVISION CONVERSION FOR MILWAUKEE AREA TECHNICAL
5 COLLEGE. The building commission may authorize up to \$3,500,000 in general fund
6 supported borrowing to aid in the acquisition, construction, development,
7 enlargement or improvement of facilities and equipment related to the conversion
8 to digital television for the Milwaukee Area Technical College. The state funding
9 commitment under this subsection shall be in the form of a grant to the Milwaukee
10 Area Technical College. If the building commission authorizes a grant to the
11 Milwaukee Area Technical College under this subsection and if, for any reason, the
12 facility or equipment that is acquired, constructed, developed, enlarged or improved
13 with funds from the grant is not used for the purpose of public broadcasting, an
14 ownership interest in the facility or equipment equal to the amount of the state's
15 grant reverts to the state.

16 **SECTION 8.** 13.525 of the statutes is created to read:

17 **13.525 Joint review committee on criminal penalties. (1) CREATION.**
18 There is created a joint review committee on criminal penalties composed of the
19 following members:

20 (a) One majority party member and one minority party member from each
21 house of the legislature, appointed as are the members of standing committees in
22 their respective houses.

23 (b) The attorney general or his or her designee.

24 (c) The secretary of corrections or his or her designee.

25 (d) The state public defender or his or her designee.

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1 (e) A reserve judge who resides in the 1st, 2nd, 3rd, 4th or 5th judicial
2 administrative district and a reserve judge who resides in the 6th, 7th, 8th, 9th or
3 10th judicial administrative district, appointed by the supreme court.

4 (f) Two members of the public appointed by the governor, one of whom shall
5 have law enforcement experience in this state and one of whom shall be an elected
6 county official.

7 **(2) OFFICERS.** The majority party senator and the majority party representative
8 to the assembly shall be cochairpersons of the committee. The committee shall elect
9 a secretary from among its nonlegislator members.

10 **(3) JUDICIAL AND GUBERNATORIAL APPOINTEES.** Members appointed under sub. (1)
11 (e) or (f) shall serve at the pleasure of the authority appointing them.

12 **(4) ELIGIBILITY.** A member shall cease to be a member upon losing the status
13 upon which the appointment is based. Membership on the committee shall not be
14 incompatible with any other public office.

15 **(5) REVIEW OF LEGISLATION RELATING TO CRIMES.** (a) If any bill that is introduced
16 in either house of the legislature proposes to create a new crime or revise a penalty
17 for an existing crime and the bill is referred to a standing committee of the house in
18 which it is introduced, the chairperson may request the joint review committee to
19 prepare a report on the bill under par. (b). If the bill is not referred to a standing
20 committee, the speaker of the assembly, if the bill is introduced in the assembly, or
21 the presiding officer of the senate, if the bill is introduced in the senate, may request
22 the joint review committee to prepare a report on the bill under par. (b).

23 (b) If the joint review committee receives a request under par. (a) for a report
24 on a bill that proposes to create a new crime or revise a penalty for an existing crime,
25 the committee shall prepare a report concerning all of the following:

SENATE BILL 357**SECTION 8**

1 1. The costs that are likely to be incurred or saved by the department of
2 corrections, the department of justice, the state public defender, the courts, district
3 attorneys and other state and local government agencies if the bill is enacted.

4 2. The consistency of penalties proposed in the bill with existing criminal
5 penalties.

6 3. Alternative language needed, if any, to conform penalties proposed in the bill
7 to penalties in existing criminal statutes.

8 4. Whether acts prohibited under the bill are prohibited under existing
9 criminal statutes.

10 (c) The chief clerk shall print a report prepared by the committee under par.
11 (b) as an appendix to the bill and attach it thereto as are amendments. The
12 reproduction shall be in lieu of inclusion in the daily journal of the house in which
13 the proposal is introduced.

14 (d) If a bill that is introduced in either house of the legislature proposes to create
15 a new crime or revise a penalty for an existing crime, a standing committee to which
16 the bill is referred may not vote on whether to recommend the bill for passage and
17 the bill may not be passed by the house in which it is introduced before the joint
18 review committee submits a report under par. (b) or before the 30th day after a report
19 is requested under par. (a), whichever is earlier.

20 **(6) COMMITTEE POWERS AND PROCEDURES.** The committee may hold hearings as
21 needed to elicit information for making a report. The committee shall meet at the
22 call of its cochairpersons. All actions of the committee require the approval of a
23 majority of all of its members.

24 **SECTION 9.** 13.69 (6m) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

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1 13.69 **(6m)** Any principal, lobbyist or other individual acting on behalf of a
2 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
3 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~
4 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
5 felony.

6 **SECTION 10.** 15.01 (2) of the statutes is amended to read:

7 15.01 **(2)** “Commission” means a 3-member governing body in charge of a
8 department or independent agency or of a division or other subunit within a
9 department, except for the Wisconsin waterways commission which shall consist of
10 5 members, the parole commission which shall consist of 6 members and the Fox
11 river management commission which shall consist of 7 members. A Wisconsin group
12 created for participation in a continuing interstate body, or the interstate body itself,
13 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
14 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
15 but is not a commission for purposes of s. 15.06. The sentencing commission created
16 under s. 15.105 (26) shall be known as a “commission” but is not a commission for
17 purposes of s. 15.06 (1) to (4m), (7) and (9).

18 **SECTION 11.** 15.105 (26) of the statutes is created to read:

19 15.105 **(26)** SENTENCING COMMISSION. (a) *Creation; membership.* There is
20 created a sentencing commission which is attached to the department of
21 administration under s. 15.03 and which shall consist of the following members:

- 22 1. The attorney general or his or her designee.
- 23 2. The state public defender or his or her designee.
- 24 3. Six members, at least 2 of whom are not employed by any unit of federal, state
25 or local government, appointed by the governor.

SENATE BILL 357**SECTION 11**

1 4. One majority party member and one minority party member from each house
2 of the legislature, appointed as are the members of standing committees in their
3 respective houses.

4 5. Two circuit judges, appointed by the supreme court.

5 6. One representative of crime victims and one district attorney, each appointed
6 by the attorney general.

7 7. One attorney in private practice engaged primarily in the practice of criminal
8 defense, appointed by the criminal law section of the State Bar of Wisconsin.

9 (b) *Nonvoting members.* The secretary of corrections or his or her designee, the
10 chairperson of the parole commission or his or her designee and the director of state
11 courts or his or her designee shall be nonvoting members of the commission.

12 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
13 3. and 5. to 7. shall serve 3-year terms and are eligible for reappointment.

14 2. The term of a circuit judge appointed under par. (a) 5. shall end when such
15 person ceases to be a circuit judge. The term of a district attorney appointed under
16 par. (a) 6. shall end when such person ceases to be a district attorney.

17 (d) *Officers.* The governor shall designate annually one of the members of the
18 commission as chairperson. The commission may elect officers other than a
19 chairperson from among its members as its work requires.

20 (e) *Reimbursement and compensation.* Members of the commission shall be
21 reimbursed for their actual and necessary expenses incurred in the performance of
22 their duties. An officer or employe of the state shall be reimbursed by the agency that
23 pays the member's salary. Members who are full-time state officers or employes
24 shall receive no compensation for their services. Other members shall be paid \$25

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1 per day, in addition to their actual and necessary expenses, for each day on which
2 they are actually and necessarily engaged in the performance of their duties.

3 (f) *Sunset*. This subsection does not apply after December 31, 2004.

4 **SECTION 12.** 15.13 of the statutes is amended to read:

5 **15.13 Department of agriculture, trade and consumer protection;**
6 **creation.** There is created a department of agriculture, trade and consumer
7 protection under the direction and supervision of the board of agriculture, trade and
8 consumer protection. The board shall consist of 7 members with ~~an agricultural~~
9 ~~background and 2 members who are consumer representatives~~ backgrounds in
10 agriculture, appointed for staggered 6-year terms. Appointments to the board shall
11 be made without regard to party affiliation, residence or interest in any special
12 organized group.

13 **SECTION 13.** 16.54 (11m) of the statutes, as created by 1999 Wisconsin Act 9,
14 is repealed.

15 **SECTION 14.** 18.13 (4g) of the statutes is created to read:

16 18.13 (4g) PUBLIC INTERVENOR. Notwithstanding s. 165.075, the public
17 intervenor does not have authority to initiate any action or proceeding concerning
18 the issuance of obligations by the building commission under this chapter.

19 **SECTION 15.** 19.42 (10) (o) of the statutes is created to read:

20 19.42 (10) (o) A member, the executive director or the deputy director of the
21 sentencing commission.

22 **SECTION 16.** 19.42 (13) (n) of the statutes is created to read:

23 19.42 (13) (n) The position of member, executive director or deputy director of
24 the sentencing commission.

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1 **SECTION 20.** 20.370 (5) (bx) of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 20.370 (5) (bx) *Resource aids — national forest income aids.* All moneys
4 received from the U.S. government for allotments to school districts counties
5 containing national forest lands, and designated for the benefit of public roads in
6 such counties, shall be distributed in proportion to the national forest acreage in each
7 school district county as certified by the U.S. forest service. Such distribution shall
8 be made annually within 60 days after receipt of the money from the federal
9 government.

10 **SECTION 21.** 20.370 (6) (bu) of the statutes, as created by 1999 Wisconsin Act
11 9, is amended to read:

12 20.370 (6) (bu) *Financial assistance for responsible units.* From the recycling
13 fund, ~~the amounts in the schedule~~ a sum sufficient equal to \$24,500,000 in fiscal year
14 1999-2000, and in fiscal year 2000-01 and each subsequent fiscal year a sum
15 sufficient equal to the amount available under this paragraph in the previous fiscal
16 year adjusted by a percentage that is equal to the percentage change between the
17 U.S. consumer price index for all urban consumers, U.S. city average, for the
18 12-month period ending on June 30 of the previous fiscal year and the U.S. consumer
19 price index for all urban consumers, U.S. city average, for the 12-month period
20 ending on June 30 of the fiscal year before the previous fiscal year, as determined by
21 the federal department of labor, rounded to the nearest multiple of \$100, for grants
22 to responsible units under s. 287.23.

23 **SECTION 22.** 20.410 (3) (ce) of the statutes is created to read:

24 20.410 (3) (ce) *Community youth and family aids; consumer price index*
25 *adjustment.* A sum sufficient in each fiscal year equal to 50% of the amounts

SENATE BILL 357**SECTION 22**

1 allocated under s. 301.26 (7) (k) for the 2 calendar years relating to that fiscal year
2 for the improvement and provision of juvenile delinquency–related services under
3 s. 301.26 and for reimbursement to counties having a population of less than 500,000
4 for the cost of court attached intake services as provided in s. 938.06 (4).
5 Disbursements may be made from this appropriation account under s. 301.085.
6 Refunds received relating to payments made under s. 301.085 shall be credited to the
7 appropriation account under par. (cd).

8 **SECTION 23.** 20.410 (3) (cf) of the statutes is created to read:

9 20.410 (3) (cf) *Community youth and family aids; federal funding loss*
10 *adjustment.* A sum sufficient in each fiscal year equal to the difference between
11 \$2,449,200 and the sum of the moneys received from the federal government in the
12 current fiscal year and transferred to the appropriation account under par. (ko), if
13 that sum is less than \$2,449,200, rounded to the nearest \$100, for the improvement
14 and provision of juvenile delinquency–related services under s. 301.26 and for
15 reimbursement to counties having a population of less than 500,000 for the cost of
16 court attached intake services as provided in s. 938.06 (4). Disbursements may be
17 made from this appropriation account under s. 301.085. Refunds received relating
18 to payments made under s. 301.085 shall be credited to the appropriation account
19 under par. (cd).

20 **SECTION 24.** 20.435 (3) (fp) of the statutes is created to read:

21 20.435 (3) (fp) *Food pantry grants.* The amounts in the schedule for grants
22 awarded under s. 46.766.

23 **SECTION 25.** 20.435 (4) (bv) of the statutes is created to read:

24 20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* A sum sufficient
25 for the program for prescription drug assistance for elderly persons under s. 49.688.

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1 **SECTION 26.** 20.435 (4) (j) of the statutes is created to read:

2 20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*

3 All moneys received from rebate payments by manufacturers under s. 49.688 (5), to
4 be used for prescription drug assistance for elderly persons under s. 49.688.

5 **SECTION 27.** 20.435 (7) (ba) of the statutes is created to read:

6 20.435 (7) (ba) *Community aids; consumer price index adjustment.* A sum
7 sufficient in each fiscal year equal to 50% of the amounts allocated under s. 46.40 (2g)
8 for the 2 calendar years relating to that fiscal year for human services under s. 46.40,
9 for services provided by resource centers under s. 46.283 (5), for services under the
10 family care benefit under s. 46.284 (5), for reimbursement to counties having a
11 population of less than 500,000 for the cost of court attached intake services under
12 s. 48.06 (4), for shelter care under ss. 48.58 and 938.22 and for foster care and
13 treatment foster care under s. 49.19 (10). Social services disbursements under s.
14 46.03 (20) (b) may be made from this appropriation. Refunds received relating to
15 payments made under s. 46.03 (20) (b) for the provision of services for which moneys
16 are appropriated under this paragraph shall be credited to the appropriation under
17 par. (b).

18 **SECTION 28.** 20.435 (7) (bb) of the statutes is created to read:

19 20.435 (7) (bb) *Community aids; federal funding loss adjustment.* A sum
20 sufficient in each fiscal year equal to the difference between \$105,351,400 and the
21 sum of the moneys received from the federal government in the current fiscal year
22 and transferred or credited to the appropriation accounts under pars. (kw) and (o)
23 and sub. (3) (o), if that sum is less than \$105,351,400, rounded to the nearest \$100,
24 for human services under s. 46.40, for services provided by resource centers under
25 s. 46.283 (5), for services under the family care benefit under s. 46.284 (5), for

SENATE BILL 357**SECTION 28**

1 reimbursement to counties having a population of less than 500,000 for the cost of
2 court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and
3 938.22 and for foster care and treatment foster care under s. 49.19 (10). Social
4 services disbursements under s. 46.03 (20) (b) may be made from this appropriation.
5 Refunds received relating to payments made under s. 46.03 (20) (b) for the provision
6 of services for which moneys are appropriated under this paragraph shall be credited
7 to the appropriation under par. (b).

8 **SECTION 29.** 20.455 (1) (hm) of the statutes is amended to read:

9 20.455 (1) (hm) *Restitution.* All moneys received by the department to provide
10 restitution to victims when ordered by the court as the result of prosecutions under
11 s. 49.49 and chs. 100, 133, 134, 281 to 285 and 289 to 299 and under a federal
12 antitrust law for the purpose of providing restitution to victims of the violation when
13 ordered by the court.

14 **SECTION 30.** 20.455 (2) (r) of the statutes is amended to read:

15 20.455 (2) (r) *Gaming law enforcement; lottery revenues.* From the lottery fund,
16 the amounts in the schedule for the performance of the department's gaming law
17 enforcement responsibilities as specified in s. 165.70 (3m). No moneys may be
18 encumbered or expended from this appropriation account during the 1999-2001
19 fiscal biennium.

20 **SECTION 31.** 20.505 (4) (dr) of the statutes is created to read:

21 20.505 (4) (dr) *Sentencing commission.* The amounts in the schedule for the
22 general program operations of the sentencing commission. No money may be
23 encumbered from the appropriation under this paragraph after December 31, 2004.

24 **SECTION 32.** 20.505 (4) (mr) of the statutes is created to read:

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1 20.505 (4) (mr) *Sentencing commission; federal aid.* All moneys received as
2 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for
3 which the aid is provided. No money may be encumbered from the appropriation
4 under this paragraph after December 31, 2004.

5 **SECTION 33.** 20.566 (2) (r) of the statutes, as affected by 1999 Wisconsin Act 5,
6 is amended to read:

7 20.566 (2) (r) *Lottery and gaming credit administration.* From the lottery fund,
8 the amounts in the schedule for the administration of the lottery and gaming credit.
9 No moneys may be encumbered or expended from this appropriation account during
10 the 1999-2001 fiscal year biennium.

11 **SECTION 34.** 20.566 (8) (b) of the statutes, as affected by 1999 Wisconsin Act 9,
12 is amended to read:

13 20.566 (8) (b) *Retailer compensation.* A sum sufficient to pay compensation to
14 retailers under s. 565.10 (14) (b). No moneys may be encumbered or expended from
15 this appropriation account after the day of publication of the 2000 2001-03 biennial
16 budget act.

17 **SECTION 35.** 20.566 (8) (c) of the statutes, as affected by 1999 Wisconsin Act 9,
18 is amended to read:

19 20.566 (8) (c) *Vendor fees.* A sum sufficient to pay vendors for on-line and
20 instant ticket services and supplies provided by the vendors under contract under
21 s. 565.25 (2) (a). No moneys may be encumbered or expended from this appropriation
22 account after the day of publication of the 2000 2001-03 biennial budget act.

23 **SECTION 36.** 20.566 (8) (q) of the statutes, as affected by 1999 Wisconsin Act 5,
24 is amended to read:

SENATE BILL 357**SECTION 36**

1 20.566 (8) (q) *General program operations*. From the lottery fund, the amounts
2 in the schedule for general program operations under ch. 565. No moneys may be
3 encumbered or expended from this appropriation account during the 1999-2001
4 fiscal biennium.

5 **SECTION 37.** 20.566 (8) (r) of the statutes, as affected by 1999 Wisconsin Act 9,
6 is amended to read:

7 20.566 (8) (r) *Retailer compensation*. From the lottery fund, a sum sufficient
8 to pay compensation to retailers under s. 565.10 (14) (b). No moneys may be
9 encumbered or expended from this appropriation account during ~~1999-00~~ the
10 1999-2001 fiscal biennium.

11 **SECTION 38.** 20.566 (8) (v) of the statutes, as affected by 1999 Wisconsin Act 9,
12 is amended to read:

13 20.566 (8) (v) *Vendor fees*. From the lottery fund, a sum sufficient to pay
14 vendors for on-line and instant ticket services and supplies provided by the vendors
15 under contract under s. 565.25 (2) (a). No moneys may be encumbered or expended
16 from this appropriation account during ~~1999-00~~ the 1999-2001 fiscal biennium.

17 **SECTION 39.** 20.625 (1) (d) of the statutes is amended to read:

18 20.625 (1) (d) *Circuit court support payments*. Biennially, the amounts in the
19 schedule A sum sufficient to make ~~a payment~~ payments to each county under s.
20 758.19 (5).

21 **SECTION 40.** 20.835 (2) (dn) of the statutes, as affected by 1999 Wisconsin Act
22 9, is amended to read:

23 20.835 (2) (dn) *Farmland tax relief credit*. A sum sufficient to pay the aggregate
24 claims approved under ss. 71.07 (3m) (c), 71.28 (2m) (c) and 71.47 (2m) (c), to the
25 extent that these claims are not paid under par. (ka). No moneys may be encumbered

SENATE BILL 357

1 or expended from this appropriation after the 2000 day of publication of the 2001-03
2 biennial budget.

3 **SECTION 41.** 20.835 (2) (q) of the statutes, as affected by 1999 Wisconsin Act 9,
4 is amended to read:

5 20.835 (2) (q) *Farmland tax relief credit.* From the lottery fund, a sum
6 sufficient to pay the aggregate claims approved under ss. 71.07 (3m) (c), 71.28 (2m)
7 (c) and 71.47 (2m) (c), to the extent that these claims are not paid under par. (ka).
8 No moneys may be encumbered or expended from this appropriation account during
9 1999-00 the 1999-2001 fiscal biennium.

10 **SECTION 42.** 20.835 (5) (a) of the statutes is amended to read:

11 20.835 (5) (a) *Payments for municipal services.* ~~The amounts in the schedule~~
12 A sum sufficient equal to \$18,065,300 in fiscal year 1999-2000, \$21,565,300 in fiscal
13 year 2000-01, and in fiscal year 2001-02 and each subsequent fiscal year a sum
14 sufficient equal to the amount available under this paragraph in the previous fiscal
15 year, adjusted by a percentage that is equal to the percentage change between the
16 U.S. consumer price index for all urban consumers, U. S. city average, for the
17 12-month period ending on June 30 of the previous year and the U.S. consumer price
18 index for all urban consumers, U.S. city average, for the 12-month period ending on
19 June 30 of the year before the previous fiscal year, as determined by the federal
20 department of labor, rounded to the nearest multiple of \$100, to make payments for
21 municipal services provided by municipalities to state facilities, as determined
22 under s. 70.119 (7).

23 **SECTION 43.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act
24 9, section 628, is amended to read:

SENATE BILL 357**SECTION 43**

1 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
2 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
3 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250
4 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih)
5 and, (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac),
6 (ag), (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395
7 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e),
8 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),
9 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), bm, (bp), (br), (g), (h), (i) and
10 (q) for the payment of principal and interest – on public debt contracted under subchs.
11 I and IV of ch. 18.

12 **SECTION 44.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act
13 (this act), is repealed and recreated to read:

14 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
15 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
16 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250
17 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),
18 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
19 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (aq) and
20 (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d),
21 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc), 20.855 (8) (a)
22 and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br), (g), (h), (i) and (q) for the
23 payment of principal and interest on public debt contracted under subchs. I and IV
24 of ch. 18.

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1 **SECTION 45.** 20.866 (2) (s) of the statutes, as affected by 1999 Wisconsin Act 9,
2 is amended to read:

3 20.866 (2) (s) *University of Wisconsin; academic facilities.* From the capital
4 improvement fund, a sum sufficient for the board of regents of the University of
5 Wisconsin System to acquire, construct, develop, enlarge or improve university
6 academic educational facilities and facilities to support such facilities. The state may
7 contract public debt in an amount not to exceed ~~\$856,708,700~~ \$858,408,700 for this
8 purpose.

9 **SECTION 46.** 20.866 (2) (ta) of the statutes, as created by 1999 Wisconsin Act
10 9, is amended to read:

11 20.866 (2) (ta) *Natural resources; Warren Knowles-Gaylord Nelson*
12 *stewardship 2000 program.* From the capital improvement fund a sum sufficient for
13 the Warren Knowles-Gaylord Nelson stewardship 2000 program under s. 23.0917.
14 The state may contract public debt in an amount not to exceed ~~\$460,000,000~~
15 \$600,000,000 for this program. Except as provided in s. 23.0917 (4g) (b), (4m) (k), (5)
16 and (5m), the amounts obligated, as defined in s. 23.0917 (1) (e), under this
17 paragraph may not exceed ~~\$46,000,000~~ \$60,000,000 in each fiscal year.

18 **SECTION 47.** 20.866 (2) (zbL) of the statutes is created to read:

19 20.866 (2) (zbL) *Milwaukee Area Technical College; digital television*
20 *conversion.* From the capital improvement fund, a sum sufficient for the building
21 commission to provide grants to the Milwaukee Area Technical College to aid in the
22 acquisition, construction, development, enlargement or improvement of facilities
23 and equipment related to the conversion to digital television. The state may contract
24 public debt in an amount not to exceed \$3,500,000 for this purpose.

SENATE BILL 357**SECTION 48**

1 **SECTION 48.** 20.866 (2) (zd) of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 20.866 (2) (zd) *Educational communications board; educational*
4 *communications facilities.* From the capital improvement fund, a sum sufficient for
5 the educational communications board to acquire, construct, develop, enlarge or
6 improve educational communications facilities. The state may contract public debt
7 in an amount not to exceed ~~\$8,658,100~~ \$21,878,900 for this purpose.

8 **SECTION 49.** 20.867 (3) (bm) of the statutes is created to read:

9 20.867 (3) (bm) *Principal repayment, interest and rebates.* A sum sufficient to
10 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
11 in financing the acquisition, construction, development, enlargement or
12 improvement of facilities and equipment related to the conversion to digital
13 television at Milwaukee Area Technical College, and to make the payments
14 determined by the building commission under s. 13.488 (1) (m) that are attributable
15 to the proceeds of obligations incurred in financing the acquisition, construction,
16 development, enlargement or improvement of facilities and equipment related to the
17 conversion to digital television at Milwaukee Area Technical College.

18 **SECTION 50.** 20.923 (4) (b) 7. of the statutes is created to read:

19 20.923 (4) (b) 7. Sentencing commission: executive director.

20 **SECTION 51.** 20.923 (6) (hr) of the statutes is created to read:

21 20.923 (6) (hr) Sentencing commission: deputy director.

22 **SECTION 52.** 23.0917 (3) (dm) 1. of the statutes, as created by 1999 Wisconsin
23 Act 9, is amended to read:

24 23.0917 (3) (dm) 1. For fiscal year 2000-01, ~~\$28,500,000~~ \$40,000,000.

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1 **SECTION 53.** 23.0917 (3) (dm) 2. of the statutes, as created by 1999 Wisconsin
2 Act 9, is amended to read:

3 23.0917 (3) (dm) 2. For each fiscal year beginning with 2001-02 and ending
4 with fiscal year 2009-10, ~~\$34,500,000~~ \$46,000,000.

5 **SECTION 54.** 23.0917 (4) (d) 1. of the statutes, as created by 1999 Wisconsin Act
6 9, is amended to read:

7 23.0917 (4) (d) 1. The department may obligate not more than ~~\$11,500,000~~
8 \$14,000,000 in each fiscal year under the subprogram except as provided in sub. (5).

9 **SECTION 55.** 23.0917 (4) (d) 2. of the statutes, as created by 1999 Wisconsin Act
10 9, is amended to read:

11 23.0917 (4) (d) 2. The department may obligate not more than ~~\$8,000,000~~
12 \$9,000,000 in each fiscal year for local assistance.

13 **SECTION 56.** 23.0917 (4) (d) 3. of the statutes, as created by 1999 Wisconsin Act
14 9, is amended to read:

15 23.0917 (4) (d) 3. The department shall obligate at least ~~\$3,500,000~~ \$5,000,000
16 in each fiscal year for property development.

17 **SECTION 57.** 23.33 (13) (cg) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 23.33 (13) (cg) *Penalties related to causing death or injury; interference with*
20 *signs and standards.* A person who violates sub. (8) (f) 1. shall be fined not more than
21 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
22 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
23 person.

24 **SECTION 58.** 26.14 (8) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

SENATE BILL 357**SECTION 58**

1 26.14 (8) Any person who intentionally sets fire to the land of another or to a
2 marsh shall be fined not more than \$10,000 or imprisoned for not more than 7 years
3 and 6 months or both is guilty of a Class H felony.

4 **SECTION 59.** 29.971 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 29.971 (1) (c) For A person having fish in his or her possession in violation of
7 this chapter and is guilty of a Class I felony if the value of the fish under par. (d)
8 exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than
9 3 years or both.

10 **SECTION 60.** 29.971 (1m) (c) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 29.971 (1m) (c) For A person possessing clams in violation of s. 29.537, is guilty
13 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, by a fine
14 of not more than \$10,000 or imprisonment for not more than 3 years or both.

15 **SECTION 61.** 29.971 (11m) (a) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
18 possessing a bear without a valid Class A bear license, or for possessing a bear which
19 does not have a carcass tag attached or possessing a bear during the closed season,
20 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
21 more than 6 months or both for the first violation, or by a fine of not more than \$5,000
22 \$10,000 or imprisonment for not more than 2 years 9 months or both for any
23 subsequent violation, and, in addition, the court shall revoke all hunting approvals
24 issued to the person under this chapter and shall prohibit the issuance of any new
25 hunting approval under this chapter to the person for 3 years.

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1 **SECTION 62.** 29.971 (11p) (a) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 29.971 (**11p**) (a) For entering the den of a hibernating black bear and harming
4 the bear, by a fine of not more than \$10,000 or imprisonment for not more than 2
5 years 9 months or both.

6 **SECTION 63.** 30.80 (2g) (b) of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 30.80 (**2g**) (b) Shall be fined not ~~less than \$300 nor more than \$5,000~~ \$10,000
9 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
10 injury to a person but the person did not suffer great bodily harm.

11 **SECTION 64.** 30.80 (2g) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 30.80 (**2g**) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
14 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
15 person and the person suffered great bodily harm.

16 **SECTION 65.** 30.80 (2g) (d) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 30.80 (**2g**) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
19 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
20 death to a person.

21 **SECTION 66.** 30.80 (3m) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 30.80 (**3m**) Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~
24 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
25 a Class H felony.

SENATE BILL 357**SECTION 67**

1 **SECTION 67.** 36.25 (6) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 36.25 **(6)** (d) Any officer, agent, clerk or employe of the survey or department
4 of revenue who makes known to any person except the officers of the survey or
5 department of revenue, in any manner, any information given to such person in the
6 discharge of such person's duties under par. (c), which information was given to such
7 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
8 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
9 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
10 the use for assessment purposes of any information obtained under this subsection.

11 **SECTION 68.** 40.51 (8) of the statutes is amended to read:

12 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
13 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),
14 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to
15 ~~(13)~~ (14) and 632.896.

16 **SECTION 69.** 40.51 (8m) of the statutes is amended to read:

17 40.51 **(8m)** Every health care coverage plan offered by the group insurance
18 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,
19 632.748, 632.85, 632.853, 632.855 and 632.895 (11) to ~~(13)~~ (14).

20 **SECTION 70.** 46.034 (3) of the statutes is amended to read:

21 46.034 **(3)** With the agreement of the affected county board of supervisors in
22 a county with a single-county department or boards of supervisors in counties with
23 a multicounty department, effective for the contract period beginning January 1,
24 1980, the department may approve a county with a single-county department or
25 counties participating in a multicounty department to administer a single

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1 consolidated aid consisting of the state and federal financial aid available to that
2 county or those counties from appropriations under s. 20.435 (3) (o) and (7) (b), (ba),
3 (bb), (kw) and (o) for services provided and purchased by county departments under
4 ss. 46.215, 46.22, 46.23, 51.42 and 51.437. Under such an agreement, in the interest
5 of improved service coordination and effectiveness, the county board of supervisors
6 in a county with a single-county department or county boards of supervisors in
7 counties with a multicounty department may reallocate among county departments
8 under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 funds that otherwise would be
9 specified for use by a single county department. The budget under s. 46.031 (1) shall
10 be the vehicle for expressing the proposed use of the single consolidated fund by the
11 county board of supervisors in a county with a single-county department or county
12 boards of supervisors in counties with a multicounty department. Approval by the
13 department of this use of the fund shall be in the contract under s. 46.031 (2g).
14 Counties that were selected by the department to pilot test consolidated aids for
15 contract periods beginning January 1, 1978, may continue or terminate
16 consolidation with the agreement of the affected county board of supervisors in a
17 county with a single-county department or county boards of supervisors in counties
18 with a multicounty department.

19 **SECTION 71.** 46.215 (2) (c) 1. of the statutes, as affected by 1999 Wisconsin Act
20 9, is amended to read:

21 46.215 (2) (c) 1. A county department of social services shall develop, under the
22 requirements of s. 46.036, plans and contracts for care and services to be purchased,
23 except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department
24 of health and family services may review the contracts and approve them if they are
25 consistent with s. 46.036 and if state or federal funds are available for such purposes.

SENATE BILL 357**SECTION 71**

1 The joint committee on finance may require the department of health and family
2 services to submit the contracts to the committee for review and approval. The
3 department of health and family services may not make any payments to a county
4 for programs included in a contract under review by the committee. The department
5 of health and family services shall reimburse each county for the contracts from the
6 appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw) and (o), as
7 appropriate, under s. 46.495.

8 **SECTION 72.** 46.215 (2) (c) 3. of the statutes is amended to read:

9 46.215 (2) (c) 3. A county department of social services shall develop, under the
10 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
11 care and services to be purchased. The department of corrections may review the
12 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
13 federal funds are available for such purposes. The joint committee on finance may
14 require the department of corrections to submit the contracts to the committee for
15 review and approval. The department of corrections may not make any payments
16 to a county for programs included in a contract under review by the committee. The
17 department of corrections shall reimburse each county for the contracts from the
18 appropriations under s. 20.410 (3) (cd), (ce), (cf) and (ko) as appropriate.

19 **SECTION 73.** 46.22 (1) (am) of the statutes is amended to read:

20 46.22 (1) (am) *Funding for multicounties.* State social services funding under
21 s. 20.435 (7) (b), (ba) and (bb) is not available to counties which establish a
22 multicounty department of social services until the counties have drafted a
23 contractual agreement, approved by the secretary, setting forth the plans for direct
24 sponsorship and have drafted a budget under par. (b) 1. d.

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1 **SECTION 74.** 46.22 (1) (e) 3. a. of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 46.22 (1) (e) 3. a. A county department of social services shall develop, under
4 the requirements of s. 46.036, plans and contracts for care and services, except under
5 subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and
6 family services may review the contracts and approve them if they are consistent
7 with s. 46.036 and to the extent that state or federal funds are available for such
8 purposes. The joint committee on finance may require the department of health and
9 family services to submit the contracts to the committee for review and approval.
10 The department of health and family services may not make any payments to a
11 county for programs included in the contract that is under review by the committee.
12 The department of health and family services shall reimburse each county for the
13 contracts from the appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw)
14 and (o) according to s. 46.495.

15 **SECTION 75.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

16 46.22 (1) (e) 3. c. A county department of social services shall develop, under
17 the requirements of s. 301.08 (2), plans and contracts for juvenile
18 delinquency-related care and services to be purchased. The department of
19 corrections may review the contracts and approve them if they are consistent with
20 s. 301.08 (2) and to the extent that state or federal funds are available for such
21 purposes. The joint committee on finance may require the department of corrections
22 to submit the contracts to the committee for review and approval. The department
23 of corrections may not make any payments to a county for programs included in the
24 contract that is under review by the committee. The department of corrections shall

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1 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
2 (cd), (ce), (cf) and (ko) as appropriate.

3 **SECTION 76.** 46.27 (11) (c) 3. of the statutes, as affected by 1999 Wisconsin Act
4 9, is amended to read:

5 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a
6 private nonprofit agency or an aging unit with which the department contracts
7 provides under this subsection shall be made from the appropriations under s. 20.435
8 (4) (o) and (7) (b), (ba), (bb) and (bd).

9 **SECTION 77.** 46.283 (5) of the statutes, as created by 1999 Wisconsin Act 9, is
10 amended to read:

11 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
12 (bm) and (pa) and (7) (b), (ba), (bb), (bd) and (md), the department may contract with
13 organizations that meet standards under sub. (3) for performance of the duties under
14 sub. (4) and shall distribute funds for services provided by resource centers.

15 **SECTION 78.** 46.284 (5) (a) of the statutes, as created by 1999 Wisconsin Act 9,
16 is amended to read:

17 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g) and
18 (o) and (7) (b), (ba), (bb) and (bd), the department shall provide funding on a capitated
19 payment basis for the provision of services under this section. Notwithstanding s.
20 46.036 (3) and (5m), a care management organization that is under contract with the
21 department may expend the funds, consistent with this section, including providing
22 payment, on a capitated basis, to providers of services under the family care benefit.

23 **SECTION 79.** 46.40 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
24 is amended to read:

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1 46.40 (1) (a) Within the limits of available federal funds and of the
2 appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw) and (o), the
3 department shall distribute funds for community social, mental health,
4 developmental disabilities and alcohol and other drug abuse services and for services
5 under ss. 46.51, 46.87, 46.985 and 51.421 to county departments under ss. 46.215,
6 46.22, 46.23, 51.42 and 51.437 and to county aging units, as provided in subs. (2), to
7 (2m) and (7) to (9).

8 **SECTION 80.** 46.40 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is
9 amended to read:

10 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under
11 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not
12 more than \$284,978,800 for fiscal year 1999-2000 and \$285,511,800 for fiscal year
13 2000-01. In addition to distributing the amounts specified in this subsection, the
14 department shall also distribute in each fiscal year, subject to sub. (9), the amount
15 appropriated under s. 20.435 (7) (bb) for social services under s. 46.495 (1) (d) and
16 services under s. 51.423 (2).

17 **SECTION 81.** 46.40 (2g) of the statutes is created to read:

18 46.40 (2g) BASIC COUNTY ALLOCATION; CONSUMER PRICE INDEX ADJUSTMENT. In
19 2000, subject to sub. (9), for social services under s. 46.495 (1) (d) and services under
20 s. 51.423 (2), the department shall allocate \$0 from the appropriation under s. 20.435
21 (7) (ba). Beginning in 2001, subject to sub. (9), for social services under s. 46.495 (1)
22 (d) and services under s. 51.423 (2), the department shall allocate from the
23 appropriation under s. 20.435 (7) (ba) in each year an amount equal to \$286,330,700
24 multiplied by a percentage that is equal to the percentage change between the U.S.
25 consumer price index for all urban consumers, U.S. city average, for the 12-month

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1 period ending on June 30 of the previous year and the U.S. consumer price index for
2 all urban consumers, U.S. city average, for the 12-month period ending on June 30,
3 1999, as determined by the federal department of labor, rounded to the nearest
4 multiple of \$100.

5 **SECTION 82.** 46.40 (3) of the statutes is amended to read:

6 46.40 (3) TRIBAL CHILD CARE. For child care services under 42 USC 9858, the
7 department shall distribute not more than \$412,800 in each fiscal year from the
8 appropriation ~~account~~ accounts under s. 20.435 (7) (b), (ba) and (bb) to federally
9 recognized American Indian tribes or bands. A tribe or band that receives funding
10 under this subsection shall use that funding to provide child care for an eligible child,
11 as defined in 42 USC 9858n (4).

12 **SECTION 83.** 46.40 (7m) of the statutes is amended to read:

13 46.40 (7m) USE BY COUNTY OF COMMUNITY AIDS FUNDS TO PAY PRIVATE ATTORNEYS
14 FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE. Upon application by a county
15 department under s. 46.215, 46.22 or 46.23 to the department for permission to use
16 funds allocated to that county department under ~~sub.~~ subs. (2) and (2g) to employ
17 private counsel for the purposes specified in this subsection and a determination by
18 the department that use of funds for those purposes does not affect any federal grants
19 or federal funding allocated under this section, the department and the county
20 department shall execute a contract authorizing the county department to expend,
21 as agreed upon in the contract, funds allocated to that county department under sub.
22 (2) to permit the county department to employ private counsel to represent the
23 interests of the state or county in proceedings under ch. 48 relating to child abuse or
24 neglect cases, unborn child abuse cases, proceedings to terminate parental rights

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1 and any ch. 48 cases or proceedings involving the Indian child welfare act, 25 USC
2 1901 to 1963.

3 **SECTION 84.** 46.45 (2) (a) of the statutes is amended to read:

4 46.45 (2) (a) If on December 31 of any year there remains unspent or
5 unencumbered in the ~~allocation~~ allocations under s. 46.40 (2) and (2g) an amount
6 that exceeds the amount received under 42 USC 670 to 679a and allocated under s.
7 46.40 (2) and (2g) in that year, the department shall carry forward the excess moneys
8 and distribute not less than 50% of the excess moneys to counties having a population
9 of less than 500,000 for services and projects to assist children and families,
10 notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not
11 less than 50% of the moneys distributed to the county under this subsection for
12 services for children who are at risk of abuse or neglect to prevent the need for child
13 abuse and neglect intervention services.

14 **SECTION 85.** 46.45 (2) (a) of the statutes, as affected by 1999 Wisconsin Acts 9
15 and ... (this act), is repealed and recreated to read:

16 46.45 (2) (a) If on December 31 of any year there remains unspent or
17 unencumbered in the allocations under s. 46.40 (2) and (2g) an amount that exceeds
18 the amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) and
19 (2g) in that year, the department shall carry forward the excess moneys and
20 distribute not less than 50% of the excess moneys to counties having a population of
21 less than 500,000 that are making a good faith effort, as determined by the
22 department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist
23 children and families, notwithstanding the percentage limit specified in sub. (3) (a).
24 A county shall use not less than 50% of the moneys distributed to the county under
25 this subsection for services for children who are at risk of abuse or neglect to prevent

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1 the need for child abuse and neglect intervention services. If a county does not
2 comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the department may recover any
3 amounts distributed to that county under this paragraph after June 30, 2001, by
4 billing the county or deducting from that county's allocation under s. 46.40 (2).

5 **SECTION 86.** 46.45 (3) (a) of the statutes is amended to read:

6 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal
7 governing body or private nonprofit organization, the department shall carry
8 forward up to 3% of the total amount allocated to the county, tribal governing body
9 or nonprofit organization for a calendar year. All funds carried forward for a tribal
10 governing body or nonprofit organization, all federal child welfare funds under 42
11 USC 620 to 626 and all funds allocated under s. 46.40 (2m) carried forward for a
12 county shall be used for the purpose for which the funds were originally allocated.
13 Except as provided under par. (am), other funds carried forward may be used for any
14 purpose under s. 20.435 (7) (b). All funds allocated under s. 46.40 (2g) that are carried
15 forward for a county under this subsection shall be expended by the county in the
16 state fiscal year in which those funds were appropriated.

17 **SECTION 87.** 46.45 (6) of the statutes is amended to read:

18 46.45 (6) The department may carry forward 10% of any funds not carried
19 forward under sub. (3) for emergencies, for justifiable unit services costs above
20 planned levels and to provide compensation for increased costs due to population
21 shifts. All funds allocated under s. 46.40 (2g) that are carried forward for a county
22 under this subsection shall be expended by the county in the state fiscal year in which
23 those funds were appropriated.

24 **SECTION 88.** 46.495 (1) (am) of the statutes is amended to read:

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1 46.495 (1) (am) The department shall reimburse each county from the
2 appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw) and (o) for social
3 services as approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and
4 46.22 (1) (b) 1. d. and (e) 3. a. except that no reimbursement may be made for the
5 administration of or aid granted under s. 49.02.

6 **SECTION 89.** 46.495 (1) (d) of the statutes, as affected by 1999 Wisconsin Act 9,
7 is amended to read:

8 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (ba),
9 (bb), (kw) and (o), the department shall distribute the funding for social services,
10 including funding for foster care or treatment foster care of a child on whose behalf
11 aid is received under s. 46.261, to county departments under ss. 46.215, 46.22 and
12 46.23 as provided under s. 46.40. County matching funds are required for the
13 distributions under s. 46.40 (2), (2g), (8) and (9) (b). Each county's required match
14 for the distributions under s. 46.40 (2), (2g) and (8) for a year equals 9.89% of the total
15 of the county's distributions under s. 46.40 (2), (2g) and (8) for that year for which
16 matching funds are required plus the amount the county was required by s. 46.26 (2)
17 (c), 1985 stats., to spend for juvenile delinquency-related services from its
18 distribution for 1987. Each county's required match for the distribution under s.
19 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40
20 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal
21 and state revenue sharing funds or private donations to the county that meet the
22 requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the
23 total county match. If the county match is less than the amount required to generate
24 the full amount of state and federal funds distributed for this period, the decrease

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1 in the amount of state and federal funds equals the difference between the required
2 and the actual amount of county matching funds.

3 **SECTION 90.** 46.495 (1) (dc) of the statutes is amended to read:

4 46.495 (1) (dc) The department shall prorate the amount allocated to any
5 county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal
6 funds available and the amount from the appropriation under s. 20.435 (7) (bb)
7 available.

8 **SECTION 91.** 46.766 of the statutes is created to read:

9 **46.766 Food pantry grants. (1)** In this section:

10 (a) 1. “Nonprofit organization” means an organization described in section 501
11 (c) of the Internal Revenue Code.

12 2. “Rural” means outside a metropolitan statistical area specified under 42
13 CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an
14 urban center.

15 (b) From the appropriation under s. 20.435 (3) (fp), the department shall
16 provide annual grants, not to exceed \$15,000 per year per grant, to food pantries that
17 apply and qualify for the grants. Grants awarded under this section may be used for
18 any of the following purposes:

19 1. The purchase, storage, transportation, coordination or distribution of food
20 to needy households.

21 2. The administration of emergency food distribution.

22 3. The purchase of capital equipment.

23 4. Programs designed to increase food availability to needy households or
24 enhance food security.

25 5. Nutrition education and outreach.

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1 6. Technical assistance related to food pantry management.

2 (c) No grant received under this section may be used to foster or advance
3 religious or political views.

4 **(2)** A food pantry qualifies for a grant under this section if the food pantry meets
5 all of the following conditions:

6 (a) The food pantry applies on an application developed by the department. The
7 application may not exceed one page.

8 (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit
9 organization.

10 (c) The food pantry distributes food packages directly, without charge, to needy
11 households.

12 (d) The food pantry is open to the general public in its service area.

13 (e) The food pantry does not base food distribution on any criteria other than
14 need of the recipient, except to the extent necessary for the orderly and fair
15 distribution of food.

16 (f) The food pantry has a permanent address, regular hours of operation and
17 is open at least one day per month.

18 (g) The food pantry adheres to the United States department of agriculture food
19 safety and food storage standards.

20 **(3)** (a) The department shall allocate 25% of the total funds available for grants
21 under this section to be distributed, except as provided in sub. (1) (b), among rural
22 food pantries that apply and are eligible in proportion to the number of persons
23 served by each of those food pantries. Except as provided in sub. (2) (b), the
24 department shall distribute the remainder of the grants to all food pantries that

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1 apply and are qualified in proportion to the number of persons served by each food
2 pantry.

3 (b) If any funds remain unallocated, the department shall distribute the
4 remaining funds to food pantries that have not received the maximum amount, in
5 proportion to the number of persons served by each of those food pantries, but not
6 to exceed \$15,000.

7 (c) The department may not use more than 5% of the total amount available
8 under the appropriation under s. 20.435 (3) (fp) for administration of the grant
9 program under this section.

10 (4) A food pantry that receives a grant under this section shall, not later than
11 60 days after the end of the grant period, submit a report, not longer than 3 pages,
12 to the department in the manner prescribed by the department by rule, that
13 describes how the grant money was used by the food pantry. The department shall
14 compile the reports and submit the compiled reports to the legislature under s.
15 13.172 (2).

16 **SECTION 92.** 47.03 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is amended to read:

18 47.03 (3) (d) Any person who violates this subsection shall be fined not more
19 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

20 **SECTION 93.** 48.355 (2d) (b) 3. of the statutes is amended to read:

21 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
22 1997 stats., a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225 (1) or (2), 948.02 (1) or
23 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
24 federal law, if that violation would be a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225
25 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,

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1 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
2 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
3 of the parent.

4 **SECTION 94.** 48.415 (9m) (b) 2. of the statutes is amended to read:

5 48.415 **(9m)** (b) 2. The commission of a violation of s. 940.19 (3), 1997 stats.,
6 a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
7 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other
8 state or federal law, if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or
9 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
10 or 948.08 if committed in this state.

11 **SECTION 95.** 48.417 (1) (d) of the statutes is amended to read:

12 48.417 **(1)** (d) A court of competent jurisdiction has found that the parent has
13 committed a violation of s. 940.19 (3), 1997 stats., a violation of s. 940.19 (2), ~~(3)~~, (4)
14 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
15 violation of the law of any other state or federal law, if that violation would be a
16 violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
17 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
18 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
19 defined in s. 939.22 (38), to the child or another child of the parent.

20 **SECTION 96.** 48.57 (3p) (g) 2. of the statutes is amended to read:

21 48.57 **(3p)** (g) 2. The person has had imposed on him or her a penalty specified
22 in s. 939.64, 1997 stats., or s. 939.641, 1997 stats., or s. 939.62, 939.621, 939.63,
23 ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other
24 state or federal law under circumstances under which the person would be subject
25 to a penalty specified in any of those sections if convicted in this state.

SENATE BILL 357**SECTION 97**

1 **SECTION 97.** 48.685 (5) (bm) 2. of the statutes is amended to read:

2 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1997 stats., or of s. 940.19 (2), (3),
3 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

4 **SECTION 98.** 48.685 (5) (bm) 3. of the statutes is amended to read:

5 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1997 stats., or of s. 940.01,
6 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
7 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

8 **SECTION 99.** 48.685 (5) (bm) 4. of the statutes is amended to read:

9 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1997 stats., or of s. 940.19 (2), (3),
10 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that
11 is a felony, if committed not more than 5 years before the date of the investigation
12 under sub. (2) (am).

13 **SECTION 100.** 49.127 (8) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

15 49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than
16 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

18 **SECTION 101.** 49.127 (8) (b) 2. of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than
21 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
22 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
23 felony.

24 **SECTION 102.** 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

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1 49.127 (8) (c) For any offense under this section, if the value of the food coupons
2 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
3 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

4 **SECTION 103.** 49.141 (7) (a) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
7 the furnishing by that person of items or services for which payment is or may be
8 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
9 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

10 **SECTION 104.** 49.141 (7) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of
13 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
14 ~~2 years~~ 9 months or both.

15 **SECTION 105.** 49.141 (9) (a) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,
18 in return for referring an individual to a person for the furnishing or arranging for
19 the furnishing of any item or service for which payment may be made in whole or in
20 part under Wisconsin works, or in return for purchasing, leasing, ordering, or
21 arranging for or recommending purchasing, leasing, or ordering any good, facility,
22 service, or item for which payment may be made in whole or in part under Wisconsin
23 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
24 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
25 ~~imprisoned for not more than 7 years and 6 months or both.~~

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1 **SECTION 106.** 49.141 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to
4 any person to induce the person to refer an individual to a person for the furnishing
5 or arranging for the furnishing of any item or service for which payment may be made
6 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
7 for or recommend purchasing, leasing, or ordering any good, facility, service or item
8 for which payment may be made in whole or in part under any provision of Wisconsin
9 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
10 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
11 ~~imprisoned for not more than 7 years and 6 months or both.~~

12 **SECTION 107.** 49.141 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 49.141 (10) (b) A person who violates this subsection is guilty of a Class H
15 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
16 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~
17 ~~years and 6 months or both.~~

18 **SECTION 108.** 49.49 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,
21 failure, or conversion by any person in connection with the furnishing by that person
22 of items or services for which medical assistance is or may be made, a person
23 ~~convicted of violating this subsection~~ is guilty of a Class H felony, except that,
24 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be

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1 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
2 ~~or both.~~

3 **SECTION 109.** 49.49 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits
6 or receives any remuneration, including any kickback, bribe, or rebate, directly or
7 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual
8 to a person for the furnishing or arranging for the furnishing of any item or service
9 for which payment may be made in whole or in part under a medical assistance
10 program, or in return for purchasing, leasing, ordering, or arranging for or
11 recommending purchasing, leasing, or ordering any good, facility, service, or item for
12 which payment may be made in whole or in part under a medical assistance program,
13 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
14 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for~~
15 ~~not more than 7 years and 6 months or both.~~

16 **SECTION 110.** 49.49 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
19 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
20 or covertly, in cash or in kind to any person to induce such person to refer an
21 individual to a person for the furnishing or arranging for the furnishing of any item
22 or service for which payment may be made in whole or in part under a medical
23 assistance program, or to purchase, lease, order, or arrange for or recommend
24 purchasing, leasing, or ordering any good, facility, service or item for which payment
25 may be made in whole or in part under a medical assistance program, is guilty of a

SENATE BILL 357**SECTION 110**

1 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50
2 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more~~
3 ~~than 7 years and 6 months or both.~~

4 **SECTION 111.** 49.49 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 49.49 (3) FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly
7 and wilfully make or cause to be made, or induce or seek to induce the making of, any
8 false statement or representation of a material fact with respect to the conditions or
9 operation of any institution or facility in order that such institution or facility may
10 qualify either upon initial certification or upon recertification as a hospital, skilled
11 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~
12 person who violates this subsection is guilty of a Class H felony, except that,
13 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
14 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
15 ~~or both.~~

16 **SECTION 112.** 49.49 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H
19 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
20 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~
21 ~~years and 6 months or both.~~

22 **SECTION 113.** 49.49 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

24 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony,
25 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the

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1 ~~person may be fined not more than \$25,000 or imprisoned for not more than 7 years~~
2 ~~and 6 months or both.~~

3 **SECTION 114.** 49.688 of the statutes is created to read:

4 **49.688 Prescription drug assistance for elderly persons.** (1) In this
5 section:

6 (a) "Brand name" has the meaning given in s. 450.12 (1) (a).

7 (b) "Generic name" has the meaning given in s. 450.12 (1) (b).

8 (c) "Gross income" means all income, from whatever source derived and in
9 whatever form realized, whether in money, property or services.

10 (d) "Prescription drug" has the meaning given in s. 450.01 (20).

11 (2) From the appropriations under s. 20.435 (4) (bv) and (j), beginning April 1,
12 2001, the department shall reimburse pharmacists for the provision of up to \$10,000
13 per year of prescription drugs that correspond to those prescription drugs for which
14 reimbursement is made under s. 49.46 (2) (b) 6. h. and for which the manufacturer
15 has entered into a rebate agreement with the department under sub. (5), to a person
16 who meets criteria for eligibility under sub. (3). The department is the payer of last
17 resort for coverage for prescription drugs under this subsection. The payment rate
18 for provider reimbursement shall be the allowable charges paid under s. 49.46 (2) (b)
19 6. h. for prescription drugs. The department shall maintain, or contract for the
20 maintenance of, a toll-free telephone number at department headquarters to
21 provide information about participation in the program under this subsection.

22 (3) (a) An individual is eligible for participation in the program under sub. (2)
23 if the individual meets all of the following requirements:

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1 1. The individual is at least 65 years of age, is a resident, as defined in s. 27.01
2 (10) (a), of this state and is ineligible for medical assistance under s. 49.46, 49.465,
3 49.468 or 49.47.

4 2. If single, the individual's gross income does not exceed \$50,000 or, if married,
5 the couple's gross income does not exceed \$75,000. These limitations shall be
6 annually adjusted as specified in sub. (4).

7 (b) Program participants shall pay all of the following:

8 1. Twenty-five percent of the allowable charge paid under s. 49.46 (2) (b) 6. h.
9 for each prescription drug provided under the program.

10 2. A copayment of \$5 for each prescription drug provided under the program
11 that bears only a generic name.

12 3. A copayment of \$10 for each prescription drug provided under the program
13 that bears a brand name.

14 (c) No program participant may be required to demonstrate that he or she has
15 no disability insurance policy, as defined in s. 632.895 (1) (a).

16 (4) Beginning by January 1, 2002, the department shall annually by January
17 1 increase the dollar amounts specified under sub. (3) (a) 2. by a percentage equal to
18 the percentage change between the U.S. consumer price index for all urban
19 consumers, U.S. city average, for the month of December of the previous year and the
20 U.S. consumer price index for all urban consumers, U.S. city average, for the month
21 of December of the year before the previous year, as determined by the federal
22 department of labor.

23 (5) A drug manufacturer that sells drugs for prescribed use in this state shall,
24 as a condition of inclusion of those drugs in the program under this section, enter
25 with the department into a rebate agreement that is modeled on the rebate

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1 agreement specified under 42 USC 1396r-8. The rebate agreement shall include all
2 of the following as requirements:

3 (a) That the manufacturer shall make rebate payments to the department each
4 calendar quarter or according to a schedule established by the department.

5 (b) That the amount of the rebate payment shall be determined by the method
6 specified in 42 USC 1396r-8 (c).

7 **SECTION 115.** 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is renumbered 49.95 (1) (intro.) and amended to read:

9 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
10 this chapter, whether for himself or herself or for some other person, wilfully makes
11 any false representations ~~may, if~~ is subject to the following penalties:

12 (a) If the value of the assistance so secured does not exceed \$300, the person
13 may be required to forfeit not more than \$1,000; if,

14 (b) If the value of the assistance exceeds \$300 but does not exceed \$1,000, the
15 person may be fined not more than \$250 or imprisoned for not more than 6 months
16 or both; if,

17 (c) If the value of the assistance exceeds \$1,000 but does not exceed \$2,500,
18 \$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not
19 more than 7 years and 6 9 months or both; and if,

20 (d) If the value of the assistance exceeds \$2,500, be punished as prescribed
21 under s. 943.20 (3) (e) \$2,000 but does not exceed \$5,000, the person is guilty of a
22 Class I felony.

23 **SECTION 116.** 49.95 (1) (e) and (f) of the statutes are created to read:

24 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
25 \$10,000, the person is guilty of a Class H felony.

SENATE BILL 357**SECTION 116**

1 (f) If the value of the assistance exceeds \$10,000, the person is guilty of a Class
2 G felony.

3 **SECTION 117.** 51.15 (12) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
6 knowing the information contained therein to be false ~~may be fined not more than~~
7 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
8 Class H felony.

9 **SECTION 118.** 51.423 (1) of the statutes is amended to read:

10 51.423 (1) The department shall fund, within the limits of the department's
11 allocation for mental health services under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw)
12 and (o) and subject to this section, services for mental illness, developmental
13 disability, alcoholism and drug abuse to meet standards of service quality and
14 accessibility. The department's primary responsibility is to guarantee that county
15 departments established under either s. 51.42 or 51.437 receive a reasonably
16 uniform minimum level of funding and its secondary responsibility is to fund
17 programs which meet exceptional community needs or provide specialized or
18 innovative services. Moneys appropriated under s. 20.435 (7) (b), (ba) and (bb) and
19 earmarked by the department for mental health services under s. 20.435 (7) (o) shall
20 be allocated by the department to county departments under s. 51.42 or 51.437 in the
21 manner set forth in this section.

22 **SECTION 119.** 51.423 (2) of the statutes, as affected by 1999 Wisconsin Act 9,
23 is amended to read:

24 51.423 (2) From the appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb),
25 (kw) and (o), the department shall distribute the funding for services provided or

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1 purchased by county departments under s. 46.23, 51.42 or 51.437 to such county
2 departments as provided under s. 46.40. County matching funds are required for the
3 distributions under s. 46.40 (2), (2g) and (9) (b). Each county's required match for the
4 distributions under s. 46.40 (2) and (2g) for a year equals 9.89% of the total of the
5 county's distributions under s. 46.40 (2) and (2g) for that year for which matching
6 funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985
7 stats., to spend for juvenile delinquency-related services from its distribution for
8 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a
9 year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for
10 that year. Matching funds may be from county tax levies, federal and state revenue
11 sharing funds or private donations to the counties that meet the requirements
12 specified in sub. (5). Private donations may not exceed 25% of the total county match.
13 If the county match is less than the amount required to generate the full amount of
14 state and federal funds distributed for this period, the decrease in the amount of state
15 and federal funds equals the difference between the required and the actual amount
16 of county matching funds.

17 **SECTION 120.** 51.423 (4) of the statutes is amended to read:

18 51.423 (4) The department shall prorate the amount allocated to any county
19 department under sub. (2) to reflect actual federal funds available and the amount
20 from the appropriation under s. 20.435 (7) (bb) available.

21 **SECTION 121.** 51.423 (9) of the statutes is amended to read:

22 51.423 (9) If the funds appropriated under s. 20.435 (7) (b), (ba) and (bb) for any
23 fiscal year are insufficient to provide county departments with the sums calculated
24 under subs. (1) to (7), the appropriation shall be allocated among county departments
25 in proportion to the sums they would receive under subs. (1) to (7).

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1 **SECTION 122.** 55.06 (11) (am) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the
4 information contained therein to be false ~~may be fined not more than \$5,000 or~~
5 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
6 felony.

7 **SECTION 123.** 59.25 (3) (rm) of the statutes is created to read:

8 59.25 (3) (rm) If the treasurer's county receives national forest income,
9 distribute the income to the towns in the county in which national forest lands are
10 situated, with each town to receive such proportion of the income as the area of
11 national forest lands in the town bears to the area of the national forest lands in the
12 entire county. Fifty percent of the amount received by any town shall be expended
13 by the town exclusively for the benefit of roads therein.

14 **SECTION 124.** 60.23 (24) of the statutes is amended to read:

15 60.23 (24) CABLE TELEVISION. Enact and enforce an ordinance, and provide
16 forfeitures for a violation of that ordinance, that is similar to s. ~~100.209~~ 134.42, or
17 that gives a cable service subscriber greater rights than the rights under s. ~~100.209~~
18 134.42 (2).

19 **SECTION 125.** 60.23 (25) of the statutes is amended to read:

20 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its
21 officers and employes on a self-insured basis if the self-insured plan complies with
22 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85,
23 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) and (11) to ~~(13)~~ (14) and 632.896.

24 **SECTION 126.** 66.184 of the statutes, as affected by 1999 Wisconsin Act 9, is
25 amended to read:

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1 **66.184 Self-insured health plans.** If a city, including a 1st class city, or a
2 village provides health care benefits under its home rule power, or if a town provides
3 health care benefits, to its officers and employes on a self-insured basis, the
4 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
5 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
6 632.895 (9) to ~~(13)~~ (14), 632.896 and 767.25 (4m) (d).

7 **SECTION 127.** 66.4025 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 66.4025 (1) (b) Any person who secures or assists in securing dwelling
10 accommodations under s. 66.402 by intentionally making false representations in
11 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
12 which the person would not otherwise be entitled shall be fined not more than
13 \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.

14 **SECTION 128.** 66.4025 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 66.4025 (1) (c) Any person who secures or assists in securing dwelling
17 accommodations under s. 66.402 by intentionally making false representations in
18 order to receive more than \$25,000 in financial assistance for which the person would
19 not otherwise be entitled shall be fined not more than \$10,000 or imprisoned for not
20 more than 7 years and 6 months or both is guilty of a Class H felony.

21 **SECTION 129.** 69.24 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
22 Act 283, is amended to read:

23 69.24 (1) (intro.) Any person who does any of the following shall be fined not
24 more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class
25 I felony:

SENATE BILL 357**SECTION 130**

1 **SECTION 130.** 70.47 (18) (a) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 70.47 **(18)** (a) Whoever with intent to injure or defraud alters, damages,
4 removes or conceals any of the items specified under subs. (8) (f) and (17) ~~may be fined~~
5 ~~not more than \$1,000 or imprisoned for not more than 3 years or both~~ is guilty of a
6 Class I felony.

7 **SECTION 131.** 71.07 (9) (b) 4. of the statutes, as created by 1999 Wisconsin Act
8 10, is amended to read:

9 71.07 **(9)** (b) 4. For taxable years beginning after December 31, 1998 and before
10 January 1, 2000, subject to the limitations under this subsection a claimant may
11 claim as a credit against, but not to exceed the amount of, taxes under s. 71.02, 8.4%
12 of the first \$0 of property taxes or rent constituting property taxes, or 8.4% of the first
13 \$0 of property taxes or rent constituting property taxes of a married person filing
14 separately.

15 **SECTION 132.** 71.83 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 71.83 **(2)** (b) *Felony*. 1. 'False income tax return; fraud.' Any person, other than
18 a corporation or limited liability company, who renders a false or fraudulent income
19 tax return with intent to defeat or evade any assessment required by this chapter
20 ~~shall be~~ is guilty of a Class H felony and may be ~~fined not more than \$10,000 or~~
21 ~~imprisoned for not more than 7 years and 6 months or both, together with~~ assessed
22 the cost of prosecution. In this subdivision, "return" includes a separate return filed
23 by a spouse with respect to a taxable year for which a joint return is filed under s.
24 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by

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1 the spouses with respect to a taxable year for which a separate return is filed under
2 s. 71.03 (2) (m) after the filing of that joint return.

3 2. 'Officer of a corporation; false franchise or income tax return.' Any officer
4 of a corporation or manager of a limited liability company required by law to make,
5 render, sign or verify any franchise or income tax return, who makes any false or
6 fraudulent franchise or income tax return, with intent to defeat or evade any
7 assessment required by this chapter shall be is guilty of a Class H felony and may
8 be ~~fin~~ed not more than \$10,000 or imprisoned for not more than 7 years and 6 months
9 or both, together with assessed the cost of prosecution.

10 3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,
11 depositing or concealing any property upon which a levy is authorized with intent
12 to evade or defeat the assessment or collection of any tax administered by the
13 department is guilty of a Class I felony and may be ~~fin~~ed not more than \$5,000 or
14 imprisoned for not more than 4 years and 6 months or both, together with assessed
15 the costs cost of prosecution.

16 4. 'Fraudulent claim for credit.' The A claimant who ~~filed~~ files a claim for credit
17 under s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and was
18 filed with fraudulent intent and any person who ~~assisted, with fraudulent intent,~~
19 assists in the preparation or filing of the false or excessive claim or supplied
20 information upon which the false or excessive claim was prepared, ~~with fraudulent~~
21 intent, is guilty of a Class H felony and may be ~~fin~~ed not more than \$10,000 or
22 imprisoned for not more than 7 years and 6 months or both, together with assessed
23 the cost of prosecution.

24 **SECTION 133.** 79.01 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is
25 amended to read:

SENATE BILL 357**SECTION 133**

1 79.01 (1) There is established an account in the general fund entitled the
2 “Expenditure Restraint Program Account”. There shall be appropriated to that
3 account \$25,000,000 in 1991, in 1992 and in 1993, \$42,000,000 in 1994, \$48,000,000
4 in each year beginning in 1995 and ending in 1999 and \$57,000,000 in the year 2000
5 and in each year thereafter. Beginning in 2001, the amount appropriated under this
6 subsection is equal to the amount appropriated under this subsection in the previous
7 year, adjusted by a percentage that is equal to the percentage change between the
8 U.S. consumer price index for all urban consumers, U.S. city average, for the
9 12-month period ending on June 30 of the previous year and the U.S. consumer price
10 index for all urban consumers, U.S. city average, for the 12-month period ending on
11 June 30 of the year before the previous year, as determined by the federal
12 department of labor. Beginning in 2001, the amount appropriated under this
13 subsection shall be rounded to the nearest multiple of \$100.

14 **SECTION 134.** 79.03 (3c) (f) of the statutes, as affected by 1999 Wisconsin Act
15 9, is amended to read:

16 79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars.
17 (c) to (e) exceed the total amount to be distributed under this subsection, the amount
18 paid to each eligible municipality shall be paid on a prorated basis. The total amount
19 to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning
20 in 1996 and ending in 1999 and \$11,000,000 in the year 2000 and in each year
21 thereafter. Beginning in 2001, the amount to be distributed under this subsection
22 from s. 20.835 (1) (b) is equal to the amount distributed under this subsection in the
23 previous year, adjusted by a percentage that is equal to the percentage change
24 between the U.S. consumer price index for all urban consumers, U.S. city average,
25 for the 12-month period ending on June 30 of the previous year and the U.S.

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1 consumer price index for all urban consumers, U.S. city average, for the 12-month
2 period ending on June 30 of the year before the previous year, as determined by the
3 federal department of labor. Beginning in 2001, the amount to be distributed under
4 this subsection from s. 20.835 (1) (b) shall be rounded to the nearest multiple of \$100.

5 **SECTION 135.** 79.03 (4) of the statutes is amended to read:

6 79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04 and
7 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be
8 distributed under ss. 79.03, 79.04 and 79.06 from s. 20.835 (1) (d) is \$885,961,300.
9 In 1993, the total amount to be distributed under ss. 79.03, 79.04 and 79.06 from s.
10 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this
11 section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to
12 municipalities and \$168,981,800 to counties. In 1995 and subsequent years, the
13 total amounts to be distributed under ss. 79.03, 79.04 and 79.06 from s. 20.835 (1)
14 (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. Beginning in
15 2001, the amounts to be distributed to municipalities and counties under ss. 79.03,
16 79.04 and 79.06 from s. 20.835 (1) (d) are equal to the amounts distributed to
17 municipalities and counties under ss. 79.03, 79.04 and 79.06 from s. 20.835 (1) (d) in
18 the previous year, adjusted by a percentage that is equal to the percentage change
19 between the U.S. consumer price index for all urban consumers, U.S. city average,
20 for the 12-month period ending on June 30 of the previous year and the U.S.
21 consumer price index for all urban consumers, U.S. city average, for the 12-month
22 period ending on June 30 of the year before the previous year, as determined by the
23 federal department of labor. Beginning in 2001, the amounts to be distributed to
24 municipalities and counties under ss. 79.03, 79.04 and 79.06 from s. 20.835 (1) (d)
25 shall be rounded to the nearest multiple of \$100.

SENATE BILL 357**SECTION 136**

1 **SECTION 136.** 79.058 (3) (c) of the statutes, as created by 1999 Wisconsin Act
2 9, is amended to read:

3 79.058 (3) (c) In the year 2000 ~~and subsequent years~~, \$20,763,800.

4 **SECTION 137.** 79.058 (3) (d) of the statutes is created to read:

5 79.058 (3) (d) In 2001 and subsequent years, an amount that is equal to the
6 amount distributed under sub. (1) from s. 20.835 (1) (f) in the previous year, adjusted
7 by a percentage that is equal to the percentage change between the U.S. consumer
8 price index for all urban consumers, U.S. city average, for the 12-month period
9 ending on June 30 of the previous year and the U.S. consumer price index for all
10 urban consumers, U.S. city average, for the 12-month period ending on June 30 of
11 the year before the previous year, as determined by the federal department of labor.
12 Beginning in 2001, the amount to be distributed under sub. (1) from s. 20.835 (1) (f)
13 shall be rounded to the nearest multiple of \$100.

14 **SECTION 138.** 79.13 (2) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
15 is amended to read:

16 79.13 (2) (a) In the 2000–01 fiscal year, the amount that is estimated to be
17 expended from the appropriation under s. 20.835 (2) ~~(q)~~ (dn) is \$15,000,000, plus the
18 amount that is estimated to be expended from the appropriation under s. 20.835 (2)
19 (dn) in the previous fiscal year and less the actual amount that is expended from the
20 appropriation under s. 20.835 (2) (dn) in the previous fiscal year.

21 **SECTION 139.** 79.13 (2) (b) of the statutes, as created by 1999 Wisconsin Act 9,
22 is amended to read:

23 79.13 (2) (b) In the 2001–02 fiscal year, ~~and in each fiscal year thereafter~~, the
24 amount that is estimated to be expended from the appropriation under s. 20.835 (2)
25 (q) is \$15,000,000, plus the amount that is estimated to be expended from the

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1 appropriation under s. 20.835 (2) ~~(q)~~ (dn) in the previous fiscal year and less the
2 actual amount that is expended from the appropriation under s. 20.835 (2) ~~(q)~~ (dn)
3 in the previous fiscal year.

4 **SECTION 140.** 79.13 (2) (c) of the statutes is created to read:

5 79.13 (2) (c) In the 2002-03 fiscal year, and in each fiscal year thereafter, the
6 amount that is estimated to be expended from the appropriation under s. 20.835 (2)
7 (q) is \$15,000,000, plus the amount that is estimated to be expended from the
8 appropriation under s. 20.835 (2) (q) in the previous fiscal year and less the actual
9 amount that is expended from the appropriation under s. 20.835 (2) (q) in the
10 previous fiscal year.

11 **SECTION 141.** 86.192 (4) of the statutes is amended to read:

12 86.192 (4) Any person who violates this section ~~shall be fined not more than~~
13 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
14 if the injury, defacement or removal causes the death of a person.

15 **SECTION 142.** 97.43 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 97.43 (4) Whoever violates this section ~~may be fined not less than \$500 nor~~
18 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
19 guilty of a Class H felony.

20 **SECTION 143.** 97.45 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor~~
23 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
24 guilty of a Class H felony.

SENATE BILL 357**SECTION 144**

1 **SECTION 144.** 100.171 of the statutes, as affected by 1999 Wisconsin Act (this
2 act), is renumbered 134.74, and 134.74 (7) (b) and (8) (intro.), as renumbered, are
3 amended to read:

4 134.74 (7) (b) Whoever intentionally violates this section is guilty of a Class I
5 felony. A person intentionally violates this section if the violation occurs after the
6 department of justice or a district attorney has notified the person by certified mail
7 that the person is in violation of this section.

8 **(8) ENFORCEMENT.** (intro.) The department of justice shall investigate
9 violations of this section. The department of justice or any district attorney may on
10 behalf of the state:

11 **SECTION 145.** 100.171 (7) (b) of the statutes is amended to read:

12 100.171 (7) (b) Whoever intentionally violates this section ~~may be fined not~~
13 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
14 I felony. A person intentionally violates this section if the violation occurs after the
15 department or a district attorney has notified the person by certified mail that the
16 person is in violation of this section.

17 **SECTION 146.** 100.173 of the statutes is renumbered 134.22, and 134.22 (4)
18 (intro.) and (a), as renumbered, are amended to read:

19 134.22 (4) (intro.) The department of justice shall investigate violations of this
20 section. The department of justice, or any district attorney upon informing the
21 department, may, on behalf of the state, do any of the following:

22 (a) Bring an action for temporary or permanent injunctive relief in any court
23 of competent jurisdiction for any violation of this section. The relief sought by the
24 department of justice or district attorney may include the payment by a promoter
25 into an escrow account of an amount estimated to be sufficient to pay for ticket

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1 refunds. The court may, upon entry of final judgment, award restitution when
2 appropriate to any person suffering loss because of violations of this section if proof
3 of such loss is submitted to the satisfaction of the court.

4 **SECTION 147.** 100.174 of the statutes is renumbered 134.83, and 134.83 (5)
5 (intro.) and (6), as renumbered, are amended to read:

6 134.83 (5) (intro.) The department of justice or any district attorney may on
7 behalf of the state:

8 (6) The department of justice and the department of agriculture, trade and
9 consumer protection shall investigate cooperate in the investigation of violations of
10 and enforce in the enforcement of this section.

11 **SECTION 148.** 100.175 of the statutes is renumbered 134.68, and 134.68 (5) (a)
12 (intro.) and (b) and (7) (a) (intro.) and (b), as amended, are amended to read:

13 134.68 (5) (a) (intro.) No person may collect or by contract require a buyer to
14 pay more than \$100 for dating services before the buyer receives or has the
15 opportunity to receive those services unless the person selling dating services
16 establishes proof of financial responsibility by maintaining any of the following
17 commitments approved by the department of justice in an amount not less than
18 \$25,000:

19 (b) The commitment described in par. (a) shall be established in favor of or made
20 payable to the state, for the benefit of any buyer who does not receive a refund under
21 the contractual provision described in sub. (3). The person selling dating services
22 shall file with the department of justice any agreement, instrument or other
23 document necessary to enforce the commitment against the person selling dating
24 services or any relevant 3rd party, or both.

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1 (7) (a) (intro.) The department of justice or any district attorney may on behalf
2 of the state:

3 (b) The department of justice may bring an action in circuit court to recover on
4 a financial commitment maintained under sub. (5) against a person selling dating
5 services or relevant 3rd party, or both, on behalf of any buyer who does not receive
6 a refund due under the contractual provision described in sub. (3).

7 **SECTION 149.** 100.177 of the statutes is renumbered 134.70, and 134.70 (13) (b)
8 1. (intro.), 2. and 3. and (15) (a) (intro.) and (am), as renumbered, are amended to
9 read:

10 134.70 (13) (b) 1. (intro.) Except as provided in subd. 3., a center may establish
11 proof of financial responsibility required under par. (a) by maintaining an
12 established escrow account approved by the department of justice for all amounts
13 received from buyers in advance of the receipt of services or by maintaining any of
14 the following commitments approved by the department of justice in an amount not
15 less than \$25,000, subject to subd. 2.:

16 2. The commitment described in subd. 1. shall be established in favor of or made
17 payable to the state, for the benefit of any buyer who does not receive a refund under
18 sub. (11) (a). The center shall file with the department of justice any agreement,
19 instrument or other document necessary to enforce the commitment against the
20 center or any relevant 3rd party, or both.

21 3. For 6 or more weight reduction centers owned or operated under the same
22 trade name, the amount of the financial commitment under pars. (a) and (b) for those
23 weight reduction centers is not required to exceed a total of \$150,000. For a weight
24 reduction center that submits to the department of justice evidence satisfactory to
25 the department that the weight reduction center collected a total of \$50,000 or more

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1 but less than \$100,000 from buyers of its center services in the previous calendar
2 year, the amount of the financial commitment under pars. (a) and (b) is not required
3 to exceed \$10,000. For a weight reduction center that submits to the department of
4 justice evidence satisfactory to the department that the weight reduction center
5 collected less than a total of \$50,000 from buyers of its center services in the previous
6 calendar year, the amount of the financial commitment under pars. (a) and (b) is not
7 required to exceed \$5,000.

8 **(15)** (a) (intro.) The department of justice and the department of agriculture,
9 trade and consumer protection shall cooperatively investigate violations of this
10 section or s. 100.178 (2) or (4). The department of justice may on behalf of the state:

11 (am) The department of justice may bring an action in circuit court to recover
12 on a financial commitment maintained under sub. (13) against a center or relevant
13 3rd party, or both, on behalf of any buyer who does not receive a refund due under
14 sub. (11) (a).

15 **SECTION 150.** 100.178 (1) (c) of the statutes is amended to read:

16 100.178 **(1)** (c) "Fitness center" has the meaning given under s. ~~100.177~~ 134.70
17 (1) (c).

18 **SECTION 151.** 100.178 (4) of the statutes is amended to read:

19 100.178 **(4)** A fitness center shall post a notice or notices on its premises stating
20 the requirements of sub. (2) and the penalty for a violation of sub. (2) under s. ~~100.177~~
21 134.70 (15) (a). The notice shall comply with the rules promulgated by the
22 department under sub. (5) (d).

23 **SECTION 152.** 100.178 (7) of the statutes is amended to read:

24 100.178 **(7)** A violation of sub. (2) or (4) is subject to s. ~~100.177~~ 134.70 (15) (a).
25 This subsection or s. ~~100.177~~ 134.70 (15) (a) does not preclude a person injured as a

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1 result of a violation of this section from pursuing any other available equitable or
2 legal relief.

3 **SECTION 153.** 100.18 (8) of the statutes is amended to read:

4 100.18 (8) Every wholesaler and every other person selling or distributing
5 motor fuel in this state shall keep posted in a conspicuous place, most accessible to
6 the public at his or her place of business, and on every pump from which delivery is
7 made directly into the fuel tank attached to a motor vehicle, a placard showing the
8 net selling price per gallon of all grades of motor fuel and the amount of all taxes per
9 gallon thereon. On pumps or other dispensing equipment from which motor fuel is
10 sold and delivered directly into fuel supply tanks attached to motor vehicles, such
11 posting shall be in figures not less than one inch high, except that no such placard
12 shall be required on a computer pump whereon the total net selling price per gallon
13 including all taxes is legibly shown on its face. Except for sales to drivers of motor
14 vehicles used by physically disabled persons under s. ~~100.51~~ 134.85 (5), all sales shall
15 be made at the posted price. Delivery slips shall also show the net selling price per
16 gallon of all grades of motor fuel and the amount of all taxes per gallon thereon. If
17 the wholesaler or person has more than one place of business in this state, the
18 wholesaler or person shall post that placard at all of his or her places of business.
19 All prices posted shall remain in effect for at least 24 hours after they are posted.
20 It shall be considered deceptive advertising to advertise or represent in any manner
21 the price of motor fuel offered for sale at retail to be less than the price so posted on
22 each pump.

23 **SECTION 154.** 100.18 (11) (b) 1. of the statutes is created to read:

24 100.18 (11) (b) 1. The department of agriculture, trade and consumer
25 protection may request that the department of justice commence an action to enjoin

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1 a violation of this section. If the department of agriculture, trade and consumer
2 protection so requests, the department of justice shall proceed with the requested
3 action within a reasonable period of time or provide the department of agriculture,
4 trade and consumer protection with a brief statement of its reasons for not
5 proceeding. The department of justice shall further provide the department of
6 agriculture, trade and consumer protection with periodic summaries of all activity
7 under this section.

8 **SECTION 155.** 100.18 (11) (d) of the statutes is amended to read:

9 100.18 (11) (d) The department or the department of justice, ~~after consulting~~
10 ~~with the department,~~ or any district attorney, upon informing the department of
11 justice, may commence an action in circuit court in the name of the state to restrain
12 by temporary or permanent injunction any violation of this section. The court may
13 in its discretion, prior to entry of final judgment, make such orders or judgments as
14 may be necessary to restore to any person any pecuniary loss suffered because of the
15 acts or practices involved in the action, provided proof thereof is submitted to the
16 satisfaction of the court. The department ~~and the department~~ of justice may
17 subpoena persons and require the production of books and other documents, and the
18 department of justice may request the department of agriculture, trade and
19 consumer protection to exercise its authority under par. (c) to aid in the investigation
20 of alleged violations of this section.

21 **SECTION 156.** 100.182 (5) (a) of the statutes is amended to read:

22 100.182 (5) (a) Any district attorney, after informing the department of justice,
23 or the department of agriculture, trade and consumer protection or the department
24 of justice may seek a temporary or permanent injunction in circuit court to restrain
25 any violation of this section. Prior to entering a final judgment the court may award

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1 damages to any person suffering monetary loss because of a violation. The
2 department of justice may subpoena any person or require the production of any
3 document to aid in investigating alleged violations of this section.

4 **SECTION 157.** 100.182 (5) (b) of the statutes is amended to read:

5 100.182 (5) (b) In lieu of instituting or continuing an action under this
6 subsection, the department or the department of justice may accept a written
7 assurance from a violator of this section that the violation has ceased. If the terms
8 of the assurance so provide, its acceptance by ~~the~~ either department prevents the
9 other department and all district attorneys from prosecuting the violation. An
10 assurance is not evidence of a violation of this section but violation of an assurance
11 is subject to the penalties and remedies of violating this section.

12 **SECTION 158.** 100.205 of the statutes is renumbered 134.178, and 134.178 (7)
13 and (8), as renumbered, are amended to read:

14 134.178 (7) The department of justice, or any district attorney on informing the
15 department of justice, may commence an action in circuit court in the name of the
16 state to restrain by temporary or permanent injunction any violation of this section.
17 The court may, before entry of final judgment and after satisfactory proof, make
18 orders or judgments necessary to restore to any person any pecuniary loss suffered
19 because of a violation of this section. The department of justice may conduct
20 hearings, administer oaths, issue subpoenas and take testimony to aid in its
21 investigation of violations of this section.

22 (8) The department of justice or any district attorney may commence an action
23 in the name of the state to recover a forfeiture to the state of not more than \$10,000
24 for each violation of this section.

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1 **SECTION 159.** 100.206 of the statutes is renumbered 134.24, and 134.24 (2) (a)
2 (intro.), as renumbered, is amended to read:

3 134.24 (2) (a) (intro.) File annually for public inspection with the department
4 of justice all of the following:

5 **SECTION 160.** 100.207 (title) and (1) to (5) of the statutes are renumbered
6 134.179 (title) and (1) to (5).

7 **SECTION 161.** 100.207 (6) (b), (c), (e) and (f) of the statutes are renumbered
8 134.179 (6) (b), (c), (e) and (f), and 134.179 (6) (b) 1. and 2., (c) and (e), as renumbered,
9 are amended to read:

10 134.179 (6) (b) 1. The department of justice, ~~after consulting with~~ on its own
11 initiative or at the request of the department of agriculture, trade and consumer
12 protection, or any district attorney upon informing the department of ~~agriculture,~~
13 ~~trade and consumer protection~~ justice, may commence an action in circuit court in
14 the name of the state to restrain by temporary or permanent injunction any violation
15 of this section. Injunctive relief may include an order directing telecommunications
16 providers, as defined in s. 196.01 (8p), to discontinue telecommunications service
17 provided to a person violating this section or ch. 196. Before entry of final judgment,
18 the court may make such orders or judgments as may be necessary to restore to any
19 person any pecuniary loss suffered because of the acts or practices involved in the
20 action if proof of these acts or practices is submitted to the satisfaction of the court.

21 2. The department of agriculture, trade and consumer protection may exercise
22 its authority under ss. 93.14 to 93.16 and 100.18 (11) (c) to administer this section.
23 The department ~~and the department~~ of justice may subpoena persons and require
24 the production of books and other documents, and the department of justice may

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1 request the department of agriculture, trade and consumer protection to exercise its
2 authority to aid in the investigation of alleged violations of this section.

3 (c) Any person who violates subs. (2) to (4) shall be required to forfeit not less
4 than \$25 nor more than \$5,000 for each offense. Forfeitures under this paragraph
5 shall be enforced by the department of justice, ~~after consulting with~~ on its own
6 initiative or at the request of the department of agriculture, trade and consumer
7 protection, or, upon informing the department of justice, by the district attorney of
8 the county where the violation occurs.

9 (e) ~~Subject to par. (em), the~~ The department of agriculture, trade and consumer
10 protection, in consultation with the department of justice, shall promulgate rules
11 under this section.

12 **SECTION 162.** 100.207 (6) (em) of the statutes is repealed.

13 **SECTION 163.** 100.209 of the statutes is renumbered 134.42, and 134.42 (3) and
14 (4) (b), as renumbered, are amended to read:

15 134.42 **(3)** RULES AND LOCAL ORDINANCES ALLOWED. This section does not prohibit
16 the department of agriculture, trade and consumer protection from promulgating a
17 rule or from issuing an order consistent with its authority under ~~this chapter~~ ch. 100
18 that gives a subscriber greater rights than the rights under sub. (2) or prohibit a city,
19 village or town from enacting an ordinance that gives a subscriber greater rights
20 than the rights under sub. (2).

21 **(4) (b)** ~~The department~~ attorney general and the district attorneys of this state
22 have concurrent authority to institute civil proceedings under this section.

23 **SECTION 164.** 100.2095 (6) (b) of the statutes is amended to read:

24 100.2095 **(6)** (b) The department of justice may commence an action in the
25 name of the state to restrain by temporary or permanent injunction a violation of sub.

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1 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
2 orders to restore to any person any pecuniary loss suffered by the person because of
3 the violation.

4 **SECTION 165.** 100.2095 (6) (c) of the statutes is amended to read:

5 100.2095 (6) (c) The department of justice or any district attorney may
6 commence an action in the name of the state to recover a forfeiture to the state of not
7 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

8 **SECTION 166.** 100.2095 (6) (d) of the statutes is amended to read:

9 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less
10 ~~than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more than ~~one year~~
11 9 months or both. Each day of violation constitutes a separate offense.

12 **SECTION 167.** 100.21 (3) (a) of the statutes is amended to read:

13 100.21 (3) (a) Any person making an energy savings or safety claim shall, upon
14 written request by the department, submit information upon which the person relied
15 to substantiate the claim. The department of justice may request the department of
16 agriculture, trade and consumer protection to issue a written request under this
17 paragraph for information to substantiate an energy savings or safety claim. Failure
18 to submit information requested under this subsection is a violation of sub. (2) (a).

19 **SECTION 168.** 100.26 (1) of the statutes is amended to read:

20 100.26 (1) Any person who violates any provision of this chapter, except s.
21 100.18, or 100.20, ~~100.206 or 100.51~~, for which no specific penalty is prescribed shall
22 be fined not to exceed \$200, or imprisoned in the county jail not more than 6 months
23 or both.

24 **SECTION 169.** 100.26 (2) of the statutes, as affected by 1997 Wisconsin Act 283,

25 is amended to read:

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1 100.26 (2) Any person violating s. 100.02 shall be fined not less than \$50 nor
2 more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and
3 6 months or both is guilty of a Class I felony.

4 **SECTION 170.** 100.26 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 100.26 (5) Any person violating s. 100.06 or any order or regulation of the
7 department thereunder, or s. 100.18 (9), shall may be fined not less than \$100 nor
8 more than \$1,000 \$10,000 or imprisoned for not more than 2 years 9 months or both.
9 Each day of violation constitutes a separate offense.

10 **SECTION 171.** 100.26 (6) of the statutes is amended to read:

11 100.26 (6) The department, ~~the department of justice, after consulting with the~~
12 ~~department,~~ or any district attorney may commence an action in the name of the
13 state to recover a civil forfeiture to the state of not less than \$100 nor more than
14 \$10,000 for each violation of an injunction issued under s. 100.18, 100.182 or 100.20
15 (6). ~~The department of agriculture, trade and consumer protection or any district~~
16 ~~attorney may commence an action in the name of the state to recover a civil forfeiture~~
17 ~~to the state of not less than \$100 nor more than \$10,000 for each violation of or an~~
18 order issued under s. 100.20.

19 **SECTION 172.** 100.26 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 100.26 (7) Any person violating s. 100.182 shall may be fined not less than \$500
22 ~~nor~~ more than \$5,000 \$10,000 or imprisoned for not more than 2 years 9 months or
23 both for each offense. Each unlawful advertisement published, printed or mailed on
24 separate days or in separate publications, hand bills or direct mailings is a separate
25 violation of this section.

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1 **SECTION 173.** 100.264 (2) (intro.) of the statutes is amended to read:

2 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
3 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
4 100.20, ~~100.205, 100.207~~, 100.21, 100.30 (3), 100.35, 100.44 or 100.46 or a rule
5 promulgated under one of those sections, the person shall be subject to a
6 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the
7 defendant, for which the violation was imposed, was perpetrated against an elderly
8 person or disabled person and if the court finds that any of the following factors is
9 present:

10 **SECTION 174.** 100.264 (3) of the statutes is amended to read:

11 100.264 (3) PRIORITY FOR RESTITUTION. If the court orders restitution under s.
12 100.18 (11) (d), 100.182 (5) (a), 100.20 (6), ~~100.205 (7), 100.207 (6) (b) 1.~~ or 100.44 (5)
13 for a pecuniary or monetary loss suffered by a person, the court shall require that the
14 restitution be paid by the defendant before the defendant pays any forfeiture
15 imposed under this section.

16 **SECTION 175.** 100.28 of the statutes is renumbered 134.78, and 134.78 (4) (b)
17 and (c), as renumbered, are amended to read:

18 134.78 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
19 department of justice may seek an injunction restraining any person from violating
20 this section.

21 (c) The department of justice, or any district attorney upon the request of the
22 department, may commence an action in the name of the state under par. (a) or (b).

23 **SECTION 176.** 100.50 of the statutes is renumbered 134.79, and 134.79 (6) (b)
24 and (c), as renumbered, are amended to read:

SENATE BILL 357**SECTION 176**

1 134.79 (6) (b) In lieu of or in addition to the remedy under par. (a), the
2 department of justice may seek an injunction restraining any person from violating
3 this section.

4 (c) The department of justice, or any district attorney upon the request of the
5 department, may commence an action in the name of the state under par. (a) or (b).

6 **SECTION 177.** 100.51 of the statutes is renumbered 134.85, and 134.85 (3) (a),
7 as renumbered, is amended to read:

8 134.85 (3) (a) The department of justice on behalf of the state or any person who
9 claims injury as a result of a violation of sub. (2) may bring an action for temporary
10 or permanent injunctive relief in any circuit court. It is no defense to an action under
11 this paragraph that an adequate remedy exists at law.

12 **SECTION 178.** 101.143 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 101.143 (10) (b) Any owner or operator, person owning a home oil tank system
15 or service provider who intentionally destroys a document that is relevant to a claim
16 for reimbursement under this section ~~may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 15 years or both~~ is guilty of a Class G felony.

18 **SECTION 179.** 101.94 (8) (b) of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 101.94 (8) (b) Any individual or a director, officer or agent of a corporation who
21 knowingly and wilfully violates this subchapter in a manner which threatens the
22 health or safety of a purchaser ~~shall~~ may be fined not more than \$1,000 \$10,000 or
23 imprisoned for not more than ~~2 years~~ 9 months or both.

24 **SECTION 180.** 102.835 (11) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

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1 102.835 (11) EVASION. Any person who removes, deposits or conceals or aids in
2 removing, depositing or concealing any property upon which a levy is authorized
3 under this section with intent to evade or defeat the assessment or collection of any
4 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
5 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
6 costs of prosecution.

7 **SECTION 181.** 102.835 (18) of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 102.835 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
10 employer may discharge or otherwise discriminate with respect to the terms and
11 conditions of employment against any employe by reason of the fact that his or her
12 earnings have been subject to levy for any one levy or because of compliance with any
13 provision of this section. Whoever wilfully violates this subsection may be fined not
14 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

15 **SECTION 182.** 102.85 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 102.85 (3) An employer who violates an order to cease operations under s.
18 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3~~
19 ~~years or both~~ is guilty of a Class I felony.

20 **SECTION 183.** 108.225 (11) of the statutes, as affected by 1997 Wisconsin Act
21 283, is amended to read:

22 108.225 (11) EVASION. Any person who removes, deposits or conceals or aids in
23 removing, depositing or concealing any property upon which a levy is authorized
24 under this section with intent to evade or defeat the assessment or collection of any
25 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~

SENATE BILL 357**SECTION 183**

1 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
2 costs of prosecution.

3 **SECTION 184.** 108.225 (18) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 108.225 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
6 employer may discharge or otherwise discriminate with respect to the terms and
7 conditions of employment against any employe by reason of the fact that his or her
8 earnings have been subject to levy for any one levy or because of compliance with any
9 provision of this section. Whoever wilfully violates this subsection may be fined not
10 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

11 **SECTION 185.** 110.07 (5) (a) of the statutes is amended to read:

12 110.07 (5) (a) In this subsection, "bulletproof garment" ~~has the meaning given~~
13 ~~in s. 939.64 (1)~~ means a vest or other garment designed, redesigned or adapted to
14 prevent bullets from penetrating through the garment.

15 **SECTION 186.** 111.91 (2) (n) of the statutes is amended to read:

16 111.91 (2) (n) The provision to employes of the health insurance coverage
17 required under s. 632.895 (11) to ~~(13)~~ (14).

18 **SECTION 187.** 114.20 (18) (c) of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 114.20 (18) (c) Any person who knowingly makes a false statement in any
21 application or in any other document required to be filed with the department, or who
22 knowingly foregoes the submission of any application, document, or any registration
23 certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more~~
24 ~~than 7 years and 6 months or both~~ is guilty of a Class H felony.

25 **SECTION 188.** 115.31 (2g) of the statutes is amended to read:

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1 115.31 **(2g)** Notwithstanding subch. II of ch. 111, the state superintendent shall
2 revoke a license granted by the state superintendent, without a hearing, if the
3 licensee is convicted of any Class A, B, C or, D, E, F, G or H felony under ch. 940 or
4 948, except ss. 940.08 and 940.205, for a violation that occurs on or after September
5 12, 1991.

6 **SECTION 189.** 118.19 (4) (a) of the statutes is amended to read:

7 118.19 **(4)** (a) Notwithstanding subch. II of ch. 111, the state superintendent
8 may not grant a license to any person who has been convicted of any Class A, B, C
9 or, D, E, F, G or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of
10 an equivalent crime in another state or country, for a violation that occurs on or after
11 September 12, 1991, for 6 years following the date of the conviction, and may grant
12 the license only if the person establishes by clear and convincing evidence that he or
13 she is entitled to the license.

14 **SECTION 190.** 118.43 (2) (a) of the statutes, as affected by 1999 Wisconsin Act
15 9, is amended to read:

16 118.43 **(2)** (a) The school board of any school district in which a school in the
17 previous school year had an enrollment that was at least 50% low-income is eligible
18 to participate in the program under this section, except that a school board is eligible
19 to participate in the program under this section in the 2000-01 school year, and in
20 each school year thereafter, if in the 1998-99 school year a school in the school district
21 had an enrollment that was at least 0% low-income.

22 **SECTION 191.** 118.43 (2) (br) 3. of the statutes, as created by 1999 Wisconsin Act
23 9, is repealed.

24 **SECTION 192.** 118.43 (2) (bt) of the statutes is created to read:

SENATE BILL 357**SECTION 192**

1 118.43 (2) (bt) In the 2001–02 school year and in each school year thereafter,
2 the school board of an eligible school district may enter into a 5–year achievement
3 guarantee contract with the department on behalf of one or more schools in the school
4 district if the school board is not receiving a grant under the preschool to grade 5
5 program on behalf of any of the schools under s. 115.45.

6 **SECTION 193.** 118.43 (2) (f) of the statutes, as affected by 1999 Wisconsin Act
7 9, is repealed.

8 **SECTION 194.** 118.43 (2) (g) of the statutes is created to read:

9 118.43 (2) (g) The department may renew an achievement guarantee contract
10 for one or more terms of 5 school years if the department determines that the contract
11 requirements under sub. (3) and the performance objectives under sub. (4) have been
12 met and if funding is available. As a condition of receiving payments under a renewal
13 of an achievement guarantee contract, a school board shall maintain the class size
14 reduction achieved under the original achievement guarantee contract and continue
15 to meet all contract requirements and performance objectives contained in the
16 renewal of the contract.

17 **SECTION 195.** 118.43 (3) (intro.) of the statutes, as affected by 1999 Wisconsin
18 Act 9, is amended to read:

19 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)
20 and (ar), an achievement guarantee contract shall require the school board to do all
21 of the following in each participating school if the school contains at least one of the
22 designated grades:

23 **SECTION 196.** 118.43 (3) (at) of the statutes is created to read:

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1 118.43 (3) (at) *Class size; additional contracts; 2001-02 and thereafter.* For
2 contracts that begin in the 2001-02 school year or in any school year thereafter,
3 reduce each class size to 15 in the following manner:

4 1. In the first year of the contract, in at least grades kindergarten and one.

5 2. In the 2nd year of the contract, in at least grades kindergarten to 2.

6 3. In the last 3 years of the contract, in at least grades kindergarten to 3.

7 **SECTION 197.** 118.43 (5) (b) of the statutes, as affected by 1999 Wisconsin Act
8 9, is amended to read:

9 118.43 (5) (b) Annually by June 30 ~~through the 2003-04 school year~~, a
10 committee consisting of the state superintendent, the chairpersons of the education
11 committees in the senate and assembly and the individual chiefly responsible for the
12 evaluation under sub. (7) shall review the progress made by each school for which
13 an achievement guarantee contract has been entered into. The committee may
14 recommend to the department that the department terminate a contract if the
15 committee determines that the school board has violated the contract or if the school
16 has made insufficient progress toward achieving its performance objectives under
17 sub. (4) (c). The department may terminate the contract if it agrees with the
18 committee's recommendation.

19 **SECTION 198.** 118.43 (6) (b) 7. of the statutes, as created by 1999 Wisconsin Act
20 9, is amended to read:

21 118.43 (6) (b) 7. In the 2001-02 ~~and 2002-03 school years~~ year, \$2,000
22 multiplied by the number of low-income pupils enrolled in grades eligible for funding
23 in each school in the school district covered by contracts under sub. (3) (am) and (ar).
24 After making these payments, the department shall, if funding is available, pay
25 school districts on behalf of schools that are covered by ~~contracts under sub. (3) (ar)~~,

SENATE BILL 357**SECTION 198**

1 renewals of contracts under sub. (2) (g) an amount equal to \$2,000 multiplied by the
2 number of low-income pupils enrolled in grades eligible for funding in each school
3 in the school district covered by ~~renewals of~~ contracts under sub. (3) ~~(ar)~~ (2) (g). After
4 making these payments, the department shall, if funding is available, pay school
5 districts on behalf of schools that are covered by contracts under sub. (3) (at) an
6 amount equal to \$2,000 multiplied by the number of low-income pupils enrolled in
7 grades eligible for funding in each school in the school district covered by these
8 contracts. In making payments for contracts under subs. (2) (g) and (3) (at), the
9 department shall give priority to schools that have the highest percentage of
10 low-income pupil enrollment.

11 **SECTION 199.** 118.43 (6) (b) 7m. of the statutes is created to read:

12 118.43 (6) (b) 7m. In the 2002-03 school year, \$2,000 multiplied by the number
13 of low-income pupils enrolled in grades eligible for funding in each school in the
14 school district covered by contracts under sub. (3) (am) and (ar) and covered by
15 previous renewals of contracts under sub. (2) (g) and previous contracts under sub.
16 (3) (at). After making these payments, the department shall, if funding is available,
17 pay school districts on behalf of schools that are covered by renewals of contracts
18 under sub. (2) (g) that begin in the 2002-03 school year an amount equal to \$2,000
19 multiplied by the number of low-income pupils enrolled in grades eligible for funding
20 in each school in the school district covered by these renewals of contracts. After
21 making these payments, the department shall, if funding is available, pay school
22 districts on behalf of schools that are covered by contracts under sub. (3) (at) that
23 begin in the 2002-03 school year an amount equal to \$2,000 multiplied by the
24 number of low-income pupils enrolled in grades eligible for funding in each school
25 in the school district covered by these contracts. In making payments for contracts

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1 under subs. (2) (g) and (3) (at) that begin in the 2002-03 school year, the department
2 shall give priority to schools that have the highest percentage of low-income pupil
3 enrollment.

4 **SECTION 200.** 118.43 (6) (b) 8. of the statutes, as created by 1999 Wisconsin Act
5 9, is amended to read:

6 118.43 **(6)** (b) 8. In the 2003-04 and ~~2004-05~~ school years year, \$2,000
7 multiplied by the number of low-income pupils enrolled in grades eligible for funding
8 in each school in the school district covered by contracts under sub. (3) (ar) and
9 previous renewals of contracts under sub. (2) (g) and previous contracts under sub.
10 (3) (at). After making these payments, the department shall, if funding is available,
11 pay school districts on behalf of schools that are covered by renewals of contracts
12 under sub. (2) (g) that begin in the 2003-04 school year an amount equal to \$2,000
13 multiplied by the number of low-income pupils enrolled in grades eligible for funding
14 in each school in the school district covered by renewals of these contracts. After
15 making these payments, the department shall, if funding is available, pay school
16 districts on behalf of schools that are covered by contracts under sub. (3) (at) that
17 begin in the 2003-04 school year an amount equal to \$2,000 multiplied by the
18 number of low-income pupils enrolled in grades eligible for funding in each school
19 in the school district covered by these contracts. In making payments for contracts
20 under subs. (2) (g) and (3) (at) that begin in the 2003-04 school year, the department
21 shall give priority to schools that have the highest percentage of low-income pupil
22 enrollment.

23 **SECTION 201.** 118.43 (6) (b) 8m. of the statutes is created to read:

24 118.43 **(6)** (b) 8m. In the 2004-05 school year, \$2,000 multiplied by the number
25 of low-income pupils enrolled in grades eligible for funding in each school in the

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1 school district covered by contracts under sub. (3) (ar) and covered by previous
2 renewals of contracts under sub. (2) (g) and previous contracts under sub. (3) (at).
3 After making these payments, the department shall, if funding is available, pay
4 school districts on behalf of schools that are covered by renewals of contracts under
5 sub. (2) (g) that begin in the 2004-05 school year an amount equal to \$2,000
6 multiplied by the number of low-income pupils enrolled in grades eligible for funding
7 in each school in the school district covered by renewals of these contracts. After
8 making these payments, the department shall, if funding is available, pay school
9 districts on behalf of schools that are covered by contracts under sub. (3) (at) that
10 begin in the 2004-05 school year an amount equal to \$2,000 multiplied by the
11 number of low-income pupils enrolled in grades eligible for funding in each school
12 in the school district covered by these contracts. In making payments for contracts
13 under subs. (2) (g) and (3) (at) that begin in the 2004-05 school year, the department
14 shall give priority to schools that have the highest percentage of low-income pupil
15 enrollment.

16 **SECTION 202.** 118.43 (6) (b) 9. of the statutes is created to read:

17 118.43 (6) (b) 9. In the 2005-06 school year and in each school year thereafter,
18 \$2,000 multiplied by the number of low-income pupils enrolled in grades eligible for
19 funding in each school in the school district covered by previous renewals of contracts
20 under sub. (2) (g) and previous contracts under sub. (3) (at). After making these
21 payments, the department shall, if funding is available, pay school districts on behalf
22 of schools that are covered by renewals of contracts under sub. (2) (g) that begin in
23 that school year and by contracts under sub. (3) (at) that begin in that school year
24 an amount equal to \$2,000 multiplied by the number of low-income pupils enrolled
25 in grades eligible for funding in each school in the school district covered by these

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1 renewals of contracts. In making payments for contracts under subs. (2) (g) and (3)
2 (at) that begin in the 2005-06 school year or thereafter, the department shall give
3 priority to schools that have the highest percentage of low-income pupil enrollment.

4 **SECTION 203.** 120.13 (2) (g) of the statutes, as affected by 1999 Wisconsin Act
5 9, is amended to read:

6 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
7 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
8 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(13)~~ (14), 632.896 and
9 767.25 (4m) (d).

10 **SECTION 204.** 125.075 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is renumbered 125.075 (2) (a) and amended to read:

12 125.075 (2) (a) Whoever violates sub. (1) ~~may be fined not more than \$10,000~~
13 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
14 felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

15 **SECTION 205.** 125.075 (2) (b) of the statutes is created to read:

16 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
17 underage person dies.

18 **SECTION 206.** 125.085 (3) (a) 2. of the statutes, as affected by 1997 Wisconsin
19 Act 283, is amended to read:

20 125.085 (3) (a) 2. Any person who violates subd. 1. for money or other
21 consideration ~~may be fined not more than \$10,000 or imprisoned for not more than~~
22 ~~3 years or both~~ is guilty of a Class I felony.

23 **SECTION 207.** 125.105 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

SENATE BILL 357**SECTION 207**

1 125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of,
2 a crime may be fined not more than \$10,000 or imprisoned for not more than 7 years
3 and 6 months or both is guilty of a Class H felony.

4 **SECTION 208.** 125.66 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 125.66 (3) Any person manufacturing or rectifying intoxicating liquor without
7 holding appropriate permits under this chapter, or any person who sells such liquor,
8 shall be fined not more than \$10,000 or imprisoned for not more than 15 years or
9 both. ~~Second or subsequent convictions shall be punished by both the fine and~~
10 ~~imprisonment~~ is guilty of a Class F felony.

11 **SECTION 209.** 125.68 (12) (b) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor~~
14 ~~more than \$5,000 or imprisoned for not less than one year nor more than 15 years~~
15 ~~or both~~ is guilty of a Class F felony.

16 **SECTION 210.** 125.68 (12) (c) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 125.68 (12) (c) Any person causing the death of another human being through
19 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol
20 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
21 ~~for not more than 15 years~~ is guilty of a Class E felony.

22 **SECTION 211.** 132.20 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is amended to read:

24 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
25 in this state in a counterfeit mark or in any goods or service bearing or provided

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1 under a counterfeit mark shall is guilty of a Class H felony, except that,
2 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
3 individual, he or she may be fined not more than \$250,000 ~~or imprisoned for not more~~
4 ~~than 7 years and 6 months or both, or, and~~ if the person is not an individual, the
5 person may be fined not more than \$1,000,000.

6 **SECTION 212.** 133.03 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 133.03 (1) Every contract, combination in the form of trust or otherwise, or
9 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any
10 contract or engages in any combination or conspiracy in restraint of trade or
11 commerce is guilty of a Class H felony, except that, notwithstanding the maximum
12 fine specified in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if
13 a corporation, or, if any other person, may be fined not more than \$50,000 ~~or~~
14 ~~imprisoned for not more than 7 years and 6 months or both.~~

15 **SECTION 213.** 133.03 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
18 combines or conspires with any other person or persons to monopolize any part of
19 trade or commerce is guilty of a Class H felony, except that, notwithstanding the
20 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
21 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
22 ~~or imprisoned for not more than 7 years and 6 months or both.~~

23 **SECTION 214.** 134.05 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
24 is amended to read:

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1 134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~
2 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~
3 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
4 9 months or both.

5 **SECTION 215.** 134.16 of the statutes, as affected by 1997 Wisconsin Act 283, is
6 amended to read:

7 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
8 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
9 brokerage or deposit company, corporation or institution, or of any person, company
10 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
11 business in any way, or any person engaged in such business in whole or in part, who
12 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
13 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
14 bills of exchange, bank checks or other commercial paper for safekeeping or for
15 collection, when he or she knows or has good reason to know that such bank, company
16 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~
17 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
18 ~~not more than \$10,000~~ is guilty of a Class F felony.

19 **SECTION 216.** 134.20 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
20 Act 283, is amended to read:

21 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
22 ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6~~
23 ~~months or both~~ is guilty of a Class H felony:

24 **SECTION 217.** 134.205 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

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1 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
2 without entering the same in a register as required by this section ~~shall be fined not~~
3 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
4 guilty of a Class H felony.

5 **SECTION 218.** 134.58 of the statutes, as affected by 1997 Wisconsin Act 283, is
6 amended to read:

7 **134.58 Use of unauthorized persons as officers.** Any person who,
8 individually, in concert with another or as agent or officer of any firm, joint-stock
9 company or corporation, uses, employs, aids or assists in employing any body of
10 armed persons to act as militia, police or peace officers for the protection of persons
11 or property or for the suppression of strikes, not being authorized by the laws of this
12 state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than~~
13 ~~one year nor more than 4 years and 6 months or both is guilty of a Class I felony.~~

14 **SECTION 219.** 134.71 (12) of the statutes is amended to read:

15 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and
16 ~~consumer protection justice~~ justice shall develop applications and other forms required
17 under subs. (5) (intro.) and (8) (c). The department shall print a sufficient number
18 of applications and forms to provide to counties and municipalities for distribution
19 to pawnbrokers, secondhand article dealers and secondhand jewelry dealers at no
20 cost.

21 **SECTION 220.** 134.95 (2) of the statutes is amended to read:

22 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a
23 person for a violation under s. ~~100.171, 100.173, 100.174, 100.175, 100.177~~ 134.22,
24 134.68, 134.70, 134.71, 134.72, 134.74, 134.83 or 134.87 or ch. 136 or a rule
25 promulgated under these sections or that chapter, the person shall be subject to a

SENATE BILL 357**SECTION 220**

1 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the
2 defendant, for which the fine or forfeiture was imposed, was perpetrated against an
3 elderly person or disabled person and if any of the factors under s. 100.264 (2) (a), (b)
4 or (c) is present.

5 **SECTION 221.** 134.95 (3) of the statutes is amended to read:

6 134.95 (3) PRIORITY FOR RESTITUTION. If the court orders restitution under s.
7 ~~100.171 (8), 100.173 (4) (a), 100.174 (7), 100.175 (7), 100.177 (15)~~ 134.22 (4) (a),
8 134.68 (7), 134.70 (15), 134.74 (8), 134.83 (7) or 134.87 (6) for a pecuniary or monetary
9 loss suffered by a person, the court shall require that the restitution be paid by the
10 defendant before the defendant pays any forfeiture imposed under this section.

11 **SECTION 222.** 134.99 (1) of the statutes is amended to read:

12 134.99 (1) Whoever is concerned in the commission of a violation of this
13 chapter, except s. 134.83, for which a forfeiture is imposed is a principal and may be
14 charged with and convicted of the violation although he or she did not directly
15 commit it and although the person who directly committed it has not been convicted
16 of the violation.

17 **SECTION 223.** 136.03 (title) of the statutes is amended to read:

18 **136.03 (title) Duties of the department of agriculture, trade and**
19 **consumer protection justice.**

20 **SECTION 224.** 136.03 (1) (intro.) of the statutes is amended to read:

21 136.03 (1) (intro.) The department of agriculture, trade and consumer
22 protection justice shall investigate violations of this chapter and of rules and orders
23 issued under s. 136.04. The department of justice may subpoena persons and records
24 to facilitate its investigations, and may enforce compliance with such subpoenas as
25 provided in s. 885.12. The department of justice may in behalf of the state:

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1 **SECTION 225.** 139.44 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
4 any stamp or procures or causes the same to be done, or who knowingly utters,
5 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
6 affixes the same to any package or container of cigarettes, or who possesses with the
7 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
8 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
9 ~~years~~ is guilty of a Class G felony.

10 **SECTION 226.** 139.44 (1m) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
13 meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than~~
14 ~~one year nor more than 15 years~~ is guilty of a Class G felony.

15 **SECTION 227.** 139.44 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 139.44 (2) Any person who makes or signs any false or fraudulent report or who
18 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
19 evasion or attempted evasion of that tax shall may be fined not less than \$1,000 nor
20 more than \$5,000 ~~\$10,000~~ or imprisoned for not less than 90 days ~~nor more than 2~~
21 ~~years~~ 9 months or both.

22 **SECTION 228.** 139.44 (8) (c) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

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1 139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than~~
2 \$10,000 ~~or imprisonment for not more than 3 years or both~~ the person is guilty of a
3 Class I felony.

4 **SECTION 229.** 139.95 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 139.95 (2) A dealer who possesses a schedule I controlled substance or schedule
7 II controlled substance that does not bear evidence that the tax under s. 139.88 has
8 been paid ~~may be fined not more than \$10,000 or imprisoned for not more than 7~~
9 ~~years and 6 months or both~~ is guilty of a Class H felony.

10 **SECTION 230.** 139.95 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits
13 any stamp or procures or causes the same to be done or who knowingly utters,
14 publishes, passes or tenders as true any false, altered or counterfeit stamp or who
15 affixes a counterfeit stamp to a schedule I controlled substance or schedule II
16 controlled substance or who possesses a schedule I controlled substance or schedule
17 II controlled substance to which a false, altered or counterfeit stamp is affixed ~~may~~
18 ~~be fined not more than \$10,000 or imprisoned for not less than one year nor more~~
19 ~~than 15 years or both~~ is guilty of a Class F felony.

20 **SECTION 231.** 146.345 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 146.345 (3) Any person who violates this section is guilty of a Class H felony,
23 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
24 person ~~may be fined not more than \$50,000 or imprisoned for not more than 7 years~~
25 ~~and 6 months or both.~~

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1 **SECTION 232.** 146.35 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~
4 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
5 felony.

6 **SECTION 233.** 146.60 (9) (am) of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 146.60 (9) (am) For a 2nd or subsequent violation under par. (ag), a person shall
9 may be fined not less than ~~\$1,000~~ nor more than \$50,000 or imprisoned for not more
10 than ~~2 years 9 months~~ or both.

11 **SECTION 234.** 146.70 (10) (a) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 146.70 (10) (a) Any person who intentionally dials the telephone number "911"
14 to report an emergency, knowing that the fact situation which he or she reports does
15 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
16 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~
17 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
18 felony for any other offense committed within 4 years after the first offense.

19 **SECTION 235.** 154.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 154.15 (2) Any person who, with the intent to cause a withholding or
22 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
23 the declarant, illegally falsifies or forges the declaration of another or conceals a
24 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
25 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~

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1 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
2 felony.

3 **SECTION 236.** 154.29 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 154.29 (2) Any person who, with the intent to cause the withholding or
6 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
7 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
8 under s. 154.21 of a do-not-resuscitate order or any responsible person who
9 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~
10 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
11 felony.

12 **SECTION 237.** 165.07 of the statutes is created to read:

13 **165.07 Assistant attorney general — public intervenor.** (1) The attorney
14 general shall designate an assistant attorney general on the attorney general's staff
15 as public intervenor. Written notices of all proceedings under chs. 30, 31, 281 to 285
16 and 289 to 299, except s. 281.48, shall be given to the public intervenor and to the
17 administrators of divisions primarily assigned the departmental functions under
18 chs. 29, 281, 285 and 289 to 299, except s. 281.48, by the agency head responsible for
19 such proceedings. A copy of such notice shall also be given to the natural areas
20 preservation council.

21 (2) The public intervenor shall formally intervene in proceedings described in
22 sub. (1) when requested to do so by an administrator of a division primarily assigned
23 the departmental functions under chs. 29, 281, 285 or 289 to 299, except s. 281.48.
24 The public intervenor may, on the public intervenor's own initiative or upon request
25 of any committee of the legislature, formally intervene in all proceedings described

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1 in sub. (1) whenever such intervention is needed for the protection of “public rights”
2 in water and other natural resources, as provided in chs. 30 and 31 and defined by
3 the supreme court.

4 (3) Personnel of the department of natural resources shall, upon the request
5 of the public intervenor, make such investigations, studies and reports as the public
6 intervenor may request in connection with proceedings described in sub. (1), either
7 before or after formal intervention. Personnel of state agencies shall at the public
8 intervenor’s request provide information, serve as witnesses in proceedings
9 described in sub. (1) and otherwise cooperate in the carrying out of the public
10 intervenor’s intervention functions. Formal intervention shall be by filing a
11 statement to that effect with the examiner or other person immediately in charge of
12 the proceeding. Thereupon the public intervenor shall be considered a party in
13 interest with full power to present evidence, subpoena and cross-examine witnesses,
14 submit proof, file briefs or do any other acts appropriate for a party to the
15 proceedings.

16 (4) The public intervenor may appeal from administrative rulings to the courts.
17 In all administrative proceedings and judicial review proceedings the public
18 intervenor shall be identified as “public intervenor”. This section does not preclude
19 or prevent any division of the department of natural resources, or any other
20 department or independent agency, from appearing by its staff as a party in such
21 proceedings.

22 **SECTION 238.** 165.075 of the statutes is created to read:

23 **165.075 Assistant attorney general; public intervenor; authority.** In
24 carrying out his or her duty to protect public rights in water and other natural
25 resources, the public intervenor has the authority to initiate actions and proceedings

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1 before any agency or court in order to raise issues, including issues concerning
2 constitutionality, present evidence and testimony and make arguments.

3 **SECTION 239.** 165.076 of the statutes is created to read:

4 **165.076 Assistant attorney general; public intervenor; advisory**
5 **committee.** The attorney general shall appoint a public intervenor advisory
6 committee under s. 15.04 (1) (c). The public intervenor advisory committee shall
7 consist of not less than 7 nor more than 9 members. The members shall have
8 backgrounds in or demonstrated experience or records relating to environmental
9 protection or natural resource conservation. At least one of the members shall have
10 working knowledge in business. At least one of the members shall have working
11 knowledge in agriculture. The public intervenor advisory committee shall advise the
12 public intervenor consistent with his or her duty to protect public rights in water and
13 other natural resources. The public intervenor advisory committee shall conduct
14 meetings consistent with subch. V of ch. 19 and shall permit public participation and
15 public comment on public intervenor activities.

16 **SECTION 240.** 165.25 (4) (ar) of the statutes is repealed.

17 **SECTION 241.** 166.20 (11) (b) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
20 release of a hazardous substance covered under 42 USC 11004 as required under sub.
21 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall~~ is subject to the following
22 penalties:

23 1. For the first offense, the person is guilty of a Class I felony, except that,
24 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be

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1 ~~fined not less than \$100 nor more than \$25,000 or imprisoned for not more than 3~~
2 ~~years or both.~~

3 2. For the 2nd and subsequent offenses, the person is guilty of a Class I felony,
4 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the
5 person may be fined not less than \$200 nor more than \$50,000 or imprisoned for not
6 ~~more than 3 years or both.~~

7 **SECTION 242.** 167.10 (9) (g) of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
10 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~
11 ~~than 15 years or both~~ is guilty of a Class G felony.

12 **SECTION 243.** 175.20 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 175.20 (3) Any person who violates any of the provisions of this section ~~shall~~
15 may be fined not less than \$25 nor more than \$1,000 and \$10,000 or may be
16 ~~imprisoned for not less than 30 days nor more than 2 years~~ 9 months or both. In
17 addition, the court may revoke the license or licenses of the person or persons
18 convicted.

19 **SECTION 244.** 180.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
22 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

23 **SECTION 245.** 181.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

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1 181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more~~
2 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
3 felony.

4 **SECTION 246.** 185.825 of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 **185.825 Penalty for false document.** Whoever causes a document to be
7 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
8 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
9 Class I felony.

10 **SECTION 247.** 185.981 (4t) of the statutes is amended to read:

11 185.981 (4t) A sickness care plan operated by a cooperative association is
12 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855,
13 632.87 (2m), (3), (4) and (5), 632.895 (10) to ~~(13)~~ (14) and 632.897 (10) and chs. 149
14 and 155.

15 **SECTION 248.** 185.983 (1) (intro.) of the statutes is amended to read:

16 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
17 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
18 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72
19 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87
20 (2m), (3), (4) and (5), 632.895 (5) and (9) to ~~(13)~~ (14), 632.896 and 632.897 (10) and
21 chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

22 **SECTION 249.** 196.219 (3) (n) of the statutes is amended to read:

23 196.219 (3) (n) Provide telecommunications service in violation of s. ~~100.207~~
24 134.179.

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1 **SECTION 250.** 200.09 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 200.09 (2) Every director, president, secretary or other official or agent of any
4 public service corporation, who shall practice fraud or knowingly make any false
5 statement to secure a certificate of authority to issue any security, or issue under a
6 certificate so obtained and with knowledge of such fraud, or false statement, or
7 negotiate, or cause to be negotiated, any security, in violation of this chapter, shall
8 be fined not less than \$500 or imprisoned for not less than one year nor more than
9 15 years or both is guilty of a Class I felony.

10 **SECTION 251.** 214.93 of the statutes, as affected by 1997 Wisconsin Act 283, is
11 amended to read:

12 **214.93 False statements.** A person may not knowingly make, cause, or allow
13 another person to make or cause to be made, a false statement, under oath if required
14 by this chapter or on any report or statement required by the division or by this
15 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
16 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

17 **SECTION 252.** 215.02 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any
20 debtor of any association or any information about the private account or
21 transactions of such association, discloses any fact obtained in the course of any
22 examination of any association, or discloses examination or other confidential
23 information obtained from any state or federal regulatory authority, including an
24 authority of this state or another state, for financial institutions, mortgage bankers,
25 insurance or securities, except as provided in par. (a), he or she is guilty of a Class

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1 ~~I felony and shall forfeit his or her office or position and may be fined not less than~~
2 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~
3 ~~3 years or both.~~

4 **SECTION 253.** 215.12 of the statutes, as affected by 1997 Wisconsin Act 283, is
5 amended to read:

6 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
7 director, employe or agent of any association who steals, abstracts, or wilfully
8 misapplies any property of the association, whether owned by it or held in trust, or
9 who, without authority, issues or puts forth any certificate of savings accounts,
10 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
11 in any book, record, report or statement of the association with intent to injure or
12 defraud the association or any person or corporation, or to deceive any officer or
13 director of the association, or any other person, or any agent appointed to examine
14 the affairs of such association, or any person who, with like intent, aids or abets any
15 officer, director, employe or agent in the violation of this section, shall be imprisoned
16 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

17 **SECTION 254.** 215.21 (21) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 **215.21 (21) PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS.** Every officer,
20 director, employe or agent of any association, or any appraiser making appraisals for
21 any association, who accepts or receives, or offers or agrees to accept or receive
22 anything of value in consideration of its loaning any money to any person; or any
23 person who offers, gives, presents or agrees to give or present anything of value to
24 any officer, director, employe or agent of any association or to any appraiser making
25 appraisals for any association in consideration of its loaning money to the person,

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1 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~
2 ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this
3 subsection prohibits an association from employing an officer, employe or agent to
4 solicit mortgage loans and to pay the officer, employe or agent on a fee basis.

5 **SECTION 255.** 218.21 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 218.21 (7) Any person who knowingly makes a false statement in an
8 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
9 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
10 Class H felony.

11 **SECTION 256.** 220.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 220.06 (2) If any employe in the division or any member of the banking review
14 board or any employe thereof discloses the name of any debtor of any bank or
15 licensee, or anything relative to the private account or transactions of such bank or
16 licensee, or any fact obtained in the course of any examination of any bank or
17 licensee, except as herein provided, that person is guilty of a Class I felony and shall
18 be subject, upon conviction, to forfeiture of office or position and may be fined not less
19 than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more
20 than 3 years or both.

21 **SECTION 257.** 221.0625 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
22 Act 283, is amended to read:

23 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation
24 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~
25 ~~not more than 15 years~~ is guilty of a Class F felony:

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1 **SECTION 258.** 221.0636 (2) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~
4 ~~not more than 30 years~~ is guilty of a Class H felony.

5 **SECTION 259.** 221.0637 (2) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~
8 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
9 felony.

10 **SECTION 260.** 221.1004 (2) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
13 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
14 ~~than 15 years or both~~ is guilty of a Class F felony.

15 **SECTION 261.** 230.08 (2) (L) 6. of the statutes is created to read:

16 230.08 (2) (L) 6. Sentencing commission.

17 **SECTION 262.** 230.08 (2) (of) of the statutes is created to read:

18 230.08 (2) (of) The executive director of the sentencing commission.

19 **SECTION 263.** 253.06 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
22 ~~finned not more than \$10,000 or imprisoned for not more than 3 years, or both,~~ is guilty
23 of a Class I felony for the first offense and ~~may be fined not more than \$10,000 or~~
24 ~~imprisoned for not more than 7 years and 6 months, or both,~~ is guilty of a Class H
25 felony for the 2nd or subsequent offense.

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1 **SECTION 264.** 285.87 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
4 another conviction under par. (a), the person ~~shall~~ is guilty of a Class I felony, except
5 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may
6 be fined not more than \$50,000 per day of violation or imprisoned for not more than
7 3 years or both.

8 **SECTION 265.** 291.97 (2) (b) (intro.) of the statutes, as affected by 1997
9 Wisconsin Act 283, is amended to read:

10 291.97 (2) (b) (intro.) Any person who wilfully does any of the following ~~shall~~
11 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
12 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 ~~nor~~ more than
13 \$100,000 ~~or imprisoned for not more than 7 years and 6 months or both:~~

14 **SECTION 266.** 291.97 (2) (c) 1. and 2. of the statutes, as affected by 1997
15 Wisconsin Act 283, are amended to read:

16 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person ~~shall~~
17 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
18 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 ~~nor~~ more than \$50,000
19 ~~or imprisoned for not more than 2 years or both.~~

20 2. For a 2nd or subsequent violation under par. (b), a person ~~shall~~ is guilty of
21 a Class F felony, except that, notwithstanding the maximum fine specified in s.
22 939.50 (3) (f), the person may be fined not less than \$5,000 ~~nor~~ more than \$150,000
23 ~~or imprisoned for not more than 15 years or both.~~

24 **SECTION 267.** 299.53 (4) (c) 2. of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

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1 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
2 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
3 or imprisoned for not more than one year in the county jail or both. For a 2nd or
4 subsequent violation, the person ~~shall~~ is guilty of a Class I felony, except that,
5 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
6 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

7 **SECTION 268.** 301.03 (3) of the statutes is amended to read:

8 301.03 (3) ~~Administer~~ Subject to sub. (3a), administer parole, extended
9 supervision and probation matters, except that the decision to grant or deny parole
10 to inmates shall be made by the parole commission and the decision to revoke
11 probation, extended supervision or parole in cases in which there is no waiver of the
12 right to a hearing shall be made by the division of hearings and appeals in the
13 department of administration. The secretary may grant special action parole
14 releases under s. 304.02. The department shall promulgate rules establishing a drug
15 testing program for probationers, parolees and persons placed on extended
16 supervision. The rules shall provide for assessment of fees upon probationers,
17 parolees and persons placed on extended supervision to partially offset the costs of
18 the program.

19 **SECTION 269.** 301.03 (3a) of the statutes is created to read:

20 301.03 (3a) The department shall take steps to promote the increased
21 effectiveness of probation, extended supervision and parole in Brown, Dane,
22 Kenosha, Milwaukee, Racine and Rock counties. In each of these counties, the
23 department shall, beginning on January 1, 2001, develop a partnership with the
24 community, have strategies for local crime prevention, supervise offenders actively,
25 commit additional resources to enhance supervision and purchase services for

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1 offenders, establish day reporting centers and ensure that probation, extended
2 supervision and parole agents, on average, supervise no more than 20 persons on
3 probation, extended supervision or parole.

4 **SECTION 270.** 301.035 (2) of the statutes is amended to read:

5 301.035 (2) Assign hearing examiners from the division to preside over
6 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
7 (2) and ch. 304.

8 **SECTION 271.** 301.035 (4) of the statutes is amended to read:

9 301.035 (4) Supervise employes in the conduct of the activities of the division
10 and be the administrative reviewing authority for decisions of the division under ss.
11 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
12 ch. 304.

13 **SECTION 272.** 301.26 (3) (c) of the statutes is amended to read:

14 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd),
15 (ce), (cf) and (ko), the department shall allocate funds to each county for services
16 under this section.

17 **SECTION 273.** 301.26 (4) (a) of the statutes is amended to read:

18 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
19 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd),
20 (ce), (cf) and (ko) for the costs of care, services and supplies purchased or provided
21 by the department of corrections for each person receiving services under s. 48.366,
22 938.183 or 938.34 or the department of health and family services for each person
23 receiving services under s. 46.057 or 51.35 (3). The department of corrections may
24 not bill a county for or deduct from a county's allocation the cost of care, services and
25 supplies provided to a person subject to an order under s. 48.366 or 938.183 after the

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1 person reaches 18 years of age. Payment shall be due within 60 days after the billing
2 date. If any payment has not been received within 60 days, the department of
3 corrections may withhold aid payments in the amount due from the ~~appropriation~~
4 allocations under s. 20.410 (3) (cd), ~~(ce)~~, ~~(cf)~~ and ~~(ko)~~.

5 **SECTION 274.** 301.26 (4) (cm) 1. of the statutes, as affected by 1999 Wisconsin
6 Act 9, is amended to read:

7 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
8 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
9 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured
10 correctional facilities, secured child caring institutions, alternate care providers,
11 aftercare supervision providers and corrective sanctions supervision providers for
12 costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age
13 or over who has been placed in a secured correctional facility based on a delinquent
14 act that is a violation of s. 943.23 (1m) or (1r), 1997 stats., s. 948.35, 1997 stats., or
15 s. 948.36, 1997 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305,
16 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2),
17 948.02 (1), 948.025, ~~(1) or 948.30 (2), 948.35 (1) (b) or 948.36~~ and for the care of any
18 juvenile 10 years of age or over who has been placed in a secured correctional facility
19 or secured child caring institution for attempting or committing a violation of s.
20 940.01 or for committing a violation of s. 940.02 or 940.05.

21 **SECTION 275.** 301.26 (6) (a) of the statutes is amended to read:

22 301.26 (6) (a) The intent of this subsection is to develop criteria to assist the
23 legislature in allocating funding, excluding funding for base allocations, from the
24 appropriations under s. 20.410 (3) (cd), ~~(ce)~~, ~~(cf)~~ and (ko) for purposes described in
25 this section.

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1 **SECTION 276.** 301.26 (7) (a) (intro.) of the statutes, as affected by 1999
2 Wisconsin Act 9, is amended to read:

3 301.26 (7) (a) (intro.) For community youth and family aids under this section,
4 amounts not to exceed \$42,091,800 for the last 6 months of 1999, \$85,183,700 for
5 2000 and \$43,091,900 for the first 6 months of 2001. Of those amounts, the
6 department shall allocate \$1,000,000 for the last 6 months of 1999, \$3,000,000 for
7 2000 and \$2,000,000, plus 50% of the amount allocated for 2001 under par. (k), for
8 the first 6 months of 2001 to counties based on each of the following factors weighted
9 equally:

10 **SECTION 277.** 301.26 (7) (k) of the statutes is created to read:

11 301.26 (7) (k) In 2000, for community youth and family aids, the department
12 shall allocate \$0 from the appropriation under s. 20.410 (3) (ce). Beginning in 2001,
13 for community youth and family aids, the department shall allocate from the
14 appropriation under s. 20.410 (3) (ce) in each year an amount equal to \$82,734,500
15 multiplied by a percentage that is equal to the percentage change between the U.S.
16 consumer price index for all urban consumers, U.S. city average, for the 12-month
17 period ending on June 30 of the previous year and the U.S. consumer price index for
18 all urban consumers, U.S. city average, for the 12-month period ending on June 30,
19 1999, as determined by the federal department of labor, rounded to the nearest
20 multiple of \$100.

21 **SECTION 278.** 301.26 (7m) of the statutes is created to read:

22 301.26 (7m) ALLOCATION OF FEDERAL FUNDING LOSS FUNDS. In addition to the
23 amounts allocated under sub. (7) (a), the department shall allocate in each fiscal year
24 the amount appropriated under s. 20.410 (3) (cf) for community youth and family aids
25 under this section.

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1 **SECTION 279.** 301.26 (8) of the statutes, as affected by 1999 Wisconsin Act 9,
2 is amended to read:

3 **301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT.** From the amount of the
4 allocations specified in sub- subs. (7) (a) and (k) and (7m), the department shall
5 allocate \$666,700 in the last 6 months of 1999, \$1,333,400 in 2000 and \$666,700 in
6 the first 6 months of 2001 for alcohol and other drug abuse treatment programs.

7 **SECTION 280.** 301.46 (2s) of the statutes is created to read:

8 **301.46 (2s) RELEASE OF INFORMATION TO PARENTS THROUGH SCHOOL DISTRICT**
9 **ADMINISTRATORS.** (a) In this subsection, "school district administrator" has the
10 meaning given in s. 115.001 (8).

11 (b) 1. A parent, guardian or legal custodian of a child enrolled in a school district
12 may request the school district administrator to make a request for information
13 under par. (c) concerning persons subject to bulletin notification under sub. (2m)
14 (am).

15 2. A parent, guardian or legal custodian of a child enrolled in a private school
16 may request the school district administrator of the school district in which the child
17 resides or the school district administrator of the school district in which the private
18 school is located to make a request for information under par. (c) concerning persons
19 subject to bulletin notification under sub. (2m) (am).

20 3. If a parent, guardian or legal custodian of a child intends to move to a new
21 residence that is located in a different school district or intends to enroll his or her
22 child in a private school, the parent, guardian or legal custodian may request the
23 school district administrator of the school district in which the new residence is
24 located or the school district administrator of the school district in which the private

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1 school is located to make a request for information under par. (c) concerning persons
2 subject to bulletin notification under sub. (2m) (am).

3 (c) When a school district administrator receives a request from a parent,
4 guardian or legal custodian under par. (b) for information concerning persons
5 required to register under s. 301.45, the school district administrator shall request
6 information concerning the persons from the police chief of the community in which
7 the school district is located or the sheriff of the county in which the school district
8 is located.

9 (d) Upon receiving a request from a school district administrator under par. (c),
10 the police chief or sheriff shall immediately provide in writing all of the following
11 information concerning each person who is residing, employed or attending school
12 in the community or county and about whom the police chief or sheriff has received
13 notification under sub. (2m) (am):

- 14 1. The person's name, including any aliases used by the person.
- 15 2. Information sufficient to identify the person, including date of birth, gender,
16 race, height, weight and hair and eye color.
- 17 3. The statute that the person violated, the date of conviction, adjudication or
18 commitment, and the county or, if the state is not this state, the state in which the
19 person was convicted, adjudicated or committed.
- 20 4. The address at which the person is residing.
- 21 5. The name and address of the place at which the person is employed.
- 22 6. The name and location of any school in which the person is enrolled.
- 23 7. A description of any motor vehicle that the person owns or that is registered
24 in the person's name, including the information provided by the person under s.
25 301.45 (2) (a) 7.

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1 8. The most recent date on which the information under s. 301.45 was updated.

2 (e) Upon receiving information from a police chief or sheriff under par. (d), a
3 school district administrator shall in turn provide the information in writing to the
4 parent, guardian or legal custodian who requested the information.

5 (f) 1. A parent, guardian or legal custodian of a child who makes a request for
6 information under par. (b) may also make a request for information under sub. (5)
7 concerning a person required to register under s. 301.45.

8 2. A public or private elementary or secondary school administrator who makes
9 a request for information under par. (c) may also make a request for information
10 under sub. (4) for information concerning persons registered under s. 301.45.

11 **SECTION 281.** 301.46 (5) (a) (intro.) of the statutes is amended to read:

12 301.46 (5) (a) (intro.) The department or a police chief or sheriff may provide
13 the information specified in par. (b) concerning a specific person required to register
14 under s. 301.45 to a person who is not provided notice or access under ~~subs.~~ sub. (2)
15 ~~to, (2m), (3) or~~ (4) if, in the opinion of the department or the police chief or sheriff,
16 providing the information is necessary to protect the public and if the person
17 requesting the information does all of the following:

18 **SECTION 282.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is amended to read:

20 302.095 (2) Any officer or other person who delivers or procures to be delivered
21 or has in his or her possession with intent to deliver to any inmate confined in a jail
22 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
23 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
24 prison, any article or thing whatever, with intent that any inmate confined in the jail
25 or prison shall obtain or receive the same, or who receives from any inmate any

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1 article or thing whatever with intent to convey the same out of a jail or prison,
2 contrary to the rules or regulations and without the knowledge or permission of the
3 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
4 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~
5 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

6 **SECTION 283.** 302.11 (1g) (a) 2. of the statutes is amended to read:

7 302.11 **(1g)** (a) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m),
8 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., or s. 940.02,
9 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
10 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) ~~or (1m)~~, 943.32 (2),
11 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08,
12 or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

13 **SECTION 284.** 302.11 (1p) of the statutes is amended to read:

14 302.11 **(1p)** An inmate serving a term subject to s. 961.49 (2), 1997 stats., for
15 a crime committed before December 31, 1999, is entitled to mandatory release,
16 except the inmate may not be released before he or she has complied with s. 961.49
17 (2), 1997 stats.

18 **SECTION 285.** 302.113 (2) of the statutes is amended to read:

19 302.113 **(2)** Except as provided in subs. (3) and (9), an inmate subject to this
20 section is entitled to release to extended supervision after he or she has served the
21 term of confinement in prison portion of the sentence imposed under s. 973.01, as
22 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
23 applicable.

24 **SECTION 286.** 302.113 (3) (a) (intro.) of the statutes is amended to read:

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1 302.113 (3) (a) (intro.) The warden or superintendent shall keep a record of the
2 conduct of each inmate subject to this section, specifying each infraction of the rules.
3 If an inmate subject to this section violates an order under s. 973.031 requiring him
4 or her to participate in a drug treatment program, violates any regulation of the
5 prison or refuses or neglects to perform required or assigned duties, the department
6 may extend the term of confinement in prison portion of the inmate’s bifurcated
7 sentence as follows:

8 **SECTION 287.** 302.113 (7) of the statutes is amended to read:

9 302.113 (7) Any person released to extended supervision under this section is
10 subject to all conditions and rules of extended supervision until the expiration of the
11 term of extended supervision portion of the bifurcated sentence. The department
12 may set conditions of extended supervision in addition to any conditions of extended
13 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by
14 the department do not conflict with the court’s conditions.

15 **SECTION 288.** 302.113 (7m) of the statutes is created to read:

16 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
17 or the department may petition the sentencing court to modify any conditions of
18 extended supervision set by the court.

19 (b) If the department files a petition under this subsection, it shall serve a copy
20 of the petition on the person who is the subject of the petition and, if the person is
21 represented by an attorney, on the person’s attorney. If a person who is subject to this
22 section or his or her attorney files a petition under this subsection, the person or his
23 or her attorney shall serve a copy of the petition on the department. The court shall
24 serve a copy of a petition filed under this section on the district attorney. The court

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1 may direct the clerk of the court to provide notice of the petition to a victim of a crime
2 committed by the person who is the subject of the petition.

3 (c) The court may conduct a hearing to consider the petition. The court may
4 grant the petition in full or in part if it determines that the modification would meet
5 the needs of the department and the public and would be consistent with the
6 objectives of the person's sentence.

7 (d) A person subject to this section or the department may appeal an order
8 entered by the court under this subsection. The appellate court may reverse the
9 order only if it determines that the sentencing court erroneously exercised its
10 discretion in granting or denying the petition.

11 (e) 1. An inmate may not petition the court to modify the conditions of extended
12 supervision earlier than one year before the date of the inmate's scheduled date of
13 release to extended supervision or more than once before the inmate's release to
14 extended supervision.

15 2. A person subject to this section may not petition the court to modify the
16 conditions of extended supervision within one year after the inmate's release to
17 extended supervision. If a person subject to this section files a petition authorized
18 by this subsection after his or her release from confinement, the person may not file
19 another petition until one year after the date of filing the former petition.

20 **SECTION 289.** 302.113 (8m) of the statutes is created to read:

21 302.113 (8m) (a) Every person released to extended supervision under this
22 section remains in the legal custody of the department. If the department alleges
23 that any condition or rule of extended supervision has been violated by the person,
24 the department may take physical custody of the person for the investigation of the
25 alleged violation.

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1 (b) If a person released to extended supervision under this section signs a
2 statement admitting a violation of a condition or rule of extended supervision, the
3 department may, as a sanction for the violation, confine the person for up to 90 days
4 in a regional detention facility or, with the approval of the sheriff, in a county jail.
5 If the department confines the person in a county jail under this paragraph, the
6 department shall reimburse the county for its actual costs in confining the person
7 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
8 the person is not eligible to earn good time credit on any period of confinement
9 imposed under this subsection.

10 **SECTION 290.** 302.113 (9) of the statutes is amended to read:

11 302.113 (9) (a) If a person released to extended supervision under this section
12 violates a condition of extended supervision, the division of hearings and appeals in
13 the department of administration, upon proper notice and hearing, or the
14 department of corrections, if the person on extended supervision waives a hearing,
15 may revoke the extended supervision of the person and return the person to prison.
16 If the extended supervision of the person is revoked, the person shall be returned to
17 the circuit court for the county in which the person was convicted of the offense for
18 which he or she was on extended supervision, and the court shall order the person
19 to be returned to prison, he or she shall be returned to prison for any specified period
20 of time that does not exceed the time remaining on the bifurcated sentence. The time
21 remaining on the bifurcated sentence is the total length of the bifurcated sentence,
22 less time served by the person in custody under the sentence before release to
23 extended supervision under sub. (2) and less all time served in custody for previous
24 revocations of extended supervision under the sentence. The revocation court order
25 returning a person to prison under this paragraph shall provide the person on whose

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1 extended supervision was revoked with credit in accordance with ss. 304.072 and
2 973.155.

3 (b) A person who is returned to prison after revocation of extended supervision
4 shall be incarcerated for the entire period of time specified by the ~~department of~~
5 ~~corrections in the case of a waiver or by the division of hearings and appeals in the~~
6 ~~department of administration in the case of a hearing~~ court under par. (a). The period
7 of time specified under par. (a) may be extended in accordance with sub. (3). If a
8 person is returned to prison under par. (a) for a period of time that is less than the
9 time remaining on the bifurcated sentence, the person shall be released to extended
10 supervision after he or she has served the period of time specified by the court under
11 par. (a) and any periods of extension imposed in accordance with sub. (3).

12 (c) A person who is subsequently released to extended supervision after service
13 of the period of time specified by the ~~department of corrections in the case of a waiver~~
14 ~~or by the division of hearings and appeals in the department of administration in the~~
15 ~~case of a hearing~~ court under par. (a) is subject to all conditions and rules under sub.
16 subs. (7) and, if applicable, (7m) until the expiration of the ~~term of~~ remaining
17 extended supervision portion of the bifurcated sentence. The remaining extended
18 supervision portion of the bifurcated sentence is the total length of the bifurcated
19 sentence, less the time served by the person in confinement under the bifurcated
20 sentence before release to extended supervision under sub. (2) and less all time
21 served in confinement for previous revocations of extended supervision under the
22 bifurcated sentence.

23 **SECTION 291.** 302.113 (9) (am) of the statutes is created to read:

24 302.113 (9) (am) When a person is returned to court under par. (a) after
25 revocation of extended supervision, the division of hearings and appeals in the

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1 department of administration, in the case of a hearing, or the department of
2 corrections, in the case of a waiver, shall make a recommendation to the court
3 concerning the period of time for which the person should be returned to prison. The
4 recommended time period may not exceed the time remaining on the bifurcated
5 sentence, as calculated under par. (a).

6 **SECTION 292.** 302.113 (9) (d) of the statutes is created to read:

7 302.113 (9) (d) In any case in which there is a hearing before the division of
8 hearings and appeals in the department of administration concerning whether to
9 revoke of a person's extended supervision, the person on extended supervision may
10 seek review of a decision to revoke extended supervision and the department of
11 corrections may seek review of a decision to not revoke extended supervision. Review
12 of a decision under this paragraph may be sought only by an action for certiorari.

13 **SECTION 293.** 302.113 (9g) of the statutes is created to read:

14 302.113 (9g) (a) In this subsection, "program review committee" means the
15 committee at a correctional institution that reviews the security classifications,
16 institution assignments and correctional programming assignments of inmates
17 confined in the institution.

18 (b) An inmate who is serving a bifurcated sentence for a crime other than a
19 Class B felony may seek modification of the bifurcated sentence in the manner
20 specified in par. (f) if he or she meets one of the following criteria:

21 1. The inmate is 65 years of age or older and has served at least 5 years of the
22 term of confinement in prison portion of the bifurcated sentence.

23 2. The inmate is 60 years of age or older and has served at least 10 years of the
24 term of confinement in prison portion of the bifurcated sentence.

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1 (c) An inmate who meets the criteria under par. (b) may submit a petition to
2 the program review committee at the correctional institution in which the inmate is
3 confined requesting a modification of the inmate's bifurcated sentence in the manner
4 specified in par. (f). If the program review committee determines that the public
5 interest would be served by a modification of the inmate's bifurcated sentence in the
6 manner provided under par. (f), the committee shall approve the petition for referral
7 to the sentencing court and notify the department of its approval. The department
8 shall then refer the inmate's petition to the sentencing court and request the court
9 to conduct a hearing on the petition. If the program review committee determines
10 that the public interest would not be served by a modification of the inmate's
11 bifurcated sentence in the manner specified in par. (f), the committee shall deny the
12 inmate's petition.

13 (d) When a court is notified by the department that it is referring to the court
14 an inmate's petition for modification of the inmate's bifurcated sentence, the court
15 shall set a hearing to determine whether the public interest would be served by a
16 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
17 The inmate and the district attorney have the right to be present at the hearing, and
18 any victim of the inmate's crime has the right to be present at the hearing and to
19 provide a statement concerning the modification of the inmate's bifurcated sentence.
20 The court shall order such notice of the hearing date as it considers adequate to be
21 given to the department, the inmate, the attorney representing the inmate, if
22 applicable, and the district attorney. Victim notification shall be provided as
23 specified under par. (g).

24 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
25 by the greater weight of the credible evidence that a modification of the bifurcated

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1 sentence in the manner specified in par. (f) would serve the public interest. If the
2 inmate proves that a modification of the bifurcated sentence in the manner specified
3 in par. (f) would serve the public interest, the court shall modify the inmate's
4 bifurcated sentence in that manner. If the inmate does not prove that a modification
5 of the bifurcated sentence in the manner specified in par. (f) would serve the public
6 interest, the court shall deny the inmate's petition for modification of the bifurcated
7 sentence.

8 (f) A court may modify an inmate's bifurcated sentence under this section only
9 as follows:

10 1. The court shall reduce the term of confinement in prison portion of the
11 inmate's bifurcated sentence in a manner that provides for the release of the inmate
12 to extended supervision within 30 days after the date on which the court issues its
13 order modifying the bifurcated sentence.

14 2. The court shall lengthen the term of extended supervision imposed so that
15 the total length of the bifurcated sentence originally imposed does not change.

16 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

17 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
18 shall send a notice of hearing to the victim of the crime committed by the inmate, if
19 the victim has submitted a card under subd. 3. requesting notification. The notice
20 shall inform the victim that he or she may appear at the hearing scheduled under
21 par. (d) and shall inform the victim of the manner in which he or she may provide a
22 statement concerning the modification of the inmate's bifurcated sentence in the
23 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
24 attempt to send the notice of hearing to the last-known address of the inmate's
25 victim, postmarked at least 10 days before the date of the hearing.

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1 3. The director of state courts shall design and prepare cards for a victim to send
2 to the clerk of the circuit court for the county in which the inmate was convicted and
3 sentenced. The cards shall have space for a victim to provide his or her name and
4 address, the name of the applicable inmate and any other information that the
5 director of state courts determines is necessary. The director of state courts shall
6 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
7 shall provide the cards, without charge, to victims. Victims may send completed
8 cards to the clerk of the circuit court for the county in which the inmate was convicted
9 and sentenced. All court records or portions of records that relate to mailing
10 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

11 (h) An inmate may appeal a court's decision to deny the inmate's petition for
12 modification of his or her bifurcated sentence. The state may appeal a court's
13 decision to grant an inmate's petition for a modification of the inmate's bifurcated
14 sentence. In an appeal under this paragraph, the appellate court may reverse a
15 decision granting or denying a petition for modification of a bifurcated sentence only
16 if it determines that the sentencing court erroneously exercised its discretion in
17 granting or denying the petition.

18 (i) If the program review committee denies an inmate's petition under par. (c),
19 the inmate may not file another petition within one year after the date of the program
20 review committee's denial. If the program review committee approves an inmate's
21 petition for referral to the sentencing court under par. (c) but the sentencing court
22 denies the petition, the inmate may not file another petition under par. (c) within one
23 year after the date of the court's decision.

24 (j) An inmate eligible to seek modification of his or her bifurcated sentence
25 under this subsection has a right to be represented by counsel in proceedings under

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1 this subsection. An inmate, or the department on the inmate's behalf, may apply to
2 the state public defender for determination of indigency and appointment of counsel
3 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
4 committee under par. (c). If an inmate whose petition has been referred to the court
5 under par. (c) is without counsel, the court shall refer the matter to the state public
6 defender for determination of indigency and appointment of counsel under s. 977.05
7 (4) (jm).

8 **SECTION 294.** 302.114 (3) (a) (intro.) of the statutes is amended to read:

9 302.114 (3) (a) (intro.) The warden or superintendent shall keep a record of the
10 conduct of each inmate subject to this section, specifying each infraction of the rules.
11 If ~~any an~~ inmate subject to this section violates an order under s. 973.031 requiring
12 him or her to participate in a drug treatment program, violates any regulation of the
13 prison or refuses or neglects to perform required or assigned duties, the department
14 may extend the extended supervision eligibility date set under s. 973.014 (1g) (a) 1.
15 or 2., whichever is applicable, as follows:

16 **SECTION 295.** 302.114 (5) (f) of the statutes is amended to read:

17 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
18 release to extended supervision. In an appeal under this paragraph, the appellate
19 court may reverse an order denying a petition for release to extended supervision
20 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
21 discretion in denying the petition for release to extended supervision.

22 **SECTION 296.** 302.114 (6) (b) of the statutes is amended to read:

23 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for
24 release to extended supervision under this section, the clerk of the circuit court in
25 which the petition is filed shall send a copy of the petition and, if a hearing is

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1 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
2 the victim has submitted a card under par. (e) requesting notification.

3 **SECTION 297.** 302.114 (6) (c) of the statutes is amended to read:

4 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
5 may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled,
6 and shall inform the victim of the manner in which he or she may provide written
7 statements concerning the inmate's petition for release to extended supervision.

8 **SECTION 298.** 302.114 (8m) of the statutes is created to read:

9 302.114 (8m) (a) Every person released to extended supervision under this
10 section remains in the legal custody of the department. If the department alleges
11 that any condition or rule of extended supervision has been violated by the person,
12 the department may take physical custody of the person for the investigation of the
13 alleged violation.

14 (b) If a person released to extended supervision under this section signs a
15 statement admitting a violation of a condition or rule of extended supervision, the
16 department may, as a sanction for the violation, confine the person for up to 90 days
17 in a regional detention facility or, with the approval of the sheriff, in a county jail.
18 If the department confines the person in a county jail under this paragraph, the
19 department shall reimburse the county for its actual costs in confining the person
20 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
21 the person is not eligible to earn good time credit on any period of confinement
22 imposed under this subsection.

23 **SECTION 299.** 302.114 (9) of the statutes is amended to read:

24 302.114 (9) (a) If a person released to extended supervision under this section
25 violates a condition of extended supervision, the division of hearings and appeals in

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1 the department of administration, upon proper notice and hearing, or the
2 department of corrections, if the person on extended supervision waives a hearing,
3 may revoke the extended supervision of the person and return the person to prison.
4 If the extended supervision of the person is revoked, the person shall be returned to
5 the circuit court for the county in which the person was convicted of the offense for
6 which he or she was on extended supervision, and the court shall order the person
7 to be returned to prison, he or she shall be returned to prison for a specified period
8 of time, as provided under par. (b) before he or she is eligible for being released again
9 to extended supervision. The period of time specified under this paragraph may not
10 be less than 5 years and may be extended in accordance with sub. (3).

11 (b) ~~If~~ When a person is returned to ~~prison court~~ under par. (a) after revocation
12 of extended supervision, the department of corrections, in the case of a waiver, or the
13 division of hearings and appeals in the department of administration, in the case of
14 a hearing under par. (a), shall ~~specify a~~ make a recommendation to the court
15 concerning the period of time for which the person shall be incarcerated should be
16 returned to prison before being eligible for release to extended supervision. The
17 period of time ~~specified~~ recommended under this paragraph may not be less than 5
18 years and may be ~~extended in accordance with sub. (3).~~

19 (bm) A person who is returned to prison under par. (a) after revocation of
20 extended supervision may, upon petition to the sentencing court, be released to
21 extended supervision after he or she has served the entire period of time specified
22 ~~in~~ by the court under par. (b) (a), including any periods of extension imposed under
23 sub. (3). A person may not file a petition under this paragraph earlier than 90 days
24 before the date on which he or she is eligible to be released to extended supervision.
25 If a person files a petition for release to extended supervision under this paragraph

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1 at any time earlier than 90 days before the date on which he or she is eligible to be
2 released to extended supervision, the court shall deny the petition without a hearing.
3 The procedures specified in sub. (5) (am) to (f) apply to a petition filed under this
4 paragraph.

5 (c) A person who is subsequently released to extended supervision under par.
6 ~~(b)~~ (bm) is subject to all conditions and rules under sub. (8) until the expiration of the
7 sentence.

8 **SECTION 300.** 302.114 (9) (d) of the statutes is created to read:

9 302.114 (9) (d) In any case in which there is a hearing before the division of
10 hearings and appeals in the department of administration concerning whether to
11 revoke a person's extended supervision, the person on extended supervision may
12 seek review of a decision to revoke extended supervision and the department of
13 corrections may seek review of a decision to not revoke extended supervision. Review
14 of a decision under this paragraph may be sought only by an action for certiorari.

15 **SECTION 301.** 302.33 (1) of the statutes is amended to read:

16 302.33 (1) The maintenance of persons who have been sentenced to the state
17 penal institutions; persons in the custody of the department, except as provided in
18 sub. (2) and ~~s. ss.~~ 301.048 (7), 302.113 (8m) and 302.114 (8m); persons accused of
19 crime and committed for trial; persons committed for the nonpayment of fines and
20 expenses; and persons sentenced to imprisonment therein, while in the county jail,
21 shall be paid out of the county treasury. No claim may be allowed to any sheriff for
22 keeping or boarding any person in the county jail unless the person was lawfully
23 detained therein.

24 **SECTION 302.** 302.43 of the statutes is amended to read:

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1 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
2 in the amount of one-fourth of his or her term for good behavior if sentenced to at
3 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
4 for time served prior to sentencing under s. 973.155, including good time under s.
5 973.155 (4). An inmate who violates an order under s. 973.031 requiring him or her
6 to participate in a drug treatment program, violates any law or any regulation of the
7 jail, or neglects or refuses to perform any duty lawfully required of him or her, may
8 be deprived by the sheriff of good time under this section, except that the sheriff shall
9 not deprive the inmate of more than 2 days good time for any one offense without the
10 approval of the court. An inmate who files an action or special proceeding, including
11 a petition for a common law writ of certiorari, to which s. 807.15 applies shall be
12 deprived of the number of days of good time specified in the court order prepared
13 under s. 807.15 (3).

14 **SECTION 303.** 303.065 (1) (b) 1. of the statutes is amended to read:

15 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
16 specified in subd. 2., may be considered for work release only after he or she has
17 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
18 is applicable, or he or she has reached his or her extended supervision eligibility date
19 under s. 302.114 (9) (~~b~~) (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

20 **SECTION 304.** 303.08 (1) (intro.) of the statutes is amended to read:

21 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
22 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under
23 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
24 necessary and reasonable hours for any of the following purposes:

25 **SECTION 305.** 303.08 (2) of the statutes is amended to read:

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1 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
2 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
3 the department, the prisoner person is sentenced to ordinary confinement. The A
4 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)
5 or 302.114 (8m), may petition the court for such privilege at the time of sentence or
6 thereafter, and in the discretion of the court may renew the prisoner's petition. The
7 court may withdraw the privilege at any time by order entered with or without notice.

8 **SECTION 306.** 303.08 (5) (intro.) of the statutes is amended to read:

9 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
10 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the
11 wages, salary and unemployment insurance and employment training benefits
12 received by prisoners shall be disbursed by the sheriff for the following purposes, in
13 the order stated:

14 **SECTION 307.** 303.08 (6) of the statutes is amended to read:

15 303.08 (6) The department, for a person subject to a confinement sanction
16 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may
17 authorize the sheriff to whom the prisoner is committed to arrange with another
18 sheriff for the employment or employment training of the prisoner in the other's
19 county, and while so employed or trained to be in the other's custody but in other
20 respects to be and continue subject to the commitment.

21 **SECTION 308.** 303.08 (12) of the statutes is amended to read:

22 303.08 (12) In counties having a house of correction, any person violating the
23 privilege granted under sub. (1) may be transferred by the county jailer to the house
24 of correction for the remainder of the term of the person's sentence or, if applicable,

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1 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
2 (8m).

3 **SECTION 309.** 304.06 (1) (b) of the statutes is amended to read:

4 304.06 (1) (b) Except as provided in s. 961.49 (2), 1997 stats., sub. (1m) or s.
5 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an
6 inmate of the Wisconsin state prisons or any felon or any person serving at least one
7 year or more in a county house of correction or a county reforestation camp organized
8 under s. 303.07, when he or she has served 25% of the sentence imposed for the
9 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)
10 or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate
11 serving a life term when he or she has served 20 years, as modified by the formula
12 under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable.
13 The person serving the life term shall be given credit for time served prior to
14 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
15 may grant special action parole releases under s. 304.02. The department or the
16 parole commission shall not provide any convicted offender or other person
17 sentenced to the department's custody any parole eligibility or evaluation until the
18 person has been confined at least 60 days following sentencing.

19 **SECTION 310.** 304.071 (2) of the statutes is amended to read:

20 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1997 stats.,
21 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he
22 or she is not eligible for parole under this section.

23 **SECTION 311.** 341.605 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
24 is amended to read:

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1 341.605 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
2 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~
3 ~~guilty of a Class H felony.~~

4 **SECTION 312.** 342.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 342.06 (2) Any person who knowingly makes a false statement in an
7 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
8 ~~not more than 7 years and 6 months or both is guilty of a Class H felony.~~

9 **SECTION 313.** 342.065 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be~~
12 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
13 ~~or both is guilty of a Class H felony.~~

14 **SECTION 314.** 342.155 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 342.155 (4) (b) Any person who violates this section with intent to defraud may
17 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
18 or both is guilty of Class H felony.

19 **SECTION 315.** 342.156 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 342.156 (6) (b) Any person who violates this section with intent to defraud ~~may~~
22 ~~be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
23 ~~or both is guilty of a Class H felony.~~

24 **SECTION 316.** 342.30 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

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1 342.30 (3) (a) Any person who violates sub. (1g) ~~may be fined not more than~~
2 \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a
3 Class H felony.

4 **SECTION 317.** 342.32 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
7 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~
8 guilty of a Class H felony.

9 **SECTION 318.** 343.31 (1) (i) of the statutes is amended to read:

10 343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer under
11 s. 346.04 (3).

12 **SECTION 319.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

13 343.31 (3) (d) (intro.) Any person convicted of knowingly fleeing or attempting
14 to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege
15 revoked as follows:

16 **SECTION 320.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

17 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
18 sub. (1) (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more
19 than one year in the county jail or both. In imposing a sentence under this
20 paragraph, or a local ordinance in conformity with this paragraph, the court shall
21 review the record and consider the following:

22 **SECTION 321.** 344.48 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is amended to read:

24 344.48 (2) Any person violating this section may be fined not more than \$1,000
25 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

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1 **SECTION 322.** 344.576 (3) (a) 5. of the statutes is amended to read:

2 344.576 (3) (a) 5. The address and telephone number of the office of consumer
3 protection in the department of agriculture, trade and consumer protection justice.

4 **SECTION 323.** 344.576 (3) (c) of the statutes is amended to read:

5 344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~
6 justice shall promulgate rules specifying the form of the notice required under par.
7 (a), including the size of the paper and the type size and any highlighting of the
8 information described in par. (a). The rule may specify additional information that
9 must be included in the notice and the precise language that must be used.

10 **SECTION 324.** 344.579 (2) (intro.) of the statutes is amended to read:

11 344.579 (2) ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~
12 ~~consumer protection justice~~ shall investigate violations of ss. 344.574, 344.576 (1),
13 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~
14 ~~and consumer protection justice~~ may on behalf of the state:

15 **SECTION 325.** 346.04 (2t) of the statutes is created to read:

16 346.04 (2t) No operator of a vehicle, after having received a visible or audible
17 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall
18 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as
19 safety reasonably permits.

20 **SECTION 326.** 346.04 (4) of the statutes is created to read:

21 346.04 (4) Subsection (2t) is not an included offense of sub. (3), but a person may
22 not be convicted of violating both subs. (2t) and (3) for acts arising out of the same
23 incident or occurrence.

24 **SECTION 327.** 346.17 (2t) of the statutes is created to read:

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1 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
2 \$10,000 or imprisoned for not more than 9 months or both.

3 **SECTION 328.** 346.17 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
6 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~
7 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

8 **SECTION 329.** 346.17 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
11 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
12 the person ~~shall be fined not less than \$1,000 nor more than \$10,000 and may be~~
13 ~~imprisoned for not more than 3 years~~ is guilty of a Class H felony.

14 **SECTION 330.** 346.17 (3) (c) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
17 (14), to another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000~~
18 ~~and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

19 **SECTION 331.** 346.17 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 346.17 (3) (d) If the violation results in the death of another, the person ~~shall~~
22 ~~be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not~~
23 ~~more than 7 years and 6 months~~ is guilty of a Class E felony.

24 **SECTION 332.** 346.175 (1) (a) of the statutes is amended to read:

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1 346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a
2 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for
3 the violation as provided in this section.

4 **SECTION 333.** 346.175 (1) (b) of the statutes is amended to read:

5 346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a
6 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this
7 section if the person operating the vehicle or having the vehicle under his or her
8 control at the time of the violation has been convicted for the violation under this
9 section or under s. 346.04 (2t) or (3).

10 **SECTION 334.** 346.175 (4) (b) of the statutes is amended to read:

11 346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by
12 the authority issuing the citation with the name and address of the person operating
13 the vehicle or having the vehicle under his or her control at the time of the violation
14 and sufficient information for the officer to determine that probable cause does not
15 exist to believe that the owner of the vehicle was operating the vehicle at the time
16 of the violation, then the owner of the vehicle shall not be liable under this section
17 or under s. 346.04 (2t) or (3).

18 **SECTION 335.** 346.175 (4) (c) of the statutes is amended to read:

19 346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of
20 the violation the vehicle was in the possession of a lessee, and the lessor provides a
21 traffic officer employed by the authority issuing the citation with the information
22 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
23 this section or under s. 346.04 (2t) or (3).

24 **SECTION 336.** 346.175 (4) (d) of the statutes is amended to read:

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1 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
2 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time
3 of the violation the vehicle was being operated by or was under the control of any
4 person on a trial run, and if the dealer provides a traffic officer employed by the
5 authority issuing the citation with the name, address and operator's license number
6 of the person operating the vehicle, then that person, and not the dealer, shall be
7 liable under this section or under s. 346.04 (2t) or (3).

8 **SECTION 337.** 346.175 (5) (intro.) of the statutes is amended to read:

9 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
10 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

11 **SECTION 338.** 346.175 (5) (a) of the statutes is amended to read:

12 346.175 (5) (a) A vehicle owner or other person found liable under this section
13 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor
14 more than \$1,000.

15 **SECTION 339.** 346.65 (2) (e) of the statutes is amended to read:

16 346.65 (2) (e) Except as provided in par. (f), is guilty of a Class H felony and shall
17 be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not less than
18 6 months ~~nor more than 5 years~~ if the total number of suspensions, revocations and
19 convictions counted under s. 343.307 (1) equals 5 or more, except that suspensions,
20 revocations or convictions arising out of the same incident or occurrence shall be
21 counted as one.

22 **SECTION 340.** 346.65 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is amended to read:

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1 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)
2 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for
3 not less than 90 days nor more than 2 years and 3 months is guilty of a Class I felony.

4 **SECTION 341.** 346.74 (5) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 346.74 (5) (b) ~~Shall~~ May be fined not less than \$300 nor more than \$5,000
7 \$10,000 or imprisoned for not less than 10 days nor more than 2 years 9 months or
8 both if the accident involved injury to a person but the person did not suffer great
9 bodily harm.

10 **SECTION 342.** 346.74 (5) (c) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 346.74 (5) (c) ~~May be fined not more than \$10,000 or imprisoned not more than~~
13 ~~3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a person
14 and the person suffered great bodily harm.

15 **SECTION 343.** 346.74 (5) (d) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 346.74 (5) (d) ~~May be fined not more than \$10,000 or imprisoned not more than~~
18 ~~7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
19 death to a person.

20 **SECTION 344.** 350.11 (2m) of the statutes, as affected by 1997 Wisconsin Act
21 283, is amended to read:

22 350.11 (2m) Any person who violates s. 350.135 (1) ~~shall be fined not more than~~
23 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
24 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
25 person.

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1 **SECTION 345.** 351.07 (2) (a) of the statutes is renumbered 351.07 (2).

2 **SECTION 346.** 351.07 (2) (b) of the statutes is repealed.

3 **SECTION 347.** 446.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
4 amended to read:

5 **446.07 Penalty.** Anyone violating this chapter may be fined not less than \$100
6 nor more than \$500 \$10,000 or imprisoned for not more than 2 years 9 months or
7 both.

8 **SECTION 348.** 447.09 of the statutes, as affected by 1997 Wisconsin Act 283, is
9 amended to read:

10 **447.09 Penalties.** Any person who violates this chapter may be fined not more
11 than \$1,000 or imprisoned for not more than one year in the county jail or both for
12 the first offense and may be fined not more than \$2,500 or imprisoned for not more
13 than 3 years or both is guilty of a Class I felony for the 2nd or subsequent conviction
14 within 5 years.

15 **SECTION 349.** 450.11 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 450.11 (9) (b) Any person who delivers, or who possesses with intent to
18 manufacture or deliver, a prescription drug in violation of this section may be fined
19 not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both
20 is guilty of a Class H felony.

21 **SECTION 350.** 450.14 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 450.14 (5) Any person who violates this section may be fined not less than \$100
24 nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years
25 and 6 months or both is guilty of a Class H felony.

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1 **SECTION 351.** 450.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 450.15 (2) Any person who violates this section ~~may be fined not less than \$100~~
4 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~
5 ~~and 6 months or both~~ is guilty of a Class H felony.

6 **SECTION 352.** 551.58 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 551.58 (1) Any person who wilfully violates any provision of this chapter except
9 s. 551.54, or any rule under this chapter, or any order of which the person has notice,
10 or who violates s. 551.54 knowing or having reasonable cause to believe that the
11 statement made was false or misleading in any material respect, ~~may be fined not~~
12 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
13 guilty of a Class H felony. Each of the acts specified shall constitute a separate
14 offense and a prosecution or conviction for any one of such offenses shall not bar
15 prosecution or conviction for any other offense.

16 **SECTION 353.** 552.19 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is amended to read:

18 552.19 (1) Any person, including a controlling person of an offeror or target
19 company, who wilfully violates this chapter or any rule under this chapter, or any
20 order of which the person has notice, ~~may be fined not more than \$5,000 or~~
21 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
22 felony. Each of the acts specified constitutes a separate offense and a prosecution or
23 conviction for any one of the offenses does not bar prosecution or conviction for any
24 other offense.

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1 **SECTION 354.** 553.52 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of
4 which the person has notice, or who violates s. 553.41 (1) knowing or having
5 reasonable cause to believe either that the statement made was false or misleading
6 in any material respect or that the failure to report a material event under s. 553.31
7 (1) was false or misleading in any material respect, ~~may be fined not more than~~
8 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
9 Class G felony. Each of the acts specified is a separate offense, and a prosecution or
10 conviction for any one of those offenses does not bar prosecution or conviction for any
11 other offense.

12 **SECTION 355.** 553.52 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 553.52 (2) Any person who employs, directly or indirectly, any device, scheme
15 or artifice to defraud in connection with the offer or sale of any franchise or engages,
16 directly or indirectly, in any act, practice, or course of business which operates or
17 would operate as a fraud or deceit upon any person in connection with the offer or
18 sale of any franchise ~~shall be fined not more than \$5,000 or imprisoned for not more~~
19 ~~than 7 years and 6 months or both~~ is guilty of a Class G felony.

20 **SECTION 356.** 562.13 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than~~
23 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

24 **SECTION 357.** 562.13 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

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1 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 may be
2 fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months
3 or both is guilty of a Class H felony.

4 **SECTION 358.** 565.50 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 565.50 (2) Any person who alters or forges a lottery ticket or share or
7 intentionally utters or transfers an altered or forged lottery ticket or share shall be
8 fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months
9 or both is guilty of a Class I felony.

10 **SECTION 359.** 565.50 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 565.50 (3) Any person who possesses an altered or forged lottery ticket or share
13 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
14 more than ~~3 years~~ 9 months or both.

15 **SECTION 360.** 601.64 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally
18 permits any person over whom he or she has authority to violate or intentionally aids
19 any person in violating any insurance statute or rule of this state, s. 149.13 or
20 149.144 or any effective order issued under s. 601.41 (4) ~~may~~ is guilty of a Class I
21 felony, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~
22 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~
23 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the
24 meaning expressed under s. 939.23.

25 **SECTION 361.** 609.88 of the statutes is created to read:

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1 **609.88 Coverage of immunizations.** Managed care plans are subject to s.
2 632.895 (14).

3 **SECTION 362.** 618.41 (6m) of the statutes is amended to read:

4 **618.41 (6m) RUSTPROOFING WARRANTIES INSURANCE.** An insurer issuing a policy
5 of insurance to cover a warranty, as defined in s. ~~100.205~~ 134.178 (1) (g), shall comply
6 with s. 632.18 and the policy shall be on a form approved by the commissioner under
7 s. 631.20.

8 **SECTION 363.** 631.01 (1) (b) of the statutes is amended to read:

9 **631.01 (1) (b)** On business operations in this state if the contract is negotiated
10 outside this state and if the operations in this state are incidental or subordinate to
11 operations outside this state, unless the contract is for a policy of insurance to cover
12 a warranty, as defined in s. ~~100.205~~ 134.178 (1) (g), in which case the provisions set
13 forth in sub. (4m) apply; and

14 **SECTION 364.** 631.01 (4m) of the statutes is amended to read:

15 **631.01 (4m) RUSTPROOFING WARRANTIES INSURANCE.** An insurer issuing a policy
16 of insurance to cover a warranty, as defined in s. ~~100.205~~ 134.178 (1) (g), shall comply
17 with s. 632.18 and the policy shall be on a form approved by the commissioner under
18 s. 631.20.

19 **SECTION 365.** 632.18 of the statutes is amended to read:

20 **632.18 Rustproofing warranties insurance.** A policy of insurance to cover
21 a warranty, as defined in s. ~~100.205~~ 134.178 (1) (g), shall fully cover the financial
22 integrity of the warranty.

23 **SECTION 366.** 632.895 (14) of the statutes is created to read:

24 **632.895 (14) COVERAGE OF IMMUNIZATIONS.** (a) In this subsection:

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1 1. “Appropriate and necessary immunizations” means the administration of
2 vaccine that meets the standards approved by the U.S. public health service for such
3 biological products against at least all of the following:

4 a. Diphtheria.

5 b. Pertussis.

6 c. Tetanus.

7 d. Polio.

8 e. Measles.

9 f. Mumps.

10 g. Rubella.

11 h. Hemophilus influenza B.

12 i. Hepatitis B.

13 j. Varicella.

14 2. “Dependent” means a spouse, an unmarried child under the age of 19 years,
15 an unmarried child who is a full-time student under the age of 21 years and who is
16 financially dependent upon the parent, or an unmarried child of any age who is
17 medically certified as disabled and who is dependent upon the parent.

18 (b) Except as provided in par. (d), every disability insurance policy, and every
19 self-insured health plan of the state or a county, city, town, village or school district,
20 that provides coverage for a dependent of the insured shall provide coverage of
21 appropriate and necessary immunizations, from birth to the age of 6 years, for a
22 dependent who is a child of the insured.

23 (c) The coverage required under par. (b) may not be subject to any deductibles,
24 copayments or coinsurance under the policy or plan. This paragraph applies to a
25 managed care plan, as defined in s. 609.01 (3c), only with respect to appropriate and

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1 necessary immunizations provided by providers participating, as defined in s. 609.01
2 (3m), in the plan.

3 (d) This subsection does not apply to any of the following:

4 1. A disability insurance policy that covers only certain specified diseases.

5 2. A disability insurance policy that covers only hospital and surgical charges.

6 3. A health care plan offered by a limited service health organization, as defined
7 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
8 a managed care plan, as defined in s. 609.01 (3c).

9 4. A long-term care insurance policy.

10 5. A medicare replacement policy.

11 6. A medicare supplement policy.

12 **SECTION 367.** 641.19 (4) (a) of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 641.19 (4) (a) Any person who wilfully violates or fails to comply with any
15 provision of this chapter or the rules promulgated thereunder or who, knowingly,
16 makes a false statement, a false representation of a material fact, or who fails to
17 disclose a material fact in any registration, examination, statement or report
18 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~
19 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
20 guilty of a Class H felony.

21 **SECTION 368.** 641.19 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
22 283, is amended to read:

23 641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully
24 abstracts or converts to his or her own use or to the use of another, any of the moneys,
25 funds, securities, premiums, credits, property, or other assets of any employe welfare

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1 fund, or of any fund connected therewith, ~~shall be fined not more than \$10,000 or~~
2 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
3 felony.

4 **SECTION 369.** 704.90 (11) (title) of the statutes is amended to read:

5 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, ~~TRADE AND~~
6 ~~CONSUMER PROTECTION~~ JUSTICE.

7 **SECTION 370.** 704.90 (11) (a) of the statutes is amended to read:

8 704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~
9 ~~trade and consumer protection~~ justice shall investigate alleged violations of this
10 section and rules promulgated under sub. (9). To facilitate its investigations, the
11 department of justice may subpoena persons and records and may enforce
12 compliance with the subpoenas as provided in s. 885.12.

13 **SECTION 371.** 704.90 (11) (b) of the statutes is amended to read:

14 704.90 (11) (b) Except as provided in par. (a), the department of justice may,
15 on behalf of the state, bring an action for temporary or permanent injunctive or other
16 relief in any court of competent jurisdiction for any violation of this section or any
17 rule promulgated under sub. (9).

18 **SECTION 372.** 707.49 (4) of the statutes is amended to read:

19 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
20 escrow account, a developer may obtain a surety bond issued by a company
21 authorized to do business in this state, an irrevocable letter of credit or a similar
22 arrangement, in an amount which at all times is not less than the amount of the
23 deposits otherwise subject to the escrow requirements of this section. The bond,
24 letter of credit or similar arrangement shall be filed with the department of
25 ~~agriculture, trade and consumer protection~~ justice and made payable to the

SENATE BILL 357**SECTION 372**

1 department of agriculture, ~~trade and consumer protection~~ justice for the benefit of
2 aggrieved parties.

3 **SECTION 373.** 707.55 (10) of the statutes is amended to read:

4 707.55 (10) GIFTS AND PRIZES. A mail or coupon promotion sent to residents of
5 this state that offers any award, gift or prize for visiting a development or attending
6 any sales presentation shall comply with the requirements of s. ~~100.171~~ 134.74.

7 **SECTION 374.** 707.57 (2) of the statutes is amended to read:

8 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
9 JUSTICE AUTHORITY. (a) The department of agriculture, ~~trade and consumer~~
10 ~~protection~~ justice, or any district attorney upon informing the department of
11 ~~agriculture, trade and consumer protection~~ justice, may commence an action in
12 circuit court in the name of the state to restrain by temporary or permanent
13 injunction any violation of this chapter. Before entry of final judgment, the court may
14 make such orders or judgments as may be necessary to restore to any person any
15 pecuniary loss suffered because of the acts or practices involved in the action if proof
16 of these acts or practices is submitted to the satisfaction of the court.

17 (b) The department of agriculture, ~~trade and consumer protection~~ justice may
18 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
19 investigation of violations of this chapter.

20 **SECTION 375.** 707.57 (3) of the statutes is amended to read:

21 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
22 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
23 be enforced by action on behalf of the state by the department of agriculture, ~~trade~~
24 ~~and consumer protection~~ justice or by the district attorney of the county where the
25 violation occurs.

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1 **SECTION 376.** 753.061 (2m) of the statutes is amended to read:

2 753.061 **(2m)** The chief judge of the 1st judicial administrative district is
3 authorized to designate 4 circuit court branches to primarily handle violent crime
4 cases that involve a violation of s. 939.63, if a felony is committed while armed, and
5 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m)~~ and ~~(1r)~~ and 943.32
6 (2). If the circuit court branches are designated under this subsection, 2 shall begin
7 to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to
8 primarily handle violent crime cases on August 1, 1992.

9 **SECTION 377.** 758.19 (5) (b) (intro.) of the statutes, as affected by 1999
10 Wisconsin Act 9, is amended to read:

11 758.19 **(5)** (b) (intro.) Beginning in 2001, the amount to be distributed each year
12 under this subsection from s. 20.625 (1) (d) is equal to the amount distributed under
13 this subsection in the previous year, adjusted by a percentage that is equal to the
14 percentage change between the U.S. consumer price index for all urban consumers,
15 U.S. city average, for the 12-month period ending on June 30 of the previous year
16 and the U.S. consumer price index for all urban consumers, U.S. city average, for the
17 12-month period ending on June 30 of the year before the previous year, as
18 determined by the federal department of labor. Beginning in 2001, the amount to be
19 distributed under this subsection from s. 20.625 (1) (d) shall be rounded to the
20 nearest multiple of \$100. From the appropriation under s. 20.625 (1) (d), the director
21 of state courts shall make payments to counties totaling \$9,369,800 within 30 days
22 after October 29, 1999, and on every July 1 and January 1 thereafter, which the equal
23 to 50% of the yearly amount on January 1 and 50% of that amount on July 1. The
24 director of state courts shall distribute payments as follows:

SENATE BILL 357**SECTION 378**

1 **SECTION 378.** 758.19 (5) (b) 1. of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 758.19 (5) (b) 1. For each circuit court branch in the county, \$42,275 in 2000.
4 Beginning with the payment made on January 1, 2001, the annual amount paid for
5 each circuit court branch shall equal the amount paid in the previous year under this
6 subdivision plus the increase calculated under par. (b) (intro.), divided by the number
7 of circuit court branches at the time that the payment is made.

8 **SECTION 379.** 758.19 (8) of the statutes is created to read:

9 758.19 (8) By July 1, 2000, the director of state courts shall promulgate rules
10 that establish a procedure by which a sentencing court may modify a bifurcated
11 sentence under s. 973.01 (7m) and that specify the factors that a court may consider
12 when deciding whether to modify a bifurcated sentence. The rules shall provide that
13 a court may modify a bifurcated sentence under s. 973.01 (7m) on its own motion, on
14 a motion of the department of corrections or on a motion of the person serving the
15 sentence. The rules shall also provide that a court and the department of corrections
16 may make a motion to modify a bifurcated sentence at any time and that a person
17 serving a bifurcated sentence may make a motion to modify the bifurcated sentence
18 that he or she is serving if at least 12 months have elapsed since the bifurcated
19 sentence was imposed or since the most recent motion to modify the person's
20 bifurcated sentence was made.

21 **SECTION 380.** 765.30 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
22 Act 283, is amended to read:

23 765.30 (1) (intro.) The following ~~shall~~ may be fined not less than ~~\$200~~ nor more
24 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

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1 **SECTION 381.** 765.30 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

3 765.30 (2) (intro.) The following ~~shall~~ may be fined not less than \$100 ~~nor~~ more
4 than \$1,000 \$10,000 or imprisoned for not more than 2-years 9 months or both:

5 **SECTION 382.** 768.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
6 amended to read:

7 **768.07 Penalty.** Any person who violates any provision of this chapter may
8 be fined not less than \$100 ~~nor~~ more than \$1,000 \$10,000 or imprisoned for not more
9 than 2-years 9 months or both.

10 **SECTION 383.** 779.93 (title) of the statutes is amended to read:

11 **779.93** (title) **Duties of the department of agriculture, trade and**
12 **consumer protection justice.**

13 **SECTION 384.** 779.93 (1) of the statutes is amended to read:

14 779.93 (1) The department of agriculture, ~~trade and consumer protection~~
15 justice shall investigate violations of this subchapter and attempts to circumvent
16 this subchapter. The department of agriculture, ~~trade and consumer protection~~
17 justice may subpoena persons and records to facilitate its investigations, and may
18 enforce compliance with such subpoenas as provided in s. 885.12.

19 **SECTION 385.** 779.93 (2) (intro.) of the statutes is amended to read:

20 779.93 (2) (intro.) The department of agriculture, ~~trade and consumer~~
21 protection justice may in behalf of the state or in behalf of any person who holds a
22 prepaid maintenance lien:

23 **SECTION 386.** 783.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
24 amended to read:

SENATE BILL 357**SECTION 386**

1 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus shall be
2 is directed to any public officer, body, board or person, commanding the performance
3 of any duty specially enjoined by law, ~~if it shall appear to the court that such~~ and the
4 officer or person or any member of such the body or board has, without just excuse,
5 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~
6 ~~exceeding \$5,000, upon every such,~~ the officer, person or member of such the body or
7 board, ~~or sentence the officer, person or member to imprisonment for not more than~~
8 ~~7 years and 6 months~~ is guilty of a Class H felony.

9 **SECTION 387.** 801.50 (5) of the statutes is amended to read:

10 801.50 (5) Venue of an action for certiorari to review a probation, extended
11 supervision or parole revocation, a denial by a program review committee under s.
12 302.113 (9g) of a petition for modification of a bifurcated sentence or a refusal of
13 parole ~~by certiorari~~ shall be the county in which the relator was last convicted of an
14 offense for which the relator was on probation, extended supervision or parole or for
15 which the relator is currently incarcerated.

16 **SECTION 388.** 801.50 (5c) of the statutes is created to read:

17 801.50 (5c) Venue of an action for certiorari brought by the department of
18 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke
19 extended supervision shall be in the county in which the person on extended
20 supervision was convicted of the offense for which he or she is on extended
21 supervision.

22 **SECTION 389.** 814.04 (intro.) of the statutes is amended to read:

23 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
24 106.04 (6) (i) and (6m) (a), 115.80 (9), 769.313, 814.025, 814.245, 895.035 (4), 895.10

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1 ~~(3)~~, 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d) and
2 943.51 (2) (b), when allowed, costs shall be as follows:

3 **SECTION 390.** 814.245 (2) (d) of the statutes is amended to read:

4 814.245 (2) (d) “State agency” does not include the public intervenor or citizens
5 utility board.

6 **SECTION 391.** 895.10 of the statutes is created to read:

7 **895.10 Tobacco product agreement. (1) DEFINITIONS.** In this section:

8 (a) “Adjusted for inflation” means increased in accordance with the formula for
9 an inflation adjustment set forth in exhibit C of the master settlement agreement.

10 (b) “Affiliate” means a person who directly or indirectly owns or controls, is
11 owned or controlled by or is under common ownership or control with, another
12 person. Solely for the purposes of this definition, “owns”, “is owned” and “ownership”
13 mean ownership of an equity interest, or the equivalent thereof, of 10% or more, and
14 the term “person” means an individual, partnership, committee, association,
15 corporation or any other organization or group of persons.

16 (c) “Allocable share” means allocable share as that term is defined in the master
17 settlement agreement.

18 (d) 1. “Cigarette” means any product that contains nicotine, is intended to be
19 burned or heated under ordinary conditions of use, and consists of or contains any
20 of the following:

21 a. Any roll of tobacco wrapped in paper or in any substance not containing
22 tobacco.

23 b. Tobacco, in any form, that is functional in the product, which, because of its
24 appearance, the type of tobacco used in the filler, or its packaging and labeling, is
25 likely to be offered to, or purchased by, consumers as a cigarette.

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1 c. Any roll of tobacco wrapped in any substance containing tobacco which,
2 because of its appearance, the type of tobacco used in the filler, or its packaging and
3 labeling, is likely to be offered to, or purchased by, consumers as a cigarette described
4 in subd. 1. a.

5 2. The term “cigarette” includes “roll-your-own” tobacco, which is tobacco that,
6 because of its appearance, type, packaging or labeling, is suitable for use and likely
7 to be offered to, or purchased by, consumers as tobacco for making cigarettes.

8 3. For purposes of this definition of “cigarette”, 0.09 ounces of “roll-your-own”
9 tobacco constitutes one individual “cigarette”.

10 (e) “Master settlement agreement” means the settlement agreement and
11 related documents entered into on November 23, 1998, by this state and the leading
12 U.S. tobacco product manufacturers.

13 (f) “Qualified escrow fund” means an escrow arrangement with a federally or
14 state chartered financial institution having no affiliation with any tobacco product
15 manufacturer and having assets of at least \$1,000,000,000, which arrangement
16 requires that the financial institution hold the escrowed funds’ principal for the
17 benefit of releasing parties and prohibits the tobacco product manufacturer placing
18 the funds into escrow from using, accessing or directing the use of the funds’ principal
19 except as is consistent with sub. (2) (b) 2.

20 (g) “Released claims” means released claims as that term is defined in the
21 master settlement agreement.

22 (h) “Releasing parties” means releasing parties as that term is defined in the
23 master settlement agreement.

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1 (i) 1. "Tobacco product manufacturer" means an entity that after the effective
2 date of this subdivision [revisor inserts date], directly, and not exclusively through
3 any affiliate:

4 a. Manufactures cigarettes anywhere, which the manufacturer intends to be
5 sold in the United States, including cigarettes intended to be sold in the United
6 States through an importer, except that "tobacco product manufacturer does not
7 include an entity that manufactures cigarettes that it intends to be sold in the United
8 States if those cigarettes are sold in the United States exclusively through an
9 importer that is an original participating manufacturer, as defined in the master
10 settlement agreement, that will be responsible for the payments under the master
11 settlement agreement with respect to those cigarettes as a result of the provisions
12 of subsection II (mm) of the master settlement agreement and that pays the taxes
13 specified in subsection II (z) of the master settlement agreement, and the
14 manufacturer of those cigarettes does not market or advertise those cigarettes in the
15 United States;

16 b. Is the first purchaser anywhere for resale in the United States, of cigarettes
17 manufactured anywhere that the manufacturer did not intend to be sold in the
18 United States; or

19 c. Becomes a successor of an entity described in subd. 1. a. or b.

20 2. "Tobacco product manufacturer" does not include an affiliate of a tobacco
21 product manufacturer unless the affiliate itself falls within subd. 1. a., b. or c.

22 (j) "Units sold" means the number of individual cigarettes sold in this state by
23 the applicable tobacco product manufacturer, whether directly or through a
24 distributor, retailer or similar intermediary, during the year in question, as

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1 measured by the excise taxes collected by this state on containers of “roll-your-own”
2 tobacco and on packs of cigarettes bearing the excise tax stamp of this state.

3 **(2) REQUIREMENTS.** Any tobacco product manufacturer selling cigarettes to
4 consumers within this state, whether directly or through a distributor, retailer or
5 similar intermediary, after the effective date of this subsection [revisor inserts
6 date], shall do one of the following:

7 (a) Become a participating manufacturer, as that term is defined in section II
8 (jj) of the master settlement agreement, and generally perform its financial
9 obligations under the master settlement agreement; or

10 (b) 1. Place into a qualified escrow fund by April 15 of the year following the
11 listed year the following amounts, as those amounts are adjusted for inflation:

12 a. For 1999: \$.0094241 per unit sold after the effective date of this subdivision
13 paragraph [revisor inserts date].

14 b. For 2000: \$.0104712 per unit sold.

15 c. For each of 2001 and 2002: \$.0136125 per unit sold.

16 d. For each of 2003 to 2006: \$.0167539 per unit sold.

17 e. For each year after 2006: \$.0188482 per unit sold.

18 2. A tobacco product manufacturer that places money into escrow under subd.
19 1. shall receive the interest or other appreciation on that money as earned. The
20 money placed into escrow shall be released from escrow only under the following
21 circumstances:

22 a. To pay a judgment or settlement on any released claim brought against that
23 tobacco product manufacturer by this state or any releasing party located or residing
24 in this state. Moneys shall be released from escrow under this paragraph in the order

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1 in which they were placed into escrow and only to the extent and at the time
2 necessary to make payments required under the judgment or settlement.

3 b. To the extent that a tobacco product manufacturer establishes that the
4 amount it was required to place into escrow in a particular year was greater than the
5 state's allocable share of the total payments that the manufacturer would have been
6 required to make in that year under the master settlement agreement had it been
7 a participating manufacturer, as those payments are determined under section IX
8 (i) (2) of the master settlement agreement and before any of the adjustments or
9 offsets described in section IX (i) (3) of that agreement other than the inflation
10 adjustment, the excess shall be released from escrow and revert to that tobacco
11 product manufacturer.

12 c. To the extent not released from escrow under subd. 2. a. or b., money shall
13 be released from escrow and revert to the tobacco product manufacturer twenty-five
14 years after the date on which the money was placed into escrow.

15 3. Each tobacco product manufacturer that elects to place money into escrow
16 under subd. 1. shall annually certify to the attorney general by each April 15 that the
17 tobacco product manufacturer is in compliance with subds. 1. and 2. The attorney
18 general may bring a civil action on behalf of the state against any tobacco product
19 manufacturer that fails to place into escrow the moneys required under this
20 subsection. Any tobacco product manufacturer that fails in any year to place into
21 escrow the money required under subd. 1. shall:

22 a. Be required within 15 days to place money into escrow as shall bring the
23 tobacco product manufacturer into compliance with this subsection. The court, upon
24 a finding of violation of this paragraph, may impose a civil penalty in an amount not
25 to exceed 5% of the amount improperly withheld from escrow per day of the violation

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1 and in a total amount not to exceed 100% of the original amount improperly withheld
2 from escrow.

3 b. In the case of a knowing violation, be required within 15 days to place such
4 funds into escrow as shall bring it into compliance with this subsection. The court,
5 upon a finding of a knowing violation of this paragraph, may impose a civil penalty
6 in an amount not to exceed 15% of the amount improperly withheld from escrow per
7 day of the violation and in a total amount not to exceed 300% of the original amount
8 improperly withheld from escrow.

9 c. In the case of a second or subsequent knowing violation, be prohibited from
10 selling cigarettes to consumers within this state directly or through a distributor,
11 retailer or similar intermediary for a period not to exceed 2 years.

12 4. Each failure to make an annual deposit required under this subsection shall
13 constitute a separate violation.

14 **(3) AWARDS OF COSTS AND ATTORNEY FEES.** If the attorney general is the prevailing
15 party in an action under this section, the court shall award the attorney general costs
16 and, notwithstanding s. 814.04 (1), reasonable attorney fees.

17 **(4) PROMULGATION OF RULES.** The department of revenue shall promulgate the
18 rules necessary to ascertain the amount of Wisconsin excise tax paid on the cigarettes
19 of each tobacco product manufacturer for each year.

20 **SECTION 392.** 911.01 (4) (c) of the statutes is amended to read:

21 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
22 rendition; sentencing, ~~or~~ granting or revoking probation, modification of a bifurcated
23 sentence under s. 302.113 (9g), issuance of arrest warrants, criminal summonses and
24 search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to

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1 pretrial release under ch. 969 except where habeas corpus is utilized with respect to
2 release on bail or as otherwise provided in ch. 969.

3 **SECTION 393.** 938.208 (1) (a) of the statutes is amended to read:

4 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
5 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
6 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~
7 ~~or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if
8 committed by an adult.

9 **SECTION 394.** 938.34 (4h) (a) of the statutes is amended to read:

10 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
11 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
12 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m)~~
13 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1) or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ or the
14 juvenile is 10 years of age or over and has been adjudicated delinquent for attempting
15 or committing a violation of s. 940.01 or for committing a violation of 940.02 or
16 940.05.

17 **SECTION 395.** 938.34 (4m) (b) 1. of the statutes is amended to read:

18 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
19 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
20 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)
21 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

22 **SECTION 396.** 938.355 (2d) (b) 3. of the statutes is amended to read:

23 938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
24 1997 stats., or s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
25 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,

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1 if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2),
2 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that
3 the violation resulted in great bodily harm, as defined in s. ~~938.22~~ 939.22 (14), or in
4 substantial bodily harm, as defined in s. ~~938.22~~ 939.22 (38), to the juvenile or another
5 child of the parent.

6 **SECTION 397.** 938.355 (4) (b) of the statutes is amended to read:

7 938.355 (4) (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile
8 has been adjudicated delinquent is subject to par. (a), except that the judge may make
9 an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th
10 birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)
11 apply for 5 years, if the juvenile is adjudicated delinquent for committing a violation
12 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
13 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
14 juvenile is adjudicated delinquent for committing an act that would be punishable
15 as a Class A felony if committed by an adult.

16 **SECTION 398.** 938.78 (3) of the statutes, as affected by 1999 Wisconsin Act 9,
17 is amended to read:

18 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
19 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
20 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
21 943.23 (1m) or (1r), 1997 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
22 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,
23 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r),~~ 943.32 (2), 948.02,
24 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in
25 ch. 940 has escaped from a secured correctional facility, child caring institution,

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1 secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention
2 facility or juvenile portion of a county jail, or from the custody of a peace officer or
3 a guard of such a facility, institution or jail, or has been allowed to leave a secured
4 correctional facility, child caring institution, secured group home, inpatient facility,
5 secure detention facility or juvenile portion of a county jail for a specified time period
6 and is absent from the facility, institution, home or jail for more than 12 hours after
7 the expiration of the specified period, the department or county department having
8 supervision over the juvenile may release the juvenile's name and any information
9 about the juvenile that is necessary for the protection of the public or to secure the
10 juvenile's return to the facility, institution, home or jail. The department of
11 corrections shall promulgate rules establishing guidelines for the release of the
12 juvenile's name or information about the juvenile to the public.

13 **SECTION 399.** 939.22 (21) (d) of the statutes is amended to read:

14 939.22 (21) (d) Battery, ~~substantial battery or aggravated battery~~, as
15 prohibited in s. 940.19 or 940.195.

16 **SECTION 400.** 939.30 (1) of the statutes is amended to read:

17 939.30 (1) Except as provided in sub. (2) and ~~ss. 948.35 and s. 961.455~~, whoever,
18 with intent that a felony be committed, advises another to commit that crime under
19 circumstances that indicate unequivocally that he or she has the intent is guilty of
20 a Class ~~D~~ H felony.

21 **SECTION 401.** 939.30 (2) of the statutes is amended to read:

22 939.30 (2) For a solicitation to commit a crime for which the penalty is life
23 imprisonment, the actor is guilty of a Class ~~C~~ F felony. For a solicitation to commit
24 a Class ~~E~~ I felony, the actor is guilty of a Class ~~E~~ I felony.

25 **SECTION 402.** 939.32 (1) (intro.) of the statutes is amended to read:

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1 939.32 (1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime
2 specified in s. 940.19, 940.195 or 943.20 may be fined or imprisoned or both ~~not to~~
3 ~~exceed one-half the maximum penalty for the completed crime; as provided under~~
4 sub. (1g), except:

5 **SECTION 403.** 939.32 (1) (b) of the statutes is repealed.

6 **SECTION 404.** 939.32 (1) (bm) of the statutes is created to read:

7 939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one
8 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being
9 applied, is guilty of a Class A misdemeanor.

10 **SECTION 405.** 939.32 (1g) of the statutes is created to read:

11 939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit
12 a crime that is punishable under sub. (1) (intro.) is as follows:

13 (a) The maximum fine is one-half of the maximum fine for the completed crime.

14 (b) 1. If s. 939.62 is not being applied, the maximum term of imprisonment is
15 one-half of the maximum term of imprisonment, as increased by any penalty
16 enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the completed crime.

17 2. If s. 939.62 is being applied, the maximum term of imprisonment is
18 determined by the following method:

19 a. Multiplying by one-half the maximum term of imprisonment, as increased
20 by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
21 completed crime.

22 b. Applying s. 939.62 to the product under subd. 2. a.

23 **SECTION 406.** 939.32 (1m) of the statutes is created to read:

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1 939.32 **(1m)** BIFURCATED SENTENCES. If the court imposes a bifurcated sentence
2 under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub.
3 (1) (intro.), the following requirements apply:

4 (a) *Maximum term of confinement for attempt to commit classified felony.* 1.
5 Subject to the minimum term of extended supervision required under s. 973.01 (2)
6 (d), if the crime is a classified felony and s. 939.62 is not being applied, the maximum
7 term of confinement in prison is one-half of the maximum term of confinement in
8 prison specified in s. 973.01 (2) (b), as increased by any penalty enhancement statute
9 listed in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

10 2. Subject to the minimum term of extended supervision required under s.
11 973.01 (2) (d), if the crime is a classified felony and s. 939.62 is being applied, the
12 court shall determine the maximum term of confinement in prison by the following
13 method:

14 a. Multiplying by one-half the maximum term of confinement in prison
15 specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed
16 in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

17 b. Applying s. 939.62 to the product under subd. 2. a.

18 (b) *Maximum term of extended supervision for attempt to commit classified*
19 *felony.* The maximum term of extended supervision for an attempt to commit a
20 classified felony is one-half of the maximum term of extended supervision for the
21 completed crime under s. 973.01 (2) (d).

22 (c) *Maximum term of confinement for attempt to commit unclassified felony or*
23 *misdemeanor.* The court shall determine the maximum term of confinement in
24 prison for an attempt to commit a crime other than a classified felony by applying

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1 s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g)
2 (b).

3 **SECTION 407.** 939.32 (2) (title) of the statutes is created to read:

4 939.32 (2) (title) MISDEMEANORS.

5 **SECTION 408.** 939.32 (3) (title) of the statutes is created to read:

6 939.32 (3) (title) REQUIREMENTS.

7 **SECTION 409.** 939.50 (1) (intro.) of the statutes is amended to read:

8 939.50 (1) (intro.) ~~Except as provided in ss. 946.83 and 946.85, felonies~~ Felonies
9 in ~~chs. 939 to 951~~ the statutes are classified as follows:

10 **SECTION 410.** 939.50 (1) (bc) of the statutes is repealed.

11 **SECTION 411.** 939.50 (1) (f) of the statutes is created to read:

12 939.50 (1) (f) Class F felony.

13 **SECTION 412.** 939.50 (1) (g) of the statutes is created to read:

14 939.50 (1) (g) Class G felony.

15 **SECTION 413.** 939.50 (1) (h) of the statutes is created to read:

16 939.50 (1) (h) Class H felony.

17 **SECTION 414.** 939.50 (1) (i) of the statutes is created to read:

18 939.50 (1) (i) Class I felony.

19 **SECTION 415.** 939.50 (2) of the statutes is amended to read:

20 939.50 (2) A felony is a Class A, B, ~~BC~~, C, D ~~or~~, E, F, G, H or I felony when it
21 is so specified in ~~chs. 939 to 951~~ the statutes.

22 **SECTION 416.** 939.50 (3) (bc) of the statutes, as affected by 1997 Wisconsin Act
23 283, is repealed.

24 **SECTION 417.** 939.50 (3) (c) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

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1 939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
2 imprisonment not to exceed ~~15~~ 40 years, or both.

3 **SECTION 418.** 939.50 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
6 imprisonment not to exceed ~~10~~ 25 years, or both.

7 **SECTION 419.** 939.50 (3) (e) of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 939.50 (3) (e) For a Class E felony, a fine not to exceed ~~\$10,000~~ \$50,000 or
10 imprisonment not to exceed ~~5~~ 15 years, or both.

11 **SECTION 420.** 939.50 (3) (f) of the statutes is created to read:

12 939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment
13 not to exceed 12 years and 6 months, or both.

14 **SECTION 421.** 939.50 (3) (g) of the statutes is created to read:

15 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
16 not to exceed 10 years, or both.

17 **SECTION 422.** 939.50 (3) (h) of the statutes is created to read:

18 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
19 not to exceed 6 years, or both.

20 **SECTION 423.** 939.50 (3) (i) of the statutes is created to read:

21 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment
22 not to exceed 3 years and 6 months, or both.

23 **SECTION 424.** 939.615 (7) (b) 2. of the statutes is amended to read:

24 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ I felony if the
25 same conduct that violates par. (a) also constitutes a crime that is a felony.

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1 **SECTION 425.** 939.615 (7) (c) of the statutes is repealed.

2 **SECTION 426.** 939.62 (1) (a) of the statutes is amended to read:

3 939.62 (1) (a) A maximum term of imprisonment of one year or less may be
4 increased to not more than ~~3~~ 2 years.

5 **SECTION 427.** 939.62 (1) (b) of the statutes is amended to read:

6 939.62 (1) (b) A maximum term of imprisonment of more than one year but not
7 more than 10 years may be increased by not more than 2 years if the prior convictions
8 were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for
9 a felony.

10 **SECTION 428.** 939.62 (1) (c) of the statutes is amended to read:

11 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be
12 increased by not more than 2 years if the prior convictions were for misdemeanors
13 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

14 **SECTION 429.** 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

15 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony~~
16 ~~is that is a Class A, B or C felony or, if the felony was committed before December 31,~~
17 ~~1999, that was~~ punishable by a maximum prison term of 30 years or more.

18 **SECTION 430.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

19 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
20 or (1r), 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., or s.
21 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
22 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
23 ~~(1m) or (1r),~~ 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
24 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

25 **SECTION 431.** 939.622 of the statutes is repealed.

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1 **SECTION 432.** 939.623 of the statutes is repealed.

2 **SECTION 433.** 939.624 of the statutes is repealed.

3 **SECTION 434.** 939.625 of the statutes is repealed.

4 **SECTION 435.** 939.63 (1) of the statutes is renumbered 939.63, and 939.63 (1)
5 (d), (2) and (3), as renumbered, are amended to read:

6 939.63 (1) (d) The maximum term of imprisonment for a felony not specified
7 in ~~subd. 2. or 3. par (b) or (c)~~ may be increased by not more than 3 years.

8 (2) The increased penalty provided in this ~~subsection~~ section does not apply if
9 possessing, using or threatening to use a dangerous weapon is an essential element
10 of the crime charged.

11 (3) This ~~subsection~~ section applies only to crimes specified under chs. 939 to
12 951 and 961.

13 **SECTION 436.** 939.63 (2) of the statutes is repealed.

14 **SECTION 437.** 939.632 (1) (e) 1. of the statutes is amended to read:

15 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (~~1~~)
16 (1c), 940.19 (2), (~~3~~), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
17 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), (~~1m~~) or (~~1r~~), 943.32 (2), 948.02 (1) or
18 (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), ~~948.35~~
19 (~~1~~) (~~b~~) or (~~c~~) or 948.36.

20 **SECTION 438.** 939.632 (2) of the statutes is amended to read:

21 939.632 (2) If a person commits a violent crime in a school zone, the maximum
22 period term of imprisonment is increased as follows:

23 (a) If the violent crime is a felony, the maximum period term of imprisonment
24 is increased by 5 years.

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1 (b) If the violent crime is a misdemeanor, the maximum period term of
2 imprisonment is increased by 3 months and the place of imprisonment is the county
3 jail.

4 **SECTION 439.** 939.635 of the statutes, as affected by 1999 Wisconsin Act 9, is
5 repealed.

6 **SECTION 440.** 939.64 of the statutes is repealed.

7 **SECTION 441.** 939.641 of the statutes is repealed.

8 **SECTION 442.** 939.645 (2) of the statutes is amended to read:

9 939.645 (2) (a) If the crime committed under sub. (1) is ordinarily a
10 misdemeanor other than a Class A misdemeanor, the revised maximum fine is
11 \$10,000 and the revised maximum period term of imprisonment is one year in the
12 county jail.

13 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
14 the penalty increase under this section changes the status of the crime to a felony and
15 the revised maximum fine is \$10,000 and the revised maximum period term of
16 imprisonment is 2 years.

17 (c) If the crime committed under sub. (1) is a felony, the maximum fine
18 prescribed by law for the crime may be increased by not more than \$5,000 and the
19 maximum period term of imprisonment prescribed by law for the crime may be
20 increased by not more than 5 years.

21 **SECTION 443.** 939.646 of the statutes is repealed.

22 **SECTION 444.** 939.647 of the statutes is repealed.

23 **SECTION 445.** 939.648 of the statutes is repealed.

24 **SECTION 446.** 939.72 (1) of the statutes is amended to read:

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1 939.72 (1) Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a
2 party to a crime which is the objective of the solicitation; or

3 **SECTION 447.** 939.75 (1) of the statutes is amended to read:

4 939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02
5 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)
6 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to
7 (e) and ~~(1b)~~, “unborn child” means any individual of the human species from
8 fertilization until birth that is gestating inside a woman.

9 **SECTION 448.** 940.02 (2) (intro.) of the statutes is amended to read:

10 940.02 (2) (intro.) Whoever causes the death of another human being under any
11 of the following circumstances is guilty of a Class B C felony:

12 **SECTION 449.** 940.03 of the statutes is amended to read:

13 **940.03 Felony murder.** Whoever causes the death of another human being
14 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)
15 (a), 943.02, 943.10 (2), 943.23 (1g) or 943.32 (2) may be imprisoned for not more than
16 ~~20~~ 15 years in excess of the maximum ~~period~~ term of imprisonment provided by law
17 for that crime or attempt.

18 **SECTION 450.** 940.04 (1) of the statutes is amended to read:

19 940.04 (1) Any person, other than the mother, who intentionally destroys the
20 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~
21 ~~than 3 years or both~~ is guilty of a Class H felony.

22 **SECTION 451.** 940.04 (2) (intro.) of the statutes is amended to read:

23 940.04 (2) (intro.) Any person, other than the mother, who does either of the
24 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

25 **SECTION 452.** 940.04 (4) of the statutes is amended to read:

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1 940.04 (4) Any pregnant woman who intentionally destroys the life of her
2 unborn quick child or who consents to such destruction by another ~~may be~~
3 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

4 **SECTION 453.** 940.06 (1) of the statutes is amended to read:

5 940.06 (1) Whoever recklessly causes the death of another human being is
6 guilty of a Class ~~C~~ D felony.

7 **SECTION 454.** 940.06 (2) of the statutes is amended to read:

8 940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of
9 a Class ~~C~~ D felony.

10 **SECTION 455.** 940.07 of the statutes is amended to read:

11 **940.07 Homicide resulting from negligent control of vicious animal.**

12 Whoever knowing the vicious propensities of any animal intentionally allows it to go
13 at large or keeps it without ordinary care, if such animal, while so at large or not
14 confined, kills any human being who has taken all the precautions which the
15 circumstances may permit to avoid such animal, is guilty of a Class ~~C~~ G felony.

16 **SECTION 456.** 940.08 (1) of the statutes is amended to read:

17 940.08 (1) Whoever causes the death of another human being by the negligent
18 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
19 ~~D~~ G felony.

20 **SECTION 457.** 940.08 (2) of the statutes is amended to read:

21 940.08 (2) Whoever causes the death of an unborn child by the negligent
22 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~D~~
23 G felony.

24 **SECTION 458.** 940.09 (1) (intro.) of the statutes is amended to read:

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1 940.09 (1) (intro.) Any person who does any of the following is ~~guilty of a Class~~
2 ~~B-felony~~ may be penalized as provided in sub. (1c):

3 **SECTION 459.** 940.09 (1b) of the statutes is repealed.

4 **SECTION 460.** 940.09 (1c) of the statutes is created to read:

5 940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is
6 guilty of a Class D felony.

7 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
8 one or more prior convictions, suspensions or revocations, as counted under s.
9 343.307 (2).

10 **SECTION 461.** 940.10 (1) of the statutes is amended to read:

11 940.10 (1) Whoever causes the death of another human being by the negligent
12 operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

13 **SECTION 462.** 940.10 (2) of the statutes is amended to read:

14 940.10 (2) Whoever causes the death of an unborn child by the negligent
15 operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

16 **SECTION 463.** 940.11 (1) of the statutes is amended to read:

17 940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent
18 to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is
19 guilty of a Class ~~C~~ F felony.

20 **SECTION 464.** 940.11 (2) of the statutes is amended to read:

21 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
22 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class ~~D~~ G
23 felony.

24 **SECTION 465.** 940.12 of the statutes is amended to read:

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1 **940.12 Assisting suicide.** Whoever with intent that another take his or her
2 own life assists such person to commit suicide is guilty of a Class D H felony.

3 **SECTION 466.** 940.15 (2) of the statutes is amended to read:

4 **940.15 (2)** Whoever intentionally performs an abortion after the fetus or
5 unborn child reaches viability, as determined by reasonable medical judgment of the
6 woman’s attending physician, is guilty of a Class E I felony.

7 **SECTION 467.** 940.15 (5) of the statutes is amended to read:

8 **940.15 (5)** Whoever intentionally performs an abortion and who is not a
9 physician is guilty of a Class E I felony.

10 **SECTION 468.** 940.15 (6) of the statutes is amended to read:

11 **940.15 (6)** Any physician who intentionally performs an abortion under sub.
12 (3) shall use that method of abortion which, of those he or she knows to be available,
13 is in his or her medical judgment most likely to preserve the life and health of the
14 fetus or unborn child. Nothing in this subsection requires a physician performing
15 an abortion to employ a method of abortion which, in his or her medical judgment
16 based on the particular facts of the case before him or her, would increase the risk
17 to the woman. Any physician violating this subsection is guilty of a Class E I felony.

18 **SECTION 469.** 940.19 (2) of the statutes is amended to read:

19 **940.19 (2)** Whoever causes substantial bodily harm to another by an act done
20 with intent to cause bodily harm to that person or another is guilty of a Class E I
21 felony.

22 **SECTION 470.** 940.19 (3) of the statutes is repealed.

23 **SECTION 471.** 940.19 (4) of the statutes is amended to read:

24 **940.19 (4)** Whoever causes great bodily harm to another by an act done with
25 intent to cause bodily harm to that person or another is guilty of a Class D H felony.

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1 **SECTION 472.** 940.19 (5) of the statutes is amended to read:

2 940.19 (5) Whoever causes great bodily harm to another by an act done with
3 intent to cause ~~either substantial bodily harm or~~ great bodily harm to that person
4 or another is guilty of a Class ~~C~~ E felony.

5 **SECTION 473.** 940.19 (6) (intro.) of the statutes is amended to read:

6 940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by
7 conduct that creates a substantial risk of great bodily harm is guilty of a Class ~~D~~ H
8 felony. A rebuttable presumption of conduct creating a substantial risk of great
9 bodily harm arises:

10 **SECTION 474.** 940.195 (2) of the statutes is amended to read:

11 940.195 (2) Whoever causes substantial bodily harm to an unborn child by an
12 act done with intent to cause bodily harm to that unborn child, to the woman who is
13 pregnant with that unborn child or another is guilty of a Class ~~E~~ I felony.

14 **SECTION 475.** 940.195 (3) of the statutes is repealed.

15 **SECTION 476.** 940.195 (4) of the statutes is amended to read:

16 940.195 (4) Whoever causes great bodily harm to an unborn child by an act
17 done with intent to cause bodily harm to that unborn child, to the woman who is
18 pregnant with that unborn child or another is guilty of a Class ~~D~~ H felony.

19 **SECTION 477.** 940.195 (5) of the statutes is amended to read:

20 940.195 (5) Whoever causes great bodily harm to an unborn child by an act
21 done with intent to cause ~~either substantial bodily harm or~~ great bodily harm to that
22 unborn child, to the woman who is pregnant with that unborn child or another is
23 guilty of a Class ~~C~~ E felony.

24 **SECTION 478.** 940.195 (6) of the statutes is repealed.

25 **SECTION 479.** 940.20 (1) of the statutes is amended to read:

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1 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison or
2 other state, county or municipal detention facility who intentionally causes bodily
3 harm to an officer, employe, visitor or another inmate of such prison or institution,
4 without his or her consent, is guilty of a Class D H felony.

5 **SECTION 480.** 940.20 (1m) of the statutes is amended to read:

6 940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any
7 person who is subject to an injunction under s. 813.12 or a tribal injunction filed
8 under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who
9 sought the injunction by an act done without the consent of the petitioner is guilty
10 of a Class E I felony.

11 (b) Any person who is subject to an injunction under s. 813.125 and who
12 intentionally causes bodily harm to the petitioner who sought the injunction by an
13 act done without the consent of the petitioner is guilty of a Class E I felony.

14 **SECTION 481.** 940.20 (2) of the statutes is amended to read:

15 940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS. Whoever
16 intentionally causes bodily harm to a law enforcement officer or fire fighter, as those
17 terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the
18 person knows or has reason to know that the victim is a law enforcement officer or
19 fire fighter, by an act done without the consent of the person so injured, is guilty of
20 a Class D H felony.

21 **SECTION 482.** 940.20 (2m) (b) of the statutes is amended to read:

22 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,
23 extended supervision and parole agent or an aftercare agent, acting in an official
24 capacity and the person knows or has reason to know that the victim is a probation,

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1 extended supervision and parole agent or an aftercare agent, by an act done without
2 the consent of the person so injured, is guilty of a Class D H felony.

3 **SECTION 483.** 940.20 (3) of the statutes is amended to read:

4 940.20 (3) BATTERY TO JURORS. Whoever intentionally causes bodily harm to a
5 person who he or she knows or has reason to know is or was a grand or petit juror,
6 and by reason of any verdict or indictment assented to by the person, without the
7 consent of the person injured, is guilty of a Class D H felony.

8 **SECTION 484.** 940.20 (4) of the statutes is amended to read:

9 940.20 (4) BATTERY TO PUBLIC OFFICERS. Whoever intentionally causes bodily
10 harm to a public officer in order to influence the action of such officer or as a result
11 of any action taken within an official capacity, without the consent of the person
12 injured, is guilty of a Class E I felony.

13 **SECTION 485.** 940.20 (5) (b) of the statutes is amended to read:

14 940.20 (5) (b) Whoever intentionally causes bodily harm to a technical college
15 district or school district officer or employe acting in that capacity, and the person
16 knows or has reason to know that the victim is a technical college district or school
17 district officer or employe, without the consent of the person so injured, is guilty of
18 a Class E I felony.

19 **SECTION 486.** 940.20 (6) (b) (intro.) of the statutes is amended to read:

20 940.20 (6) (b) (intro.) Whoever intentionally causes bodily harm to another
21 under any of the following circumstances is guilty of a Class E I felony:

22 **SECTION 487.** 940.20 (7) (b) of the statutes is amended to read:

23 940.20 (7) (b) Whoever intentionally causes bodily harm to an emergency
24 department worker, an emergency medical technician, a first responder or an
25 ambulance driver who is acting in an official capacity and who the person knows or

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1 has reason to know is an emergency department worker, an emergency medical
2 technician, a first responder or an ambulance driver, by an act done without the
3 consent of the person so injured, is guilty of a Class D H felony.

4 **SECTION 488.** 940.201 (2) (intro.) of the statutes is amended to read:

5 940.201 (2) (intro.) Whoever does any of the following is guilty of a Class D H
6 felony:

7 **SECTION 489.** 940.203 (2) (intro.) of the statutes is amended to read:

8 940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
9 cause bodily harm to the person or family member of any judge under all of the
10 following circumstances is guilty of a Class D H felony:

11 **SECTION 490.** 940.205 (2) (intro.) of the statutes is amended to read:

12 940.205 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
13 cause bodily harm to the person or family member of any department of revenue
14 official, employe or agent under all of the following circumstances is guilty of a Class
15 D H felony:

16 **SECTION 491.** 940.207 (2) (intro.) of the statutes is amended to read:

17 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
18 cause bodily harm to the person or family member of any department of commerce
19 or department of workforce development official, employe or agent under all of the
20 following circumstances is guilty of a Class D H felony:

21 **SECTION 492.** 940.21 of the statutes is amended to read:

22 **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or
23 mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is
24 guilty of a Class B C felony.

25 **SECTION 493.** 940.22 (2) of the statutes is amended to read:

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1 940.22 (2) SEXUAL CONTACT PROHIBITED. Any person who is or who holds himself
2 or herself out to be a therapist and who intentionally has sexual contact with a
3 patient or client during any ongoing therapist-patient or therapist-client
4 relationship, regardless of whether it occurs during any treatment, consultation,
5 interview or examination, is guilty of a Class C F felony. Consent is not an issue in
6 an action under this subsection.

7 **SECTION 494.** 940.225 (2) (intro.) of the statutes is amended to read:

8 940.225 (2) SECOND DEGREE SEXUAL ASSAULT. (intro.) Whoever does any of the
9 following is guilty of a Class B C felony:

10 **SECTION 495.** 940.225 (3) of the statutes is amended to read:

11 940.225 (3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse
12 with a person without the consent of that person is guilty of a Class D G felony.
13 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person
14 without the consent of that person is guilty of a Class D G felony.

15 **SECTION 496.** 940.23 (1) (a) of the statutes is amended to read:

16 940.23 (1) (a) Whoever recklessly causes great bodily harm to another human
17 being under circumstances which show utter disregard for human life is guilty of a
18 Class C D felony.

19 **SECTION 497.** 940.23 (1) (b) of the statutes is amended to read:

20 940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child
21 under circumstances that show utter disregard for the life of that unborn child, the
22 woman who is pregnant with that unborn child or another is guilty of a Class C D
23 felony.

24 **SECTION 498.** 940.23 (2) (a) of the statutes is amended to read:

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1 940.23 (2) (a) Whoever recklessly causes great bodily harm to another human
2 being is guilty of a Class ~~D~~ F felony.

3 **SECTION 499.** 940.23 (2) (b) of the statutes is amended to read:

4 940.23 (2) (b) Whoever recklessly causes great bodily harm to an unborn child
5 is guilty of a Class ~~D~~ F felony.

6 **SECTION 500.** 940.24 (1) of the statutes is amended to read:

7 940.24 (1) Whoever causes bodily harm to another by the negligent operation
8 or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~ I felony.

9 **SECTION 501.** 940.24 (2) of the statutes is amended to read:

10 940.24 (2) Whoever causes bodily harm to an unborn child by the negligent
11 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~
12 I felony.

13 **SECTION 502.** 940.25 (1) (intro.) of the statutes is amended to read:

14 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class
15 ~~D~~ F felony:

16 **SECTION 503.** 940.25 (1b) of the statutes is repealed.

17 **SECTION 504.** 940.285 (2) (b) 1g. of the statutes is amended to read:

18 940.285 (2) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
19 that cause death is guilty of a Class ~~B~~ C felony. Any person violating par. (a) 3. under
20 circumstances that cause death is guilty of a Class D felony.

21 **SECTION 505.** 940.285 (2) (b) 1m. of the statutes is amended to read:

22 940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that
23 cause great bodily harm is guilty of a Class ~~C~~ F felony.

24 **SECTION 506.** 940.285 (2) (b) 1r. of the statutes is amended to read:

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1 940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are
2 likely to cause great bodily harm is guilty of a Class ~~D~~ G felony. Any person violating
3 par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is
4 guilty of a Class I felony.

5 **SECTION 507.** 940.285 (2) (b) 2. of the statutes is amended to read:

6 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that
7 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person
8 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
9 of a Class I felony.

10 **SECTION 508.** 940.285 (2) (b) 3. of the statutes is repealed.

11 **SECTION 509.** 940.29 of the statutes is amended to read:

12 **940.29 Abuse of residents of penal facilities.** Any person in charge of or
13 employed in a penal or correctional institution or other place of confinement who
14 abuses, neglects or ill-treats any person confined in or a resident of any such
15 institution or place or who knowingly permits another person to do so is guilty of a
16 Class ~~E~~ I felony.

17 **SECTION 510.** 940.295 (3) (b) 1g. of the statutes is amended to read:

18 940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
19 that cause death to a vulnerable person is guilty of a Class ~~B~~ C felony. Any person
20 violating par. (a) 3. under circumstances that cause death to a vulnerable person is
21 guilty of a Class D felony.

22 **SECTION 511.** 940.295 (3) (b) 1m. of the statutes is amended to read:

23 940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that
24 cause great bodily harm to a vulnerable person is guilty of a Class ~~C~~ E felony.

25 **SECTION 512.** 940.295 (3) (b) 1r. of the statutes is amended to read:

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1 940.295 (3) (b) 1r. Except as provided in subd. 1m., any person violating par.
2 (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty
3 of a Class ~~D~~ F felony. Any person violating par. (a) 1. under circumstances that are
4 likely to cause great bodily harm is guilty of a Class G felony.

5 **SECTION 513.** 940.295 (3) (b) 2. of the statutes is amended to read:

6 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that
7 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person
8 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
9 of a Class I felony.

10 **SECTION 514.** 940.295 (3) (b) 3. of the statutes is amended to read:

11 940.295 (3) (b) 3. Except as provided in subd. 1m., any person violating par. (a)
12 2. or 3. under circumstances that cause ~~or are likely to cause~~ great bodily harm is
13 guilty of a Class ~~E~~ H felony. Any person violating par. (a) 2. or 3. under circumstances
14 that are likely to cause great bodily harm is guilty of a Class I felony.

15 **SECTION 515.** 940.30 of the statutes is amended to read:

16 **940.30 False imprisonment.** Whoever intentionally confines or restrains
17 another without the person's consent and with knowledge that he or she has no
18 lawful authority to do so is guilty of a Class ~~E~~ H felony.

19 **SECTION 516.** 940.305 (1) of the statutes is amended to read:

20 940.305 (1) Except as provided in sub. (2), whoever by force or threat of
21 imminent force seizes, confines or restrains a person without the person's consent
22 and with the intent to use the person as a hostage in order to influence a person to
23 perform or not to perform some action demanded by the actor is guilty of a Class ~~A~~
24 B felony.

25 **SECTION 517.** 940.305 (2) of the statutes is amended to read:

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1 940.305 (2) Whoever commits a violation specified under sub. (1) is guilty of
2 a Class ~~B~~ C felony if, before the time of the actor's arrest, each person who is held as
3 a hostage is released without bodily harm.

4 **SECTION 518.** 940.31 (1) (intro.) of the statutes is amended to read:

5 940.31 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C
6 felony:

7 **SECTION 519.** 940.31 (2) (a) of the statutes is amended to read:

8 940.31 (2) (a) Except as provided in par. (b), whoever violates sub. (1) with
9 intent to cause another to transfer property in order to obtain the release of the victim
10 is guilty of a Class ~~A~~ B felony.

11 **SECTION 520.** 940.31 (2) (b) of the statutes is amended to read:

12 940.31 (2) (b) Whoever violates sub. (1) with intent to cause another to transfer
13 property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony if
14 the victim is released without permanent physical injury prior to the time the first
15 witness is sworn at the trial.

16 **SECTION 521.** 940.32 (2) (intro.) of the statutes is amended to read:

17 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
18 ~~A misdemeanor~~ I felony:

19 **SECTION 522.** 940.32 (2m) of the statutes is amended to read:

20 940.32 (2m) Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she
21 intentionally gains access to a record in electronic format that contains personally
22 identifiable information regarding the victim in order to facilitate the violation
23 under sub. (2).

24 **SECTION 523.** 940.32 (3) (intro.) of the statutes is amended to read:

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1 940.32 **(3)** (intro.) Whoever violates sub. (2) under any of the following
2 circumstances is guilty of a Class **E H** felony:

3 **SECTION 524.** 940.32 (3m) (intro.) of the statutes is amended to read:

4 940.32 **(3m)** (intro.) Whoever violates sub. (3) under all of the following
5 circumstances is guilty of a Class **D G** felony:

6 **SECTION 525.** 940.43 (intro.) of the statutes is amended to read:

7 **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
8 940.42 under any of the following circumstances is guilty of a Class **D G** felony:

9 **SECTION 526.** 940.45 (intro.) of the statutes is amended to read:

10 **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
11 under any of the following circumstances is guilty of a Class **D G** felony:

12 **SECTION 527.** 941.11 (intro.) of the statutes is amended to read:

13 **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the
14 following is guilty of a Class **D H** felony:

15 **SECTION 528.** 941.12 (1) of the statutes is amended to read:

16 941.12 **(1)** Whoever intentionally interferes with the proper functioning of a
17 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of
18 a Class **E I** felony.

19 **SECTION 529.** 941.20 (2) (intro.) of the statutes is amended to read:

20 941.20 **(2)** (intro.) Whoever does any of the following is guilty of a Class **E G**
21 felony:

22 **SECTION 530.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

23 941.20 **(3)** (a) (intro.) Whoever intentionally discharges a firearm from a
24 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot

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1 that is open to the public under any of the following circumstances is guilty of a Class
2 C F felony:

3 **SECTION 531.** 941.21 of the statutes is amended to read:

4 **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace
5 officer who is acting in his or her official capacity by taking a dangerous weapon or
6 a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer
7 without his or her consent is guilty of a Class E H felony. This section applies to any
8 dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4)
9 (a) that the officer is carrying or that is in an area within the officer's immediate
10 presence.

11 **SECTION 532.** 941.235 (1) of the statutes is amended to read:

12 941.235 (1) Any person who goes armed with a firearm in any building owned
13 or leased by the state or any political subdivision of the state is guilty of a Class B
14 A misdemeanor.

15 **SECTION 533.** 941.26 (2) (a) of the statutes is amended to read:

16 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class E H felony.

17 **SECTION 534.** 941.26 (2) (b) of the statutes is amended to read:

18 941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class C F felony.

19 **SECTION 535.** 941.26 (2) (e) of the statutes is amended to read:

20 941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or
21 commercial transportation of the bomb, grenade, projectile, shell or container under
22 sub. (1) (b) is guilty of a Class E H felony.

23 **SECTION 536.** 941.26 (2) (f) of the statutes is amended to read:

24 941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb,
25 grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily

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1 discomfort to a person who the actor knows, or has reason to know, is a peace officer
2 who is acting in an official capacity is guilty of a Class D H felony.

3 **SECTION 537.** 941.26 (2) (g) of the statutes is amended to read:

4 941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb,
5 grenade, projectile, shell or container under sub. (1) (b) during his or her commission
6 of another crime to cause bodily harm or bodily discomfort to another or who
7 threatens to use the bomb, grenade, projectile, shell or container during his or her
8 commission of another crime to incapacitate another person is guilty of a Class E H
9 felony.

10 **SECTION 538.** 941.26 (4) (d) of the statutes is amended to read:

11 941.26 (4) (d) Whoever intentionally uses a device or container described under
12 par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows,
13 or has reason to know, is a peace officer who is acting in an official capacity is guilty
14 of a Class D H felony.

15 **SECTION 539.** 941.26 (4) (e) of the statutes is amended to read:

16 941.26 (4) (e) Whoever uses a device or container described under par. (a)
17 during his or her commission of another crime to cause bodily harm or bodily
18 discomfort to another or who threatens to use the device or container during his or
19 her commission of another crime to incapacitate another person is guilty of a Class
20 E H felony.

21 **SECTION 540.** 941.28 (3) of the statutes is amended to read:

22 941.28 (3) Any person violating this section is guilty of a Class E H felony.

23 **SECTION 541.** 941.29 (2) (intro.) of the statutes is amended to read:

24 941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class E G felony
25 if he or she possesses a firearm under any of the following circumstances:

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1 **SECTION 542.** 941.29 (2m) of the statutes is repealed.

2 **SECTION 543.** 941.295 (1) of the statutes is amended to read:

3 941.295 (1) Whoever sells, transports, manufactures, possesses or goes armed
4 with any electric weapon is guilty of a Class E H felony.

5 **SECTION 544.** 941.296 (2) (intro.) of the statutes is amended to read:

6 941.296 (2) (intro.) Whoever uses or possesses a handgun during the
7 commission of a crime under chs. 939 to 948 or 961 is guilty of a Class E H felony
8 under any of the following circumstances.

9 **SECTION 545.** 941.296 (3) of the statutes is repealed.

10 **SECTION 546.** 941.298 (2) of the statutes is amended to read:

11 941.298 (2) Whoever sells, delivers or possesses a firearm silencer is guilty of
12 a Class E H felony.

13 **SECTION 547.** 941.30 (1) of the statutes is amended to read:

14 941.30 (1) **FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly
15 endangers another's safety under circumstances which show utter disregard for
16 human life is guilty of a Class D F felony.

17 **SECTION 548.** 941.30 (2) of the statutes is amended to read:

18 941.30 (2) **SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever
19 recklessly endangers another's safety is guilty of a Class E G felony.

20 **SECTION 549.** 941.31 (1) of the statutes is amended to read:

21 941.31 (1) Whoever makes, buys, transports, possesses, or transfers any
22 explosive compound or offers to do the same, either with intent to use such explosive
23 to commit a crime or knowing that another intends to use it to commit a crime, is
24 guilty of a Class C F felony.

25 **SECTION 550.** 941.31 (2) (b) of the statutes is amended to read:

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1 941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or
2 transfers any improvised explosive device, or possesses materials or components
3 with intent to assemble any improvised explosive device, is guilty of a Class E H
4 felony.

5 **SECTION 551.** 941.315 (3) (intro.) of the statutes is amended to read:

6 941.315 (3) (intro.) Whoever does any of the following is guilty of a Class D H
7 felony:

8 **SECTION 552.** 941.32 of the statutes is amended to read:

9 **941.32 Administering dangerous or stupefying drug.** Whoever
10 administers to another or causes another to take any poisonous, stupefying,
11 overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the
12 commission of a crime is guilty of a Class C F felony.

13 **SECTION 553.** 941.325 of the statutes is amended to read:

14 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs
15 or other substances in candy or other liquid or solid edibles with the intent to cause
16 bodily harm to another person is guilty of a Class E I felony.

17 **SECTION 554.** 941.327 (2) (b) 1. of the statutes is amended to read:

18 941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par.
19 (a) is guilty of a Class E I felony.

20 **SECTION 555.** 941.327 (2) (b) 2. of the statutes is amended to read:

21 941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great
22 bodily harm to another, a person violating par. (a) is guilty of a Class D H felony.

23 **SECTION 556.** 941.327 (2) (b) 3. of the statutes is amended to read:

24 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,
25 a person violating par. (a) is guilty of a Class C F felony.

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1 **SECTION 557.** 941.327 (2) (b) 4. of the statutes is amended to read:

2 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
3 guilty of a Class ~~A~~ C felony.

4 **SECTION 558.** 941.327 (3) of the statutes is amended to read:

5 941.327 (3) Whoever intentionally imparts or conveys false information,
6 knowing the information to be false, concerning an act or attempted act which, if
7 true, would constitute a violation of sub. (2) is guilty of a Class ~~E~~ I felony.

8 **SECTION 559.** 941.37 (3) of the statutes is amended to read:

9 941.37 (3) Any person who intentionally interferes with any emergency
10 medical personnel in the performance of duties relating to an emergency or rescue
11 and who has reasonable grounds to believe that the interference may endanger
12 another's safety is guilty of a Class ~~E~~ I felony.

13 **SECTION 560.** 941.37 (4) of the statutes is amended to read:

14 941.37 (4) Any person who violates sub. (3) and thereby contributes to the
15 death of another is guilty of a Class ~~C~~ E felony.

16 **SECTION 561.** 941.38 (1) (b) 4. of the statutes is amended to read:

17 941.38 (1) (b) 4. Battery, ~~substantial battery or aggravated battery~~, as
18 prohibited in s. 940.19 or 940.195.

19 **SECTION 562.** 941.38 (2) of the statutes is amended to read:

20 941.38 (2) Whoever intentionally solicits a child to participate in criminal gang
21 activity is guilty of a Class ~~E~~ I felony.

22 **SECTION 563.** 943.01 (2) (intro.) of the statutes is amended to read:

23 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
24 circumstances is guilty of a Class ~~D~~ I felony:

25 **SECTION 564.** 943.01 (2) (d) of the statutes is amended to read:

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1 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
2 in value by more than \$1,000 \$2,000. For the purposes of this paragraph, property
3 is reduced in value by the amount which it would cost either to repair or replace it,
4 whichever is less.

5 **SECTION 565.** 943.01 (2g) of the statutes is repealed.

6 **SECTION 566.** 943.011 (2) (intro.) of the statutes is amended to read:

7 943.011 (2) (intro.) Whoever does any of the following is guilty of a Class **D I**
8 felony:

9 **SECTION 567.** 943.012 (intro.) of the statutes is amended to read:

10 **943.012 Criminal damage to or graffiti on religious and other property.**

11 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or
12 writes with ink or another substance on or intentionally etches into any physical
13 property of another, without the person's consent and with knowledge of the
14 character of the property, is guilty of a Class **E I** felony if the property consists of one
15 or more of the following:

16 **SECTION 568.** 943.013 (2) (intro.) of the statutes is amended to read:

17 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage
18 to any physical property that belongs to a judge or his or her family member under
19 all of the following circumstances is guilty of a Class **D I** felony:

20 **SECTION 569.** 943.014 (2) of the statutes is amended to read:

21 943.014 (2) Whoever intentionally demolishes a historic building without a
22 permit issued by a city, village, town or county or without an order issued under s.
23 66.05 ~~shall be fined an amount equal to 2 times the fair market value of the historic~~
24 ~~building and the land upon which the building is located immediately prior to~~

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1 demolition and may be imprisoned for not more than 9 months is guilty of a Class A
2 misdemeanor.

3 **SECTION 570.** 943.015 (2) (intro.) of the statutes is amended to read:

4 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage
5 to any physical property which belongs to a department of revenue official, employe
6 or agent or his or her family member under all of the following circumstances is guilty
7 of a Class D I felony:

8 **SECTION 571.** 943.017 (2) (intro.) of the statutes is amended to read:

9 943.017 (2) (intro.) Any person violating sub. (1) under any of the following
10 circumstances is guilty of a Class D I felony:

11 **SECTION 572.** 943.017 (2) (d) of the statutes is amended to read:

12 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
13 in value by more than \$1,000 \$2,000. For the purposes of this paragraph, property
14 is reduced in value by the amount which it would cost to repair or replace it or to
15 remove the marking, drawing, writing or etching, whichever is less.

16 **SECTION 573.** 943.017 (2m) (b) (intro.) of the statutes is amended to read:

17 943.017 (2m) (b) (intro.) Whoever does any of the following is guilty of a Class D
18 I felony:

19 **SECTION 574.** 943.02 (1) (intro.) of the statutes is amended to read:

20 943.02 (1) (intro.) Whoever does any of the following is guilty of a Class B C
21 felony:

22 **SECTION 575.** 943.03 of the statutes is amended to read:

23 **943.03 Arson of property other than building.** Whoever, by means of fire,
24 intentionally damages any property (other than a building) of another without the

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1 person's consent, if the property is of the value of \$100 or more, is guilty of a Class
2 E I felony.

3 **SECTION 576.** 943.04 of the statutes is amended to read:

4 **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages
5 any property (other than a building) with intent to defraud an insurer of that
6 property is guilty of a Class D H felony. Proof that the actor recovered or attempted
7 to recover on a policy of insurance by reason of the fire is relevant but not essential
8 to establish the actor's intent to defraud the insurer.

9 **SECTION 577.** 943.06 (2) of the statutes is amended to read:

10 943.06 (2) Whoever possesses, manufactures, sells, offers for sale, gives or
11 transfers a fire bomb is guilty of a Class E H felony.

12 **SECTION 578.** 943.07 (1) of the statutes is amended to read:

13 943.07 (1) Whoever intentionally causes damage or who causes another person
14 to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,
15 tunnel or signal or any railroad property used in providing rail services, which could
16 cause an injury, accident or derailment is guilty of a Class ~~A misdemeanor~~ I felony.

17 **SECTION 579.** 943.07 (2) of the statutes is amended to read:

18 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
19 train, car, caboose or engine is guilty of a Class ~~A misdemeanor~~ I felony.

20 **SECTION 580.** 943.10 (1) (intro.) of the statutes is amended to read:

21 943.10 (1) (intro.) Whoever intentionally enters any of the following places
22 without the consent of the person in lawful possession and with intent to steal or
23 commit a felony in such place is guilty of a Class C F felony:

24 **SECTION 581.** 943.10 (2) (intro.) of the statutes is amended to read:

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1 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
2 circumstances is guilty of a Class B E felony:

3 **SECTION 582.** 943.12 of the statutes is amended to read:

4 **943.12 Possession of burglarious tools.** Whoever has in personal
5 possession any device or instrumentality intended, designed or adapted for use in
6 breaking into any depository designed for the safekeeping of any valuables or into
7 any building or room, with intent to use such device or instrumentality to break into
8 a depository, building or room, and to steal therefrom, is guilty of a Class E I felony.

9 **SECTION 583.** 943.20 (3) (a) of the statutes is amended to read:

10 943.20 (3) (a) If the value of the property does not exceed \$1,000 \$2,000, is
11 guilty of a Class A misdemeanor.

12 **SECTION 584.** 943.20 (3) (b) of the statutes is amended to read:

13 943.20 (3) (b) If the value of the property exceeds \$1,000 \$2,000 but does not
14 \$2,500 exceed \$5,000, is guilty of a Class E I felony.

15 **SECTION 585.** 943.20 (3) (bm) of the statutes is created to read:

16 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
17 \$10,000, is guilty of a Class H felony.

18 **SECTION 586.** 943.20 (3) (c) of the statutes is amended to read:

19 943.20 (3) (c) If the value of the property exceeds \$2,500 \$10,000, is guilty of
20 a Class C G felony.

21 **SECTION 587.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

22 943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and~~
23 any of the following circumstances ~~exist~~ exists, is guilty of a Class D H felony:

24 **SECTION 588.** 943.20 (3) (d) 1. of the statutes is amended to read:

25 943.20 (3) (d) 1. The property is a domestic animal; ~~or,~~

SENATE BILL 357**SECTION 589**

1 **SECTION 589.** 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and
2 amended to read:

3 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
4 a corpse; ~~or, is guilty of a Class G felony.~~

5 **SECTION 590.** 943.20 (3) (d) 3. of the statutes is amended to read:

6 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
7 or left unoccupied because of physical disaster, riot, bombing or the proximity of
8 battle; ~~or,~~

9 **SECTION 591.** 943.20 (3) (d) 4. of the statutes is amended to read:

10 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
11 the proximity of battle has necessitated its removal from a building; ~~or,~~

12 **SECTION 592.** 943.201 (2) of the statutes is amended to read:

13 943.201 (2) Whoever intentionally uses or attempts to use any personal
14 identifying information or personal identification document of an individual to
15 obtain credit, money, goods, services or anything else of value without the
16 authorization or consent of the individual and by representing that he or she is the
17 individual or is acting with the authorization or consent of the individual is guilty
18 of a Class D H felony.

19 **SECTION 593.** 943.205 (3) of the statutes is amended to read:

20 943.205 (3) Anyone who violates this section is guilty of a Class E I felony.

21 **SECTION 594.** 943.21 (3) (a) of the statutes is amended to read:

22 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
23 beverage, food, lodging, accommodation, transportation or other service is \$1,000
24 \$2,000 or less.

25 **SECTION 595.** 943.21 (3) (b) of the statutes is amended to read:

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1 943.21 (3) (b) Is guilty of a Class ~~E~~ I felony when the value of any beverage,
2 food, lodging, accommodation, transportation or other service exceeds \$1,000 \$2,000.

3 **SECTION 596.** 943.23 (1g) of the statutes is amended to read:

4 943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of,
5 or the threat of the use of, force or the weapon against another, intentionally takes
6 any vehicle without the consent of the owner is guilty of a Class ~~B~~ C felony.

7 **SECTION 597.** 943.23 (1m) of the statutes is repealed.

8 **SECTION 598.** 943.23 (1r) of the statutes is repealed.

9 **SECTION 599.** 943.23 (2) of the statutes is amended to read:

10 943.23 (2) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
11 takes and drives any vehicle without the consent of the owner is guilty of a Class ~~D~~
12 H felony.

13 **SECTION 600.** 943.23 (3) of the statutes is amended to read:

14 943.23 (3) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
15 drives or operates any vehicle without the consent of the owner is guilty of a Class
16 ~~E~~ I felony.

17 **SECTION 601.** 943.23 (3m) of the statutes is created to read:

18 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
19 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
20 after the vehicle was taken from the possession of the owner. An affirmative defense
21 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
22 who raises this affirmative defense has the burden of proving the defense by a
23 preponderance of the evidence.

24 **SECTION 602.** 943.23 (4m) of the statutes is amended to read:

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1 943.23 (4m) Whoever knows that the owner does not consent to the driving or
2 operation of a vehicle and intentionally accompanies, as a passenger in the vehicle,
3 a person while he or she violates sub. (1g), ~~(1m)~~, ~~(1r)~~, (2) or, (3) or (3m) is guilty of a
4 Class A misdemeanor.

5 **SECTION 603.** 943.23 (5) of the statutes is amended to read:

6 943.23 (5) Whoever intentionally removes a major part of a vehicle without the
7 consent of the owner is guilty of a Class E I felony. Whoever intentionally removes
8 any other part or component of a vehicle without the consent of the owner is guilty
9 of a Class A misdemeanor.

10 **SECTION 604.** 943.24 (1) of the statutes is amended to read:

11 943.24 (1) Whoever issues any check or other order for the payment of not more
12 than ~~\$1,000~~ \$2,000 which, at the time of issuance, he or she intends shall not be paid
13 is guilty of a Class A misdemeanor.

14 **SECTION 605.** 943.24 (2) of the statutes is amended to read:

15 943.24 (2) Whoever issues any single check or other order for the payment of
16 more than ~~\$1,000~~ \$2,000 or whoever within a 15-day period issues more than one
17 check or other order amounting in the aggregate to more than ~~\$1,000~~ \$2,000 which,
18 at the time of issuance, the person intends shall not be paid is guilty of a Class E I
19 felony.

20 **SECTION 606.** 943.25 (1) of the statutes is amended to read:

21 943.25 (1) Whoever, with intent to defraud, conveys real property which he or
22 she knows is encumbered, without informing the grantee of the existence of the
23 encumbrance is guilty of a Class E I felony.

24 **SECTION 607.** 943.25 (2) (intro.) of the statutes is amended to read:

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1 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
2 is guilty of a Class E I felony:

3 **SECTION 608.** 943.26 (2) of the statutes is amended to read:

4 943.26 (2) If the security is impaired by more than \$1,000 \$2,000, the
5 mortgagor or vendee is guilty of a Class E I felony.

6 **SECTION 609.** 943.27 of the statutes is amended to read:

7 **943.27 Possession of records of certain usurious loans.** Any person who
8 knowingly possesses any writing representing or constituting a record of a charge of,
9 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
10 upon \$100 for one year computed upon the declining principal balance of the loan,
11 use or forbearance of money, goods or things in action or upon the loan, use or sale
12 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
13 E I felony.

14 **SECTION 610.** 943.28 (2) of the statutes is amended to read:

15 943.28 (2) Whoever makes any extortionate extension of credit, or conspires to
16 do so, if one or more of the parties to the conspiracy does an act to effect its object,
17 is guilty of a Class C F felony.

18 **SECTION 611.** 943.28 (3) of the statutes is amended to read:

19 943.28 (3) Whoever advances money or property, whether as a gift, as a loan,
20 as an investment, pursuant to a partnership or profit-sharing agreement, or
21 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
22 Class C F felony.

23 **SECTION 612.** 943.28 (4) of the statutes is amended to read:

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1 943.28 (4) Whoever knowingly participates in any way in the use of any
2 extortionate means to collect or attempt to collect any extension of credit, or to punish
3 any person for the nonrepayment thereof, is guilty of a Class C F felony.

4 **SECTION 613.** 943.30 (1) of the statutes is amended to read:

5 943.30 (1) Whoever, either verbally or by any written or printed
6 communication, maliciously threatens to accuse or accuses another of any crime or
7 offense, or threatens or commits any injury to the person, property, business,
8 profession, calling or trade, or the profits and income of any business, profession,
9 calling or trade of another, with intent thereby to extort money or any pecuniary
10 advantage whatever, or with intent to compel the person so threatened to do any act
11 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

12 **SECTION 614.** 943.30 (2) of the statutes is amended to read:

13 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
14 commerce or business or the movement of any article or commodity in commerce or
15 business is guilty of a Class D H felony.

16 **SECTION 615.** 943.30 (3) of the statutes is amended to read:

17 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
18 grand juror, in the performance of his or her functions as such, is guilty of a Class D
19 H felony.

20 **SECTION 616.** 943.30 (4) of the statutes is amended to read:

21 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
22 action of any public officer is guilty of a Class D H felony.

23 **SECTION 617.** 943.30 (5) (b) of the statutes is amended to read:

24 943.30 (5) (b) Whoever, orally or by any written or printed communication,
25 maliciously uses, or threatens to use, the patient health care records of another

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1 person, with intent thereby to extort money or any pecuniary advantage, or with
2 intent to compel the person so threatened to do any act against the person's will or
3 omit to do any lawful act, is guilty of a Class ~~D~~ H felony.

4 **SECTION 618.** 943.31 of the statutes is amended to read:

5 **943.31 Threats to communicate derogatory information.** Whoever
6 threatens to communicate to anyone information, whether true or false, which would
7 injure the reputation of the threatened person or another unless the threatened
8 person transfers property to a person known not to be entitled to it is guilty of a Class
9 E I felony.

10 **SECTION 619.** 943.32 (1) (intro.) of the statutes is amended to read:

11 943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person
12 or presence of the owner by either of the following means is guilty of a Class C E
13 felony:

14 **SECTION 620.** 943.32 (2) of the statutes is amended to read:

15 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
16 weapon, a device or container described under s. 941.26 (4) (a) or any article used or
17 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
18 weapon or such a device or container is guilty of a Class B C felony.

19 **SECTION 621.** 943.34 (1) (a) of the statutes is amended to read:

20 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
21 exceed \$1,000 \$2,000.

22 **SECTION 622.** 943.34 (1) (b) of the statutes is amended to read:

23 943.34 (1) (b) A Class E I felony, if the value of the property exceeds \$1,000
24 \$2,000 but does not more than \$2,500 exceed \$5,000.

25 **SECTION 623.** 943.34 (1) (bm) of the statutes is created to read:

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1 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
2 does not exceed \$10,000.

3 **SECTION 624.** 943.34 (1) (c) of the statutes is amended to read:

4 943.34 (1) (c) A Class C G felony, if the value of the property exceeds \$2,500
5 \$10,000.

6 **SECTION 625.** 943.38 (1) (intro.) of the statutes is amended to read:

7 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
8 writing or object of any of the following kinds so that it purports to have been made
9 by another, or at another time, or with different provisions, or by authority of one who
10 did not give such authority, is guilty of a Class C H felony:

11 **SECTION 626.** 943.38 (2) of the statutes is amended to read:

12 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
13 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have
14 been thus falsely made or altered, is guilty of a Class C H felony.

15 **SECTION 627.** 943.39 (intro.) of the statutes is amended to read:

16 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
17 defraud, does any of the following is guilty of a Class D H felony:

18 **SECTION 628.** 943.395 (2) (a) of the statutes is amended to read:

19 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
20 benefit does not exceed ~~\$1,000~~ \$2,000.

21 **SECTION 629.** 943.395 (2) (b) of the statutes is amended to read:

22 943.395 (2) (b) Is guilty of a Class E I felony if the value of the claim or benefit
23 exceeds ~~\$1,000~~ \$2,000.

24 **SECTION 630.** 943.40 (intro.) of the statutes is amended to read:

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1 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
2 intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:

3 **SECTION 631.** 943.41 (8) (b) of the statutes is amended to read:

4 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
5 or (6m) is guilty of a Class ~~E~~ I felony.

6 **SECTION 632.** 943.41 (8) (c) of the statutes is amended to read:

7 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
8 if the value of the money, goods, services or property illegally obtained does not
9 exceed ~~\$1,000~~ \$2,000 is guilty of a Class A misdemeanor; if the value of the money,
10 goods, services or property exceeds ~~\$1,000~~ \$2,000 but does not exceed ~~\$2,500~~ \$5,000,
11 in a single transaction or in separate transactions within a period not exceeding 6
12 months, the person is guilty of a Class ~~E~~ I felony; if the value of the money, goods,
13 services or property exceeds \$5,000 but does not exceed \$10,000, in a single
14 transaction or in separate transactions within a period not exceeding 6 months, the
15 person is guilty of a Class H felony; or if the value of the money, goods, services or
16 property exceeds ~~\$2,500~~ \$10,000, in a single transaction or in separate transactions
17 within a period not exceeding 6 months, the person is guilty of a Class ~~C~~ G felony.

18 **SECTION 633.** 943.45 (3) (c) of the statutes is amended to read:

19 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
20 for direct or indirect commercial advantage or private financial gain is guilty of a
21 Class ~~E~~ felony A misdemeanor.

22 **SECTION 634.** 943.45 (3) (d) of the statutes is amended to read:

23 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
24 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
25 ~~D~~ I felony.

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1 **SECTION 635.** 943.455 (4) (c) of the statutes is amended to read:

2 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
3 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
4 of a Class ~~E~~ felony A misdemeanor.

5 **SECTION 636.** 943.455 (4) (d) of the statutes is amended to read:

6 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
7 commercial advantage or private financial gain as a 2nd or subsequent offense is
8 guilty of a Class ~~D I~~ felony.

9 **SECTION 637.** 943.46 (4) (c) of the statutes is amended to read:

10 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
11 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
12 of a Class ~~E~~ felony A misdemeanor.

13 **SECTION 638.** 943.46 (4) (d) of the statutes is amended to read:

14 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
15 commercial advantage or private financial gain as a 2nd or subsequent offense is
16 guilty of a Class ~~D I~~ felony.

17 **SECTION 639.** 943.47 (3) (c) of the statutes is amended to read:

18 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
19 for direct or indirect commercial advantage or private financial gain is guilty of a
20 Class ~~E~~ felony A misdemeanor.

21 **SECTION 640.** 943.47 (3) (d) of the statutes is amended to read:

22 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
23 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
24 ~~D I~~ felony.

25 **SECTION 641.** 943.50 (4) (a) of the statutes is amended to read:

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1 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
2 exceed ~~\$1,000~~ \$2,000.

3 **SECTION 642.** 943.50 (4) (b) of the statutes is amended to read:

4 943.50 (4) (b) A Class ~~E~~ I felony, if the value of the merchandise exceeds \$1,000
5 \$2,000 but does not ~~\$2,500~~ exceed \$5,000.

6 **SECTION 643.** 943.50 (4) (bm) of the statutes is created to read:

7 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
8 but does not exceed \$10,000.

9 **SECTION 644.** 943.50 (4) (c) of the statutes is amended to read:

10 943.50 (4) (c) A Class ~~C~~ G felony, if the value of the merchandise exceeds ~~\$2,500~~
11 \$10,000.

12 **SECTION 645.** 943.60 (1) of the statutes is amended to read:

13 943.60 (1) Any person who submits for filing, entering or recording any lien,
14 claim of lien, lis pendens, writ of attachment, financing statement or any other
15 instrument relating to a security interest in or title to real or personal property, and
16 who knows or should have known that the contents or any part of the contents of the
17 instrument are false, a sham or frivolous, is guilty of a Class ~~D~~ H felony.

18 **SECTION 646.** 943.61 (5) (b) of the statutes is amended to read:

19 943.61 (5) (b) A Class ~~E~~ I felony, if the value of the library materials exceeds
20 \$1,000 but does not exceed \$2,500.

21 **SECTION 647.** 943.61 (5) (c) of the statutes is amended to read:

22 943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds
23 \$2,500.

24 **SECTION 648.** 943.62 (4) (b) of the statutes is amended to read:

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1 943.62 (4) (b) A Class ~~E~~ I felony, if the value of the advance payment or required
2 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

3 **SECTION 649.** 943.62 (4) (c) of the statutes is amended to read:

4 943.62 (4) (c) A Class ~~C~~ F felony, if the value of the advance payment or required
5 refund, as applicable, exceeds \$2,500.

6 **SECTION 650.** 943.70 (2) (b) 2. of the statutes is amended to read:

7 943.70 (2) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or to
8 obtain property.

9 **SECTION 651.** 943.70 (2) (b) 3. of the statutes is amended to read:

10 943.70 (2) (b) 3. A Class ~~D~~ H felony if the damage is greater than ~~\$2,500~~ \$5,000
11 or if it causes an interruption or impairment of governmental operations or public
12 communication, of transportation or of a supply of water, gas or other public service.

13 **SECTION 652.** 943.70 (2) (b) 4. of the statutes is amended to read:

14 943.70 (2) (b) 4. A Class ~~C~~ F felony if the offense creates a substantial and
15 unreasonable risk of death or great bodily harm to another.

16 **SECTION 653.** 943.70 (3) (b) 2. of the statutes is amended to read:

17 943.70 (3) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or
18 obtain property.

19 **SECTION 654.** 943.70 (3) (b) 3. of the statutes is amended to read:

20 943.70 (3) (b) 3. A Class ~~D~~ H felony if the damage to the computer, computer
21 system, computer network, equipment or supplies is greater than ~~\$2,500~~ \$5,000.

22 **SECTION 655.** 943.70 (3) (b) 4. of the statutes is amended to read:

23 943.70 (3) (b) 4. A Class ~~C~~ F felony if the offense creates a substantial and
24 unreasonable risk of death or great bodily harm to another.

25 **SECTION 656.** 943.75 (2) of the statutes is amended to read:

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1 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
2 for scientific, farming, companionship or protection of persons or property,
3 recreation, restocking, research, exhibition, commercial or educational purposes,
4 acting without the consent of the owner or custodian of the animal, is guilty of a Class
5 C misdemeanor. A 2nd violation of this section by a person is a Class A misdemeanor.
6 A 3rd or subsequent violation of this section by a person is a Class ~~E~~ I felony.

7 **SECTION 657.** 944.05 (1) (intro.) of the statutes is amended to read:

8 944.05 (1) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
9 felony:

10 **SECTION 658.** 944.06 of the statutes is amended to read:

11 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
12 a person he or she knows is a blood relative and such relative is in fact related in a
13 degree within which the marriage of the parties is prohibited by the law of this state
14 is guilty of a Class ~~C~~ F felony.

15 **SECTION 659.** 944.15 (title) of the statutes is repealed and recreated to read:

16 **944.15 (title) Public fornication.**

17 **SECTION 660.** 944.16 (intro.) of the statutes is amended to read:

18 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
19 Class ~~E~~ I felony:

20 **SECTION 661.** 944.205 (2) (intro.) of the statutes is amended to read:

21 944.205 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
22 felony:

23 **SECTION 662.** 944.21 (5) (c) of the statutes is amended to read:

24 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
25 convictions under this section, the person is guilty of a Class ~~D~~ H felony.

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1 **SECTION 663.** 944.21 (5) (e) of the statutes is amended to read:

2 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
3 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
4 the person is guilty of a Class D H felony.

5 **SECTION 664.** 944.32 of the statutes is amended to read:

6 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
7 intentionally solicits or causes any person to practice prostitution or establishes any
8 person in a place of prostitution is guilty of a Class D H felony.

9 **SECTION 665.** 944.33 (2) of the statutes is amended to read:

10 944.33 (2) If the person received compensation from the earnings of the
11 prostitute, such person is guilty of a Class C F felony.

12 **SECTION 666.** 944.34 (intro.) of the statutes is amended to read:

13 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
14 any of the following is guilty of a Class D H felony:

15 **SECTION 667.** 945.03 (1m) (intro.) of the statutes, as affected by 1999 Wisconsin
16 Act 9, is amended to read:

17 945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged
18 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
19 I felony:

20 **SECTION 668.** 945.05 (1) (intro.) of the statutes is amended to read:

21 945.05 (1) (intro.) Whoever manufactures, transfers commercially or possesses
22 with intent to transfer commercially either of the following is guilty of a Class E I
23 felony:

24 **SECTION 669.** 945.08 (1) of the statutes is amended to read:

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1 945.08 (1) Any person who, with intent to influence any participant to refrain
2 from exerting full skill, speed, strength or endurance, transfers or promises any
3 property or any personal advantage to or on behalf of any participant in a contest of
4 skill, speed, strength or endurance is guilty of a Class D H felony.

5 **SECTION 670.** 946.02 (1) (intro.) of the statutes is amended to read:

6 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F
7 felony:

8 **SECTION 671.** 946.03 (1) (intro.) of the statutes is amended to read:

9 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
10 felony:

11 **SECTION 672.** 946.03 (2) of the statutes is amended to read:

12 946.03 (2) Whoever permits any premises under his or her care, control or
13 supervision to be used by an assembly with knowledge that the purpose of the
14 assembly is to advocate or teach the duty, necessity, desirability or propriety of
15 overthrowing the government of the United States or this state by the use or threat
16 of physical violence with intent that such government be overthrown or, after
17 learning that the premises are being so used, permits such use to be continued is
18 guilty of a Class E I felony.

19 **SECTION 673.** 946.05 (1) of the statutes is amended to read:

20 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
21 contempt upon the flag is guilty of a Class E I felony.

22 **SECTION 674.** 946.10 (intro.) of the statutes is amended to read:

23 **946.10 Bribery of public officers and employes.** (intro.) Whoever does
24 either of the following is guilty of a Class D H felony:

25 **SECTION 675.** 946.11 (1) (intro.) of the statutes is amended to read:

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1 946.11 (1) (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

2 **SECTION 676.** 946.12 (intro.) of the statutes is amended to read:

3 **946.12 Misconduct in public office.** (intro.) Any public officer or public
4 employe who does any of the following is guilty of a Class ~~E~~ I felony:

5 **SECTION 677.** 946.13 (1) (intro.) of the statutes is amended to read:

6 946.13 (1) (intro.) Any public officer or public employe who does any of the
7 following is guilty of a Class ~~E~~ I felony:

8 **SECTION 678.** 946.14 of the statutes is amended to read:

9 **946.14 Purchasing claims at less than full value.** Any public officer or
10 public employe who in a private capacity directly or indirectly intentionally
11 purchases for less than full value or discounts any claim held by another against the
12 state or a political subdivision thereof or against any public fund is guilty of a Class
13 ~~E~~ I felony.

14 **SECTION 679.** 946.15 (1) of the statutes is amended to read:

15 946.15 (1) Any employer, or any agent or employe of an employer, who induces
16 any person who seeks to be or is employed pursuant to a public contract as defined
17 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
18 wage rate determination has been issued by the department of workforce
19 development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental
20 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive or return any
21 part of the compensation to which that person is entitled under his or her contract
22 of employment or under the prevailing wage rate determination issued by the
23 department or local governmental unit, or who reduces the hourly basic rate of pay
24 normally paid to an employe for work on a project on which a prevailing wage rate
25 determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or 103.50 (3)

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1 during a week in which the employe works both on a project on which a prevailing
2 wage rate determination has been issued and on a project on which a prevailing wage
3 rate determination has not been issued, is guilty of a Class E I felony.

4 **SECTION 680.** 946.15 (3) of the statutes is amended to read:

5 946.15 (3) Any employer or labor organization, or any agent or employe of an
6 employer or labor organization, who induces any person who seeks to be or is
7 employed on a project on which a prevailing wage rate determination has been issued
8 by the department of workforce development under s. 66.293 (3), 103.49 (3) or 103.50
9 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6)
10 to permit any part of the wages to which that person is entitled under the prevailing
11 wage rate determination issued by the department or local governmental unit to be
12 deducted from the person's pay is guilty of a Class E I felony, unless the deduction
13 would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project
14 that is subject to 40 USC 276c.

15 **SECTION 681.** 946.31 (1) (intro.) of the statutes is amended to read:

16 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
17 material statement which the person does not believe to be true, in any matter, cause,
18 action or proceeding, before any of the following, whether legally constituted or
19 exercising powers as if legally constituted, is guilty of a Class D H felony:

20 **SECTION 682.** 946.32 (1) (intro.) of the statutes is amended to read:

21 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class D
22 H felony:

23 **SECTION 683.** 946.41 (2m) (intro.) of the statutes is amended to read:

24 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
25 circumstances is guilty of a Class D H felony:

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1 **SECTION 684.** 946.415 (2) (intro.) of the statutes is amended to read:

2 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
3 a Class E I felony:

4 **SECTION 685.** 946.42 (3) (intro.) of the statutes is amended to read:

5 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
6 under any of the following circumstances is guilty of a Class D H felony:

7 **SECTION 686.** 946.42 (4) of the statutes is repealed.

8 **SECTION 687.** 946.425 (1) of the statutes is amended to read:

9 946.425 (1) Any person who is subject to a series of periods of imprisonment
10 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
11 required under the sentence is guilty of a Class D H felony.

12 **SECTION 688.** 946.425 (1m) (b) of the statutes is amended to read:

13 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
14 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
15 intentionally fails to report to the county jail as required under the sentence is guilty
16 of a Class D H felony.

17 **SECTION 689.** 946.425 (1r) (b) of the statutes is amended to read:

18 946.425 (1r) (b) Any person who is subject to a confinement order under s.
19 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
20 report to the county jail or house of correction as required under the order is guilty
21 of a Class D H felony.

22 **SECTION 690.** 946.425 (2) of the statutes is repealed.

23 **SECTION 691.** 946.43 (intro.) of the statutes is amended to read:

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1 **946.43 Assaults by prisoners.** (intro.) Any prisoner confined to a state
2 prison or other state, county or municipal detention facility who intentionally does
3 any of the following is guilty of a Class C F felony:

4 **SECTION 692.** 946.44 (1) (intro.) of the statutes is amended to read:

5 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

6 **SECTION 693.** 946.44 (1g) of the statutes is amended to read:

7 946.44 (1g) Any public officer or public employe who violates sub. (1) (a) or (b)
8 is guilty of a Class C F felony.

9 **SECTION 694.** 946.44 (1m) of the statutes is amended to read:

10 946.44 (1m) Whoever intentionally introduces into an institution where
11 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
12 unloaded, or any article used or fashioned in a manner to lead another person to
13 believe it is a firearm, is guilty of a Class C F felony.

14 **SECTION 695.** 946.47 (1) (intro.) of the statutes is amended to read:

15 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class E I
16 felony:

17 **SECTION 696.** 946.48 (1) of the statutes is amended to read:

18 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
19 written or oral communication with intent to induce a false belief that the sender has
20 knowledge of the whereabouts, physical condition, or terms imposed upon the return
21 of a kidnapped or missing person is guilty of a Class D H felony.

22 **SECTION 697.** 946.49 (1) (b) of the statutes is amended to read:

23 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
24 of a Class D H felony.

25 **SECTION 698.** 946.49 (2) of the statutes is amended to read:

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1 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
2 guilty of a Class **E I** felony for failure to appear as provided.

3 **SECTION 699.** 946.50 (5d) of the statutes is created to read:

4 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
5 committing an act that would be a Class F felony if committed by an adult.

6 **SECTION 700.** 946.50 (5h) of the statutes is created to read:

7 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
8 committing an act that would be a Class G felony if committed by an adult.

9 **SECTION 701.** 946.50 (5p) of the statutes is created to read:

10 946.50 (5p) A Class H felony, if the person was adjudicated delinquent for
11 committing an act that would be a Class H felony if committed by an adult.

12 **SECTION 702.** 946.50 (5t) of the statutes is created to read:

13 946.50 (5t) A Class I felony, if the person was adjudicated delinquent for
14 committing an act that would be a Class I felony if committed by an adult.

15 **SECTION 703.** 946.60 (1) of the statutes is amended to read:

16 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
17 removes, withholds or transfers possession of a document, knowing that the
18 document has been subpoenaed by a court or by or at the request of a district attorney
19 or the attorney general, is guilty of a Class **E I** felony.

20 **SECTION 704.** 946.60 (2) of the statutes is amended to read:

21 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
22 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
23 withhold or transfer possession of a subpoenaed document, knowing that the
24 document has been subpoenaed by a court or by or at the request of a district attorney
25 or the attorney general, is guilty of a Class **E I** felony.

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1 **SECTION 705.** 946.61 (1) (intro.) of the statutes is amended to read:

2 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
3 felony:

4 **SECTION 706.** 946.64 of the statutes is amended to read:

5 **946.64 Communicating with jurors.** Whoever, with intent to influence any
6 person, summoned or serving as a juror, in relation to any matter which is before that
7 person or which may be brought before that person, communicates with him or her
8 otherwise than in the regular course of proceedings in the trial or hearing of that
9 matter is guilty of a Class ~~E~~ I felony.

10 **SECTION 707.** 946.65 (1) of the statutes is amended to read:

11 946.65 (1) Whoever for a consideration knowingly gives false information to
12 any officer of any court with intent to influence the officer in the performance of
13 official functions is guilty of a Class ~~E~~ I felony.

14 **SECTION 708.** 946.68 (1r) (a) of the statutes is amended to read:

15 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
16 to another any document which simulates legal process is guilty of a Class ~~E~~ I felony.

17 **SECTION 709.** 946.68 (1r) (b) of the statutes is amended to read:

18 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
19 to induce payment of a claim, the person is guilty of a Class ~~D~~ H felony.

20 **SECTION 710.** 946.68 (1r) (c) of the statutes is amended to read:

21 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
22 the person is guilty of a Class ~~D~~ H felony.

23 **SECTION 711.** 946.69 (2) (intro.) of the statutes is amended to read:

24 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I
25 felony:

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1 **SECTION 712.** 946.70 (2) of the statutes is amended to read:

2 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
3 the commission of a crime other than the crime under this section is guilty of a Class
4 D H felony.

5 **SECTION 713.** 946.72 (1) of the statutes is amended to read:

6 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
7 removes or conceals any public record is guilty of a Class D H felony.

8 **SECTION 714.** 946.74 (2) of the statutes is amended to read:

9 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
10 sexual morality with or upon the inmate of the institution is guilty of a Class D H
11 felony.

12 **SECTION 715.** 946.76 of the statutes is amended to read:

13 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
14 to its execution that a search warrant has been applied for or issued, except so far
15 as may be necessary to its execution, is guilty of a Class E I felony.

16 **SECTION 716.** 946.82 (4) of the statutes, as affected by 1999 Wisconsin Act 9,
17 is amended to read:

18 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
19 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
20 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
21 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
22 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
23 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
24 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) ~~or (2g)~~, 943.011,
25 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d)

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1 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
2 943.30, 943.32, 943.34 (1) (b), (bm) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
3 (c), 943.50 (4) (b), (bm) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
4 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
5 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
6 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

7 **SECTION 717.** 946.84 (1) of the statutes is amended to read:

8 946.84 (1) Any person convicted of engaging in racketeering activity in
9 violation of s. 946.83 is guilty of a Class C E felony.

10 **SECTION 718.** 946.85 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 946.85 (1) Any person who engages in a continuing criminal enterprise ~~shall~~
13 ~~be imprisoned for not less than 10 years nor more than 30 years, and fined not more~~
14 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
15 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
16 ~~record~~ is guilty of a Class E felony.

17 **SECTION 719.** 947.013 (1t) of the statutes is amended to read:

18 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the
19 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
20 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
21 occurs within 7 years of the prior conviction.

22 **SECTION 720.** 947.013 (1v) of the statutes is amended to read:

23 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class D H felony if he or
24 she intentionally gains access to a record in electronic format that contains

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1 personally identifiable information regarding the victim in order to facilitate the
2 violation under sub. (1r).

3 **SECTION 721.** 947.013 (1x) (intro.) of the statutes is amended to read:

4 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
5 circumstances is guilty of a Class D H felony:

6 **SECTION 722.** 947.015 of the statutes is amended to read:

7 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
8 conveyed any threat or false information, knowing such to be false, concerning an
9 attempt or alleged attempt being made or to be made to destroy any property by the
10 means of explosives is guilty of a Class E I felony.

11 **SECTION 723.** 948.02 (2) of the statutes is amended to read:

12 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
13 sexual intercourse with a person who has not attained the age of 16 years is guilty
14 of a Class B C C felony.

15 **SECTION 724.** 948.02 (3) of the statutes is amended to read:

16 948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who
17 has not attained the age of 16 years is guilty of a Class C F felony if that person has
18 knowledge that another person intends to have, is having or has had sexual
19 intercourse or sexual contact with the child, is physically and emotionally capable
20 of taking action which will prevent the intercourse or contact from taking place or
21 being repeated, fails to take that action and the failure to act exposes the child to an
22 unreasonable risk that intercourse or contact may occur between the child and the
23 other person or facilitates the intercourse or contact that does occur between the
24 child and the other person.

25 **SECTION 725.** 948.02 (3m) of the statutes is repealed.

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1 **SECTION 726.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
2 amended to read:

3 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
4 or (2) within a specified period of time involving the same child is guilty of a:

5 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

6 **SECTION 727.** 948.025 (1) (b) of the statutes is created to read:

7 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
8 of s. 948.02 (1).

9 **SECTION 728.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
10 amended to read:

11 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
12 the defendant guilty the members of the jury must unanimously agree that at least
13 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
14 under sub. (1) of time but need not agree on which acts constitute the requisite
15 number and need not agree on whether a particular violation was a violation of s.
16 948.02 (1) or (2).

17 **SECTION 729.** 948.025 (2) (a) of the statutes is created to read:

18 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
19 the defendant guilty the members of the jury must unanimously agree that at least
20 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
21 agree on which acts constitute the requisite number.

22 **SECTION 730.** 948.025 (2m) of the statutes is repealed.

23 **SECTION 731.** 948.03 (2) (a) of the statutes is amended to read:

24 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
25 guilty of a Class C E felony.

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1 **SECTION 732.** 948.03 (2) (b) of the statutes is amended to read:

2 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
3 a Class D H felony.

4 **SECTION 733.** 948.03 (2) (c) of the statutes is amended to read:

5 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
6 which creates a high probability of great bodily harm is guilty of a Class C F felony.

7 **SECTION 734.** 948.03 (3) (a) of the statutes is amended to read:

8 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
9 of a Class D G felony.

10 **SECTION 735.** 948.03 (3) (b) of the statutes is amended to read:

11 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
12 Class E I felony.

13 **SECTION 736.** 948.03 (3) (c) of the statutes is amended to read:

14 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
15 which creates a high probability of great bodily harm is guilty of a Class D H felony.

16 **SECTION 737.** 948.03 (4) (a) of the statutes is amended to read:

17 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
18 C F felony if that person has knowledge that another person intends to cause, is
19 causing or has intentionally or recklessly caused great bodily harm to the child and
20 is physically and emotionally capable of taking action which will prevent the bodily
21 harm from occurring or being repeated, fails to take that action and the failure to act
22 exposes the child to an unreasonable risk of great bodily harm by the other person
23 or facilitates the great bodily harm to the child that is caused by the other person.

24 **SECTION 738.** 948.03 (4) (b) of the statutes is amended to read:

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1 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
2 D H felony if that person has knowledge that another person intends to cause, is
3 causing or has intentionally or recklessly caused bodily harm to the child and is
4 physically and emotionally capable of taking action which will prevent the bodily
5 harm from occurring or being repeated, fails to take that action and the failure to act
6 exposes the child to an unreasonable risk of bodily harm by the other person or
7 facilitates the bodily harm to the child that is caused by the other person.

8 **SECTION 739.** 948.03 (5) of the statutes is repealed.

9 **SECTION 740.** 948.04 (1) of the statutes is amended to read:

10 948.04 (1) Whoever is exercising temporary or permanent control of a child and
11 causes mental harm to that child by conduct which demonstrates substantial
12 disregard for the mental well-being of the child is guilty of a Class C F felony.

13 **SECTION 741.** 948.04 (2) of the statutes is amended to read:

14 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
15 felony if that person has knowledge that another person has caused, is causing or will
16 cause mental harm to that child, is physically and emotionally capable of taking
17 action which will prevent the harm, fails to take that action and the failure to act
18 exposes the child to an unreasonable risk of mental harm by the other person or
19 facilitates the mental harm to the child that is caused by the other person.

20 **SECTION 742.** 948.05 (1) (intro.) of the statutes is amended to read:

21 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
22 character and content of the sexually explicit conduct involving the child is guilty of
23 a Class C F felony:

24 **SECTION 743.** 948.05 (1m) of the statutes, as affected by 1999 Wisconsin Act 3,
25 is amended to read:

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1 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
2 into the state, reproduces, advertises, sells, distributes or possesses with intent to
3 sell or distribute, any undeveloped film, photographic negative, photograph, motion
4 picture, videotape, sound recording or other reproduction of a child engaging in
5 sexually explicit conduct is guilty of a Class C F felony if the person knows the
6 character and content of the sexually explicit conduct involving the child and if the
7 person knows or reasonably should know that the child engaging in the sexually
8 explicit conduct has not attained the age of 18 years.

9 **SECTION 744.** 948.05 (2) of the statutes, as affected by 1999 Wisconsin Act 3,
10 is amended to read:

11 948.05 (2) A person responsible for a child's welfare who knowingly permits,
12 allows or encourages the child to engage in sexually explicit conduct for a purpose
13 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

14 **SECTION 745.** 948.055 (2) (a) of the statutes is amended to read:

15 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
16 years.

17 **SECTION 746.** 948.055 (2) (b) of the statutes is amended to read:

18 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
19 but has not attained the age of 18 years.

20 **SECTION 747.** 948.06 (intro.) of the statutes is amended to read:

21 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
22 guilty of a Class B C felony:

23 **SECTION 748.** 948.07 (intro.) of the statutes is amended to read:

24 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
25 following acts, causes or attempts to cause any child who has not attained the age

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1 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
2 BC D felony:

3 **SECTION 749.** 948.08 of the statutes is amended to read:

4 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
5 or causes any child to practice prostitution or establishes any child in a place of
6 prostitution is guilty of a Class BC D felony.

7 **SECTION 750.** 948.095 (2) (intro.) of the statutes is amended to read:

8 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
9 child who has attained the age of 16 years and who is not the defendant's spouse is
10 guilty of a Class D H felony if all of the following apply:

11 **SECTION 751.** 948.11 (2) (a) of the statutes is amended to read:

12 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
13 rents, exhibits, transfers or loans to a child any harmful material, with or without
14 monetary consideration, is guilty of a Class E I felony.

15 **SECTION 752.** 948.11 (2) (am) of the statutes is amended to read:

16 948.11 (2) (am) Any person who has attained the age of 17 and who, with
17 knowledge of the nature of the description or narrative account, verbally
18 communicates, by any means, a harmful description or narrative account to a child,
19 with or without monetary consideration, is guilty of a Class E I felony.

20 **SECTION 753.** 948.12 (intro.) of the statutes is amended to read:

21 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
22 undeveloped film, photographic negative, photograph, motion picture, videotape or
23 other pictorial reproduction or audio recording of a child engaged in sexually explicit
24 conduct under all of the following circumstances is guilty of a Class E I felony:

25 **SECTION 754.** 948.13 (2) of the statutes is amended to read:

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1 948.13 (2) Whoever has been convicted of a serious child sex offense and
2 subsequently engages in an occupation or participates in a volunteer position that
3 requires him or her to work or interact primarily and directly with children under
4 16 years of age is guilty of a Class C F felony. This subsection does not apply to a
5 person who is exempt under a court order issued under sub. (2m).

6 **SECTION 755.** 948.20 of the statutes is amended to read:

7 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
8 leaves any child in a place where the child may suffer because of neglect is guilty of
9 a Class D G felony.

10 **SECTION 756.** 948.21 (1) of the statutes is amended to read:

11 948.21 (1) Any person who is responsible for a child's welfare who, through his
12 or her actions or failure to take action, intentionally contributes to the neglect of the
13 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
14 felony.

15 **SECTION 757.** 948.22 (2) of the statutes is amended to read:

16 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
17 to provide spousal, grandchild or child support which the person knows or reasonably
18 should know the person is legally obligated to provide is guilty of a Class E I felony.
19 A prosecutor may charge a person with multiple counts for a violation under this
20 subsection if each count covers a period of at least 120 consecutive days and there is
21 no overlap between periods.

22 **SECTION 758.** 948.23 of the statutes is amended to read:

23 **948.23 Concealing death of child.** Any person who conceals the corpse of
24 any issue of a woman's body with intent to prevent a determination of whether it was
25 born dead or alive is guilty of a Class E I felony.

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1 **SECTION 759.** 948.24 (1) (intro.) of the statutes is amended to read:

2 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class **D H**
3 felony:

4 **SECTION 760.** 948.30 (1) (intro.) of the statutes is amended to read:

5 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
6 following is guilty of a Class **C E** felony:

7 **SECTION 761.** 948.30 (2) (intro.) of the statutes is amended to read:

8 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
9 following is guilty of a Class **B C** felony:

10 **SECTION 762.** 948.31 (1) (b) of the statutes is amended to read:

11 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
12 causes a child to leave, takes a child away or withholds a child for more than 12 hours
13 beyond the court-approved period of physical placement or visitation period from a
14 legal custodian with intent to deprive the custodian of his or her custody rights
15 without the consent of the custodian is guilty of a Class **C F** felony. This paragraph
16 is not applicable if the court has entered an order authorizing the person to so take
17 or withhold the child. The fact that joint legal custody has been awarded to both
18 parents by a court does not preclude a court from finding that one parent has
19 committed a violation of this paragraph.

20 **SECTION 763.** 948.31 (2) of the statutes is amended to read:

21 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
22 child for more than 12 hours from the child's parents or, in the case of a nonmarital
23 child whose parents do not subsequently intermarry under s. 767.60, from the child's
24 mother or, if he has been granted legal custody, the child's father, without the consent
25 of the parents, the mother or the father with legal custody, is guilty of a Class **E I**

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1 felony. This subsection is not applicable if legal custody has been granted by court
2 order to the person taking or withholding the child.

3 **SECTION 764.** 948.31 (3) (intro.) of the statutes is amended to read:

4 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
5 the parent, who does any of the following is guilty of a Class C F felony:

6 **SECTION 765.** 948.35 of the statutes is repealed.

7 **SECTION 766.** 948.36 of the statutes is repealed.

8 **SECTION 767.** 948.40 (4) (a) of the statutes is amended to read:

9 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
10 felony; or

11 **SECTION 768.** 948.40 (4) (b) of the statutes is amended to read:

12 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
13 violation of a state or federal criminal law which is punishable as a felony, the person
14 is guilty of a Class D H felony.

15 **SECTION 769.** 948.51 (3) (b) of the statutes is amended to read:

16 948.51 (3) (b) A Class E H felony if the act results in great bodily harm ~~or death~~
17 to another.

18 **SECTION 770.** 948.51 (3) (c) of the statutes is created to read:

19 948.51 (3) (c) A Class G felony if the act results in the death of another.

20 **SECTION 771.** 948.60 (2) (b) of the statutes is amended to read:

21 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
22 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
23 Class E I felony.

24 **SECTION 772.** 948.60 (2) (c) of the statutes is amended to read:

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1 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
2 person under 18 years of age under par. (b) discharges the firearm and the discharge
3 causes death to himself, herself or another.

4 **SECTION 773.** 948.605 (2) (a) of the statutes is amended to read:

5 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
6 that the individual knows, or has reasonable cause to believe, is a school zone is
7 guilty of a Class ~~A misdemeanor~~ I felony.

8 **SECTION 774.** 948.605 (3) (a) of the statutes is amended to read:

9 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
10 the safety of another, discharges or attempts to discharge a firearm at a place the
11 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

12 **SECTION 775.** 948.605 (4) of the statutes is repealed.

13 **SECTION 776.** 948.61 (2) (b) of the statutes is amended to read:

14 948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
15 subsequent violation of this section within a 5-year period, as measured from the
16 dates the violations occurred.

17 **SECTION 777.** 948.62 (1) (a) of the statutes is amended to read:

18 948.62 (1) (a) A Class ~~E~~ A misdemeanor, if the value of the property does
19 not exceed \$500.

20 **SECTION 778.** 948.62 (1) (b) of the statutes is amended to read:

21 948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
22 does not exceed ~~\$2,500~~ \$2,000.

23 **SECTION 779.** 948.62 (1) (bm) of the statutes is created to read:

24 948.62 (1) (bm) A Class ~~H~~ H felony, if the value of the property exceeds \$2,000 but
25 does not exceed \$5,000.

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1 **SECTION 780.** 948.62 (1) (c) of the statutes is amended to read:

2 948.62 (1) (c) A Class C G felony, if the value of the property exceeds \$2,500
3 \$5,000.

4 **SECTION 781.** 949.03 (1) (b) of the statutes is amended to read:

5 949.03 (1) (b) The commission or the attempt to commit any crime specified in
6 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
7 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
8 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
9 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
10 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

11 **SECTION 782.** 950.04 (1v) (g) of the statutes is amended to read:

12 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
13 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
14 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

15 **SECTION 783.** 950.04 (1v) (nt) of the statutes is created to read:

16 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
17 bifurcated sentence and provide a statement concerning modification of the
18 bifurcated sentence, as provided under s. 302.113 (9g) (d).

19 **SECTION 784.** 951.18 (1) of the statutes, as affected by 1997 Wisconsin Act 192,
20 is amended to read:

21 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
22 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
23 Class C forfeiture. Any person who violates any of these provisions within 3 years
24 after a humane officer issues an abatement order under s. 173.11 prohibiting the
25 violation of that provision is subject to a Class A forfeiture. Any person who

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1 intentionally or negligently violates any of those sections is guilty of a Class A
2 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
3 mutilation, disfigurement or death of an animal, is guilty of a Class E I felony. Any
4 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
5 is the victim is used by a law enforcement agency to perform agency functions or
6 duties and causing injury to the animal, is guilty of a Class E I felony.

7 **SECTION 785.** 951.18 (2) of the statutes is amended to read:

8 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
9 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class E I
10 felony for the first violation and is guilty of a Class D H felony for the 2nd or
11 subsequent violation.

12 **SECTION 786.** 951.18 (2m) of the statutes is amended to read:

13 951.18 (2m) Any person who violates s. 951.095 is subject to a Class B
14 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
15 that the animal that is the victim is used by a law enforcement agency or fire
16 department to perform agency or department functions or duties, is guilty of a Class
17 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
18 animal that is the victim is used by a law enforcement agency or fire department to
19 perform agency or department functions or duties and causing injury to the animal,
20 is guilty of a Class E I felony. Any person who intentionally violates s. 951.095,
21 knowing that the animal that is the victim is used by a law enforcement agency or
22 fire department to perform agency or department functions or duties and causing
23 death to the animal, is guilty of a Class D H felony.

24 **SECTION 787.** 961.41 (1) (intro.) of the statutes is amended to read:

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1 961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
2 authorized by this chapter, it is unlawful for any person to manufacture, distribute
3 or deliver a controlled substance or controlled substance analog. Any person who
4 violates this subsection ~~with respect to~~ is subject to the following penalties:

5 **SECTION 788.** 961.41 (1) (a) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided
8 in par. (d), if a person violates this subsection with respect to a controlled substance
9 included in schedule I or II which is a narcotic drug, or a controlled substance analog
10 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
11 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
12 ~~months or both~~ the person is guilty of a Class E felony.

13 **SECTION 789.** 961.41 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

15 961.41 (1) (b) Schedule I, II and III nonnarcotic drugs generally. Except as
16 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
17 to any other controlled substance included in schedule I, II or III, or a controlled
18 substance analog of any other controlled substance included in schedule I or II, ~~may~~
19 ~~be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months~~
20 ~~or both~~ the person is guilty of a Class H felony.

21 **SECTION 790.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

22 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
23 this subsection with respect to cocaine or cocaine base, or a controlled substance
24 analog of cocaine or cocaine base, ~~is subject to the following penalties if~~ and the
25 amount manufactured, distributed or delivered is:

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1 **SECTION 791.** 961.41 (1) (cm) 1. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is renumbered 961.41 (1) (cm) 1r. and amended to read:

3 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
4 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
5 ~~for not more than 15 years~~ is guilty of a Class F felony.

6 **SECTION 792.** 961.41 (1) (cm) 1g. of the statutes is created to read:

7 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

8 **SECTION 793.** 961.41 (1) (cm) 2. of the statutes, as affected by 1997 Wisconsin
9 Act 283, is amended to read:

10 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
11 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
12 year nor more than 22 years and 6 months is guilty of a Class E felony.

13 **SECTION 794.** 961.41 (1) (cm) 3. of the statutes, as affected by 1997 Wisconsin
14 Act 283, is amended to read:

15 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
16 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
17 years nor more than 30 years is guilty of a Class D felony.

18 **SECTION 795.** 961.41 (1) (cm) 4. of the statutes, as affected by 1997 Wisconsin
19 Act 283, is amended to read:

20 961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person
21 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
22 years nor more than 45 years is guilty of a Class C felony.

23 **SECTION 796.** 961.41 (1) (cm) 5. of the statutes, as affected by 1997 Wisconsin
24 Act 283, is repealed.

25 **SECTION 797.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

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1 961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with
2 respect to heroin or a controlled substance analog of heroin is subject to the following
3 penalties if and the amount manufactured, distributed or delivered is:

4 **SECTION 798.** 961.41 (1) (d) 1. of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~
7 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~
8 ~~and 6 months~~ is guilty of a Class F felony.

9 **SECTION 799.** 961.41 (1) (d) 2. of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
12 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
13 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class
14 E felony.

15 **SECTION 800.** 961.41 (1) (d) 3. of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
18 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
19 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
20 D felony.

21 **SECTION 801.** 961.41 (1) (d) 4. of the statutes, as affected by 1997 Wisconsin Act
22 283, is amended to read:

23 961.41 (1) (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person
24 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~

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1 ~~for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C~~
2 ~~felony.~~

3 **SECTION 802.** 961.41 (1) (d) 5. of the statutes, as affected by 1997 Wisconsin Act
4 283, is repealed.

5 **SECTION 803.** 961.41 (1) (d) 6. of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed.

7 **SECTION 804.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

8 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine and
9 methcathinone. (intro.) Pheneyclidine If the person violates this subsection with
10 respect to phencyclidine, amphetamine, methamphetamine or methcathinone, or a
11 controlled substance analog of phencyclidine, amphetamine, methamphetamine or
12 methcathinone, is subject to the following penalties if and the amount
13 manufactured, distributed or delivered is:

14 **SECTION 805.** 961.41 (1) (e) 1. of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 961.41 (1) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
17 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
18 ~~6 months is guilty of a Class F felony.~~

19 **SECTION 806.** 961.41 (1) (e) 2. of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
22 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
23 ~~for not less than 6 months nor more than 7 years and 6 months is guilty of a Class~~
24 E felony.

SENATE BILL 357**SECTION 807**

1 **SECTION 807.** 961.41 (1) (e) 3. of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
4 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
5 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
6 D felony.

7 **SECTION 808.** 961.41 (1) (e) 4. of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 961.41 (1) (e) 4. More than 50 grams ~~but not more than 200 grams~~, the person
10 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
11 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
12 felony.

13 **SECTION 809.** 961.41 (1) (e) 5. of the statutes, as affected by 1997 Wisconsin Act
14 283, is repealed.

15 **SECTION 810.** 961.41 (1) (e) 6. of the statutes, as affected by 1997 Wisconsin Act
16 283, is repealed.

17 **SECTION 811.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

18 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the person violates
19 this subsection with respect to lysergic acid diethylamide or a controlled substance
20 analog of lysergic acid diethylamide is subject to the following penalties if and the
21 amount manufactured, distributed or delivered is:

22 **SECTION 812.** 961.41 (1) (f) 1. of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

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1 961.41 (1) (f) 1. One gram or less, the person ~~shall be fined not less than \$1,000~~
2 ~~nor more than \$200,000 and may be imprisoned for not more than 7 years and 6~~
3 ~~months~~ is guilty of a Class G felony.

4 **SECTION 813.** 961.41 (1) (f) 2. of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person ~~shall~~
7 ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not~~
8 ~~less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class F felony.

9 **SECTION 814.** 961.41 (1) (f) 3. of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 961.41 (1) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
12 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
13 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

14 **SECTION 815.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

15 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin If the person violates
16 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
17 of psilocin or psilocybin, ~~is subject to the following penalties if~~ and the amount
18 manufactured, distributed or delivered is:

19 **SECTION 816.** 961.41 (1) (g) 1. of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 961.41 (1) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
22 ~~than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~
23 ~~years and 6 months~~ is guilty of a Class G felony.

24 **SECTION 817.** 961.41 (1) (g) 2. of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

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1 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
2 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
3 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
4 F felony.

5 **SECTION 818.** 961.41 (1) (g) 3. of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than
8 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
9 nor more than 22 years and 6 months is guilty of a Class E felony.

10 **SECTION 819.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

11 961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the
12 person violates this subsection with respect to tetrahydrocannabinols, included
13 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
14 subject to the following penalties if and the amount manufactured, distributed or
15 delivered is:

16 **SECTION 820.** 961.41 (1) (h) 1. of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 961.41 (1) (h) 1. Five Two hundred grams or less, or 10 4 or fewer plants
19 containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor
20 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months
21 is guilty of a Class I felony.

22 **SECTION 821.** 961.41 (1) (h) 2. of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

24 961.41 (1) (h) 2. More than 500 200 grams but not more than 2,500 1,000 grams,
25 or more than 10 4 plants containing tetrahydrocannabinols but not more than 50 20

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1 plants containing tetrahydrocannabinols, the person shall be fined not less than
2 \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor
3 more than 7 years and 6 months is guilty of a Class H felony.

4 **SECTION 822.** 961.41 (1) (h) 3. of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 961.41 (1) (h) 3. More than 2,500 1,000 grams but not more than 2,500 grams,
7 or more than 50 20 plants containing tetrahydrocannabinols but not more than 50
8 plants containing tetrahydrocannabinols, the person shall be fined not less than
9 \$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year
10 nor more than 15 years is guilty of a Class G felony.

11 **SECTION 823.** 961.41 (1) (h) 4. of the statutes is created to read:

12 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
13 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
14 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

15 **SECTION 824.** 961.41 (1) (h) 5. of the statutes is created to read:

16 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
17 tetrahydrocannabinols, the person is guilty of a Class E felony.

18 **SECTION 825.** 961.41 (1) (i) of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 961.41 (1) (i) Schedule IV drugs. ~~A~~ If a person violates this subsection with
21 respect to a substance included in schedule IV, may be fined not more than \$10,000
22 or imprisoned for not more than 4 years and 6 months or both the person is guilty
23 of a Class H felony.

24 **SECTION 826.** 961.41 (1) (j) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

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1 961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
2 respect to a substance included in schedule V, may be fined not more than \$5,000 or
3 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

4 **SECTION 827.** 961.41 (1m) (intro.) of the statutes is amended to read:

5 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
6 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
7 with intent to manufacture, distribute or deliver, a controlled substance or a
8 controlled substance analog. Intent under this subsection may be demonstrated by,
9 without limitation because of enumeration, evidence of the quantity and monetary
10 value of the substances possessed, the possession of manufacturing implements or
11 paraphernalia, and the activities or statements of the person in possession of the
12 controlled substance or a controlled substance analog prior to and after the alleged
13 violation. Any person who violates this subsection with respect to is subject to the
14 following penalties:

15 **SECTION 828.** 961.41 (1m) (a) of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
18 in par. (d), if a person violates this subsection with respect to a controlled substance
19 included in schedule I or II which is a narcotic drug or a controlled substance analog
20 of a controlled substance included in schedule I or II which is a narcotic drug, may
21 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
22 months or both the person is guilty of a Class E felony.

23 **SECTION 829.** 961.41 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

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1 961.41 (1m) (b) Schedule I, II and III nonnarcotic drugs generally. Except as
2 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
3 to any other controlled substance included in schedule I, II or III, or a controlled
4 substance analog of any other controlled substance included in schedule I or II, may
5 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
6 or both the person is guilty of a Class H felony.

7 **SECTION 830.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

8 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
9 this subsection with respect to cocaine or cocaine base, or a controlled substance
10 analog of cocaine or cocaine base, ~~is subject to the following penalties if~~ and the
11 amount possessed, with intent to manufacture, distribute or deliver, is:

12 **SECTION 831.** 961.41 (1m) (cm) 1. of the statutes, as affected by 1997 Wisconsin
13 Act 283, is renumbered 961.41 (1m) (cm) 1r. and amended to read:

14 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
15 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
16 ~~for not more than 15 years~~ is guilty of a Class F felony.

17 **SECTION 832.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

18 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

19 **SECTION 833.** 961.41 (1m) (cm) 2. of the statutes, as affected by 1997 Wisconsin
20 Act 283, is amended to read:

21 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
22 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~
23 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

24 **SECTION 834.** 961.41 (1m) (cm) 3. of the statutes, as affected by 1997 Wisconsin
25 Act 283, is amended to read:

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1 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
2 person shall be fined not more than \$500,000 and shall be imprisoned for not less
3 than 3 years nor more than 30 years is guilty of a Class D felony.

4 **SECTION 835.** 961.41 (1m) (cm) 4. of the statutes, as affected by 1997 Wisconsin
5 Act 283, is amended to read:

6 961.41 (1m) (cm) 4. More than 40 grams but not more than 100 grams, the
7 person shall be fined not more than \$500,000 and shall be imprisoned for not less
8 than 5 years nor more than 45 years is guilty of a Class C felony.

9 **SECTION 836.** 961.41 (1m) (cm) 5. of the statutes, as affected by 1997 Wisconsin
10 Act 283, is repealed.

11 **SECTION 837.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

12 961.41 (1m) (d) Heroin. (intro.) Heroin If a person violates this subsection with
13 respect to heroin or a controlled substance analog of heroin is subject to the following
14 penalties if and the amount possessed, with intent to manufacture, distribute or
15 deliver, is:

16 **SECTION 838.** 961.41 (1m) (d) 1. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is amended to read:

18 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
19 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
20 and 6 months is guilty of a Class F felony.

21 **SECTION 839.** 961.41 (1m) (d) 2. of the statutes, as affected by 1997 Wisconsin
22 Act 283, is amended to read:

23 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
24 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned

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1 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class
2 E felony.

3 **SECTION 840.** 961.41 (1m) (d) 3. of the statutes, as affected by 1997 Wisconsin
4 Act 283, is amended to read:

5 961.41 **(1m)** (d) 3. More than 10 grams but not more than 50 grams, the person
6 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
7 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
8 D felony.

9 **SECTION 841.** 961.41 (1m) (d) 4. of the statutes, as affected by 1997 Wisconsin
10 Act 283, is amended to read:

11 961.41 **(1m)** (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person
12 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
13 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
14 felony.

15 **SECTION 842.** 961.41 (1m) (d) 5. of the statutes, as affected by 1997 Wisconsin
16 Act 283, is repealed.

17 **SECTION 843.** 961.41 (1m) (d) 6. of the statutes, as affected by 1997 Wisconsin
18 Act 283, is repealed.

19 **SECTION 844.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

20 961.41 **(1m)** (e) *Phencyclidine, amphetamine, methamphetamine and*
21 *methcathinone.* (intro.) Phencyclidine If a person violates this subsection with
22 respect to phencyclidine, amphetamine, methamphetamine or methcathinone, or a
23 controlled substance analog of phencyclidine, amphetamine, methamphetamine or
24 methcathinone, is subject to the following penalties if and the amount possessed,
25 with intent to manufacture, distribute or deliver, is:

SENATE BILL 357**SECTION 845**

1 **SECTION 845.** 961.41 (1m) (e) 1. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

3 961.41 **(1m)** (e) 1. Three grams or less, the person shall be fined not less than
4 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and
5 6 months is guilty of a Class F felony.

6 **SECTION 846.** 961.41 (1m) (e) 2. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is amended to read:

8 961.41 **(1m)** (e) 2. More than 3 grams but not more than 10 grams, the person
9 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
10 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
11 E felony.

12 **SECTION 847.** 961.41 (1m) (e) 3. of the statutes, as affected by 1997 Wisconsin
13 Act 283, is amended to read:

14 961.41 **(1m)** (e) 3. More than 10 grams but not more than 50 grams, the person
15 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
16 for not less than one year nor more than 22 years and 6 months is guilty of a Class
17 D felony.

18 **SECTION 848.** 961.41 (1m) (e) 4. of the statutes, as affected by 1997 Wisconsin
19 Act 283, is amended to read:

20 961.41 **(1m)** (e) 4. More than 50 grams but not more than 200 grams, the person
21 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
22 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
23 felony.

24 **SECTION 849.** 961.41 (1m) (e) 5. of the statutes, as affected by 1997 Wisconsin
25 Act 283, is repealed.

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1 **SECTION 850.** 961.41 (1m) (e) 6. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed.

3 **SECTION 851.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

4 961.41 **(1m)** (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates
5 this subsection with respect to lysergic acid diethylamide or a controlled substance
6 analog of lysergic acid diethylamide is subject to the following penalties if and the
7 amount possessed, with intent to manufacture, distribute or deliver, is:

8 **SECTION 852.** 961.41 (1m) (f) 1. of the statutes, as affected by 1997 Wisconsin
9 Act 283, is amended to read:

10 961.41 **(1m)** (f) 1. One gram or less, the person ~~shall be fined not less than~~
11 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
12 ~~6 months~~ is guilty of a Class G felony.

13 **SECTION 853.** 961.41 (1m) (f) 2. of the statutes, as affected by 1997 Wisconsin
14 Act 283, is amended to read:

15 961.41 **(1m)** (f) 2. More than one gram but not more than 5 grams, the person
16 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
17 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
18 F felony.

19 **SECTION 854.** 961.41 (1m) (f) 3. of the statutes, as affected by 1997 Wisconsin
20 Act 283, is amended to read:

21 961.41 **(1m)** (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
22 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
23 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

24 **SECTION 855.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

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1 961.41 (1m) (g) Psilocin and psilocybin. (intro.) ~~Psilocin~~ If a person violates
2 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
3 of psilocin or psilocybin, is subject to the following penalties if and the amount
4 possessed, with intent to manufacture, distribute or deliver, is:

5 **SECTION 856.** 961.41 (1m) (g) 1. of the statutes, as affected by 1997 Wisconsin
6 Act 283, is amended to read:

7 961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less
8 than ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~
9 years and 6 months is guilty of a Class G felony.

10 **SECTION 857.** 961.41 (1m) (g) 2. of the statutes, as affected by 1997 Wisconsin
11 Act 283, is amended to read:

12 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
13 person shall be fined not less than ~~\$1,000 nor more than \$200,000 and shall be~~
14 imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty
15 of a Class F felony.

16 **SECTION 858.** 961.41 (1m) (g) 3. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is amended to read:

18 961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than
19 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
20 nor more than 22 years and 6 months is guilty of a Class E felony.

21 **SECTION 859.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

22 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) ~~Tetrahydrocannabinols~~ If a
23 person violates this subsection with respect to tetrahydrocannabinols, included
24 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is

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1 subject to the following penalties if and the amount possessed, with intent to
2 manufacture, distribute or deliver, is:

3 **SECTION 860.** 961.41 (1m) (h) 1. of the statutes, as affected by 1997 Wisconsin
4 Act 283, is amended to read:

5 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
6 containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor
7 more than \$25,000 and may be imprisoned for not more than 4 years and 6 months
8 is guilty of a Class I felony.

9 **SECTION 861.** 961.41 (1m) (h) 2. of the statutes, as affected by 1997 Wisconsin
10 Act 283, is amended to read:

11 961.41 (1m) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000
12 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
13 ~~50~~ 20 plants containing tetrahydrocannabinols, the person shall be fined not less
14 than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3
15 months nor more than 7 years and 6 months is guilty of a Class H felony.

16 **SECTION 862.** 961.41 (1m) (h) 3. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is amended to read:

18 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
19 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
20 plants containing tetrahydrocannabinols, the person shall be fined not less than
21 \$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year
22 nor more than 15 years is guilty of a Class G felony.

23 **SECTION 863.** 961.41 (1m) (h) 4. of the statutes is created to read:

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1 961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
2 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
3 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

4 **SECTION 864.** 961.41 (1m) (h) 5. of the statutes is created to read:

5 961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing
6 tetrahydrocannabinols, the person is guilty of a Class E felony.

7 **SECTION 865.** 961.41 (1m) (i) of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 961.41 (1m) (i) Schedule IV drugs. ~~A If a person violates this subsection with~~
10 ~~respect to a substance included in schedule IV, may be fined not more than \$10,000~~
11 ~~or imprisoned for not more than 4 years and 6 months or both the person is guilty~~
12 ~~of a Class H felony.~~

13 **SECTION 866.** 961.41 (1m) (j) of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

15 961.41 (1m) (j) Schedule V drugs. ~~A If a person violates this subsection with~~
16 ~~respect to a substance included in schedule V, may be fined not more than \$5,000 or~~
17 ~~imprisoned for not more than 2 years or both the person is guilty of a Class I felony.~~

18 **SECTION 867.** 961.41 (1n) (c) of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
21 ~~\$250,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.~~

22 **SECTION 868.** 961.41 (1q) of the statutes is amended to read:

23 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
24 Under s. 961.49 (2), 1997 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2), if~~
25 different penalty provisions apply to a person depending on whether the weight of

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1 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
2 considered, the greater penalty provision applies.

3 **SECTION 869.** 961.41 (1r) of the statutes is amended to read:

4 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
5 s. 961.49 (2) (b), 1997 stats., and subs. (1) and (1m) and s. 961.49 (2) (b), an amount
6 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
7 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
8 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
9 of these substances together with any compound, mixture, diluent, plant material
10 or other substance mixed or combined with the controlled substance or controlled
11 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)
12 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
13 (4) (t) and includes the weight of any marijuana.

14 **SECTION 870.** 961.41 (2) (intro.) of the statutes is amended to read:

15 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
16 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
17 possess with intent to distribute or deliver, a counterfeit substance. Any person who
18 violates this subsection ~~with respect to~~ is subject to the following penalties:

19 **SECTION 871.** 961.41 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~-A- If a person~~
22 violates this subsection with respect to a counterfeit substance included in schedule
23 I or II which is a narcotic drug, ~~may be fined not more than \$25,000 or imprisoned~~
24 ~~for not more than 22 years and 6 months or both~~ the person is guilty of a Class E
25 felony.

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1 **SECTION 872.** 961.41 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 961.41 (2) (b) Counterfeit schedule I, II, III and IV drugs. ~~Any If a person~~
4 violates this subsection with respect to any other counterfeit substance included in
5 schedule I, II or, III or IV, may be fined not more than \$15,000 or imprisoned for not
6 more than 7 years and 6 months or both the person is guilty of a Class H felony.

7 **SECTION 873.** 961.41 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
8 283, is repealed.

9 **SECTION 874.** 961.41 (2) (d) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 961.41 (2) (d) Counterfeit schedule V drugs. ~~-A- If a person violates this~~
12 subsection with respect to a counterfeit substance included in schedule V, may be
13 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person
14 is guilty of a Class I felony.

15 **SECTION 875.** 961.41 (3g) (a) 1. of the statutes, as affected by 1999 Wisconsin
16 Act 283, is renumbered 961.41 (3g) (am) and amended to read:

17 961.41 (3g) (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
18 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
19 which is a narcotic drug, or possesses a controlled substance analog of a controlled
20 substance included in schedule I or II which is a narcotic drug, the person may, upon
21 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
22 or both, and for a 2nd or subsequent offense, the person may be fined not more than
23 \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.

24 **SECTION 876.** 961.41 (3g) (a) 2. of the statutes, as affected by 1997 Wisconsin
25 Act 283, is repealed.

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1 **SECTION 877.** 961.41 (3g) (a) 3. of the statutes is repealed.

2 **SECTION 878.** 961.41 (3g) (b) (title) of the statutes is created to read:

3 961.41 (3g) (b) (title) *Other drugs generally.*

4 **SECTION 879.** 961.41 (3g) (c) of the statutes is amended to read:

5 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
6 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
7 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
8 more than one year in the county jail upon a first conviction and is guilty of a Class
9 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
10 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
11 offense, the offender has at any time been convicted of any felony or misdemeanor
12 under this chapter or under any statute of the United States or of any state relating
13 to controlled substances, controlled substance analogs, narcotic drugs, marijuana or
14 depressant, stimulant or hallucinogenic drugs.

15 **SECTION 880.** 961.41 (3g) (d) of the statutes is amended to read:

16 961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person
17 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
18 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a
19 controlled substance analog of lysergic acid diethylamide, phencyclidine,
20 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person
21 may be fined not more than \$5,000 or imprisoned for not more than one year in the
22 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd
23 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd
24 or subsequent offense if, prior to the offender's conviction of the offense, the offender
25 has at any time been convicted of any felony or misdemeanor under this chapter or

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1 under any statute of the United States or of any state relating to controlled
2 substances, controlled substance analogs, narcotic drugs, marijuana or depressant,
3 stimulant or hallucinogenic drugs.

4 **SECTION 881.** 961.41 (3g) (e) of the statutes is amended to read:

5 961.41 (3g) (e) *Tetrahydrocannabinols.* If a person possesses or attempts to
6 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
7 substance analog of tetrahydrocannabinols, the person may be fined not more than
8 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and
9 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
10 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
11 offender's conviction of the offense, the offender has at any time been convicted of any
12 felony or misdemeanor under this chapter or under any statute of the United States
13 or of any state relating to controlled substances, controlled substance analogs,
14 narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

15 **SECTION 882.** 961.41 (3g) (f) of the statutes, as affected by 1999 Wisconsin Act
16 21, is amended to read:

17 961.41 (3g) (f) *Gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone,*
18 *ketamine and flunitrazepam.* If a person possesses or attempts to possess
19 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,
20 the person may be fined not more than \$5,000 or imprisoned for not more than 2 years
21 or both is guilty of a Class H felony.

22 **SECTION 883.** 961.41 (4) (am) 3. of the statutes, as affected by 1997 Wisconsin
23 Act 283, is amended to read:

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1 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph
2 may be fined not more than \$5,000 or imprisoned for not more than 2 years or both
3 is guilty of a Class I felony.

4 **SECTION 884.** 961.42 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 961.42 (2) Any person who violates this section ~~may be fined not more than~~
7 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

8 **SECTION 885.** 961.43 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is amended to read:

10 961.43 (2) Any person who violates this section ~~may be fined not more than~~
11 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

12 **SECTION 886.** 961.438 of the statutes is repealed.

13 **SECTION 887.** 961.455 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is amended to read:

15 961.455 (1) Any person who has attained the age of 17 years who knowingly
16 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
17 ~~age or under~~ for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
18 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

19 **SECTION 888.** 961.455 (3) of the statutes is amended to read:

20 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
21 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
22 939.30 ~~or 948.35.~~

23 **SECTION 889.** 961.46 (1) of the statutes is renumbered 961.46 and amended to
24 read:

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1 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
2 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing
3 ~~or delivering a controlled substance included in schedule I or II which is a narcotic~~
4 ~~drug or a controlled substance analog of a controlled substance included in schedule~~
5 ~~I or II which is a narcotic drug to a person 17 years of age or under who is at least~~
6 ~~3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or~~
7 ~~a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the~~
8 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the
9 offense may be increased by not more than 5 years.

10 **SECTION 890.** 961.46 (2) of the statutes is repealed.

11 **SECTION 891.** 961.46 (3) of the statutes is repealed.

12 **SECTION 892.** 961.465 of the statutes is repealed.

13 **SECTION 893.** 961.472 (2) of the statutes is amended to read:

14 **961.472 (2)** Except as provided in sub. (5), if a person pleads guilty or is found
15 guilty of possession or attempted possession of a controlled substance or controlled
16 substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c) or (d), the court shall order the
17 person to comply with an assessment of the person's use of controlled substances.
18 The court's order shall designate a facility that is operated by or pursuant to a
19 contract with the county department established under s. 51.42 and that is certified
20 by the department of health and family services to provide assessment services to
21 perform the assessment and, if appropriate, to develop a proposed treatment plan.
22 The court shall notify the person that noncompliance with the order limits the court's
23 ability to determine whether the treatment option under s. 961.475 is appropriate.
24 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

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1 **SECTION 894.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and
2 amended to read:

3 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who
4 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or
5 subsequent offense as provided under this chapter sub. (3) and the person is
6 convicted of that 2nd or subsequent offense may be fined an amount up to twice that
7 otherwise authorized or imprisoned for a term up to twice the term otherwise
8 authorized or both., the maximum term of imprisonment for the offense may be
9 increased as follows:

10 **SECTION 895.** 961.48 (1) (a) and (b) of the statutes are created to read:

11 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

12 (b) By not more than 4 years, if the offense is a Class E, F, G, H or I felony.

13 **SECTION 896.** 961.48 (2) of the statutes is repealed.

14 **SECTION 897.** 961.48 (2m) (a) of the statutes is amended to read:

15 961.48 (2m) (a) Whenever a person charged with an a felony offense under this
16 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
17 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
18 convictions are alleged in the complaint, indictment or information or in an amended
19 complaint, indictment or information that is filed under par. (b) 1. A person is not
20 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
21 applicable prior convictions is withdrawn by an amended complaint filed under par.
22 (b) 2.

23 **SECTION 898.** 961.48 (3) of the statutes is amended to read:

24 961.48 (3) For purposes of this section, an a felony offense under this chapter
25 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the

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1 offense, the offender has at any time been convicted of any felony or misdemeanor
2 offense under this chapter or under any statute of the United States or of any state
3 relating to controlled substances or controlled substance analogs, narcotic drugs,
4 marijuana or depressant, stimulant or hallucinogenic drugs.

5 **SECTION 899.** 961.48 (4) of the statutes is repealed.

6 **SECTION 900.** 961.49 (1) of the statutes is renumbered 961.49.

7 **SECTION 901.** 961.49 (2) of the statutes is repealed.

8 **SECTION 902.** 961.49 (3) of the statutes is repealed.

9 **SECTION 903.** 961.492 of the statutes is repealed.

10 **SECTION 904.** 968.255 (1) (a) 2. of the statutes is amended to read:

11 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
12 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

13 **SECTION 905.** 968.31 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
14 Act 283, is amended to read:

15 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
16 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
17 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
18 ~~or both~~ is guilty of a Class H felony:

19 **SECTION 906.** 968.34 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 968.34 (3) Whoever knowingly violates sub. (1) shall may be fined not more
22 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

23 **SECTION 907.** 968.43 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
24 is amended to read:

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1 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
2 may be imprisoned for not more than 7 years and 6 months is guilty of a Class H
3 felony.

4 **SECTION 908.** 969.08 (10) (a) of the statutes is amended to read:

5 969.08 (10) (a) “Commission of a serious crime” includes a solicitation,
6 conspiracy or attempt, under s. 939.30, 939.31, or 939.32 ~~or 948.35~~, to commit a
7 serious crime.

8 **SECTION 909.** 969.08 (10) (b) of the statutes is amended to read:

9 969.08 (10) (b) “Serious crime” means any crime specified in s. 346.62 (4),
10 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
11 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
12 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
13 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
14 943.23 (1g), ~~(1m) or (1r)~~, 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1)
15 or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

16 **SECTION 910.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
17 amended to read:

18 971.17 (1) (a) Felonies committed before the effective date of this paragraph
19 [revisor inserts date]. ~~When~~ Except as provided in par. (c), when a defendant is found
20 not guilty by reason of mental disease or mental defect of a felony committed before
21 the effective date of this paragraph [revisor inserts date], the court shall commit
22 the person to the department of health and family services for a specified period not
23 exceeding two-thirds of the maximum term of imprisonment that could be imposed
24 under s. 973.15 (2) (a) against an offender convicted of the same ~~crime or crimes~~
25 felony or felonies, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or~~

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1 ~~(3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25~~
2 ~~(1b) and 961.48 and other any applicable~~ penalty enhancement statutes, as
3 applicable, subject to the credit provisions of s. 973.155.

4 (c) Felonies punishable by life imprisonment. ~~If the maximum term of~~
5 ~~imprisonment is a defendant is found not guilty by reason of mental disease or~~
6 ~~mental defect of a felony that is punishable by life imprisonment,~~ the commitment
7 period specified by the court may be life, subject to termination under sub. (5).

8 **SECTION 911.** 971.17 (1) (b) of the statutes is created to read:

9 971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*
10 *.... [revisor inserts date].* Except as provided in par. (c), when a defendant is found
11 not guilty by reason of mental disease or mental defect of a felony committed on or
12 after the effective date of this paragraph [revisor inserts date], the court shall
13 commit the person to the department of health and family services for a specified
14 period not exceeding the maximum term of confinement in prison that could be
15 imposed on an offender convicted of the same felony or felonies under ss. 973.01 (2)
16 (b) and 973.15 (2) (a), plus imprisonment authorized by any applicable penalty
17 enhancement statutes, subject to the credit provisions of s. 973.155.

18 **SECTION 912.** 971.17 (1) (d) of the statutes is created to read:

19 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
20 of mental disease or mental defect of a misdemeanor, the court shall commit the
21 person to the department of health and family services for a specified period not
22 exceeding two-thirds of the maximum term of imprisonment that could be imposed
23 under s. 973.15 (2) (a) against an offender convicted of the same misdemeanor or
24 misdemeanors, including imprisonment authorized by any applicable penalty
25 enhancement statutes, subject to the credit provisions of s. 973.155.

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1 **SECTION 913.** 971.365 (1) (c) of the statutes is amended to read:

2 971.365 (1) (c) In any case under s. 961.41 (3g) ~~(a) 2.~~ (am), (c), (d) or (e) involving
3 more than one violation, all violations may be prosecuted as a single crime if the
4 violations were pursuant to a single intent and design.

5 **SECTION 914.** 971.365 (2) of the statutes is amended to read:

6 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
7 prosecution for any acts in violation of s. 961.41 (1) (cm), (d), (e), (f), (g) or (h), (1m)
8 (cm), (d), (e), (f), (g) or (h) or (3g) ~~(a) 2.~~ (am), (c), (d) or (e) on which no evidence was
9 received at the trial on the original charge.

10 **SECTION 915.** 973.01 (1) of the statutes is amended to read:

11 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
12 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
13 for a felony committed on or after December 31, 1999, but before the effective date
14 of this subsection [revisor inserts date], or for a crime committed on or after the
15 effective date of this subsection [revisor inserts date], the court shall impose a
16 bifurcated sentence ~~that consists of a term of confinement in prison followed by a~~
17 ~~term of extended supervision under s. 302.113~~ this section.

18 **SECTION 916.** 973.01 (2) (intro.) of the statutes is amended to read:

19 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
20 ~~that a~~ A bifurcated sentence is a sentence that consists of a term of confinement in
21 prison followed by a term of extended supervision under s. 302.113. The total length
22 of a bifurcated sentence equals the length of the term of confinement in prison plus
23 the length of the term of extended supervision. A bifurcated sentence imposed under
24 ~~sub. (1) complies~~ this section shall comply with all of the following:

25 **SECTION 917.** 973.01 (2) (a) of the statutes is amended to read:

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1 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
2 the total length of the bifurcated sentence may not exceed the maximum period of
3 imprisonment ~~for the~~ specified in s. 939.50 (3), if the crime is a classified felony, or
4 the maximum term of imprisonment provided by statute for the crime, if the crime
5 is not a classified felony, plus additional imprisonment authorized by any applicable
6 penalty enhancement statutes.

7 **SECTION 918.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

8 973.01 (2) (b) *Imprisonment portion of bifurcated sentence.* (intro.) The portion
9 of the bifurcated sentence that imposes a term of confinement in prison may not be
10 less than one year, ~~subject to any minimum sentence prescribed for the felony, and,~~
11 except as provided in par. (c), may not exceed whichever of the following is applicable:

12 **SECTION 919.** 973.01 (2) (b) 2. of the statutes is repealed.

13 **SECTION 920.** 973.01 (2) (b) 3. of the statutes is amended to read:

14 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
15 not exceed ~~10~~ 25 years.

16 **SECTION 921.** 973.01 (2) (b) 4. of the statutes is amended to read:

17 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
18 not exceed ~~5~~ 15 years.

19 **SECTION 922.** 973.01 (2) (b) 5. of the statutes is amended to read:

20 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
21 not exceed ~~2~~ 10 years.

22 **SECTION 923.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.

23 and amended to read:

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1 973.01 (2) (b) 10. For any felony crime other than a felony specified in subds.
2 1. to ~~5~~ 9, the term of confinement in prison may not exceed 75% of the total length
3 of the bifurcated sentence.

4 **SECTION 924.** 973.01 (2) (b) 6m. of the statutes is created to read:

5 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
6 not exceed 7 years and 6 months.

7 **SECTION 925.** 973.01 (2) (b) 7. of the statutes is created to read:

8 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
9 not exceed 5 years.

10 **SECTION 926.** 973.01 (2) (b) 8. of the statutes is created to read:

11 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
12 not exceed 3 years.

13 **SECTION 927.** 973.01 (2) (b) 9. of the statutes is created to read:

14 973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not
15 exceed one year and 6 months.

16 **SECTION 928.** 973.01 (2) (c) of the statutes is renumbered 973.01 (2) (c) 1. and
17 amended to read:

18 973.01 (2) (c) 1. The Subject to the minimum period of extended supervision
19 required under par. (d), the maximum term of confinement in prison specified in par.
20 (b) may be increased by any applicable penalty enhancement statute. If the
21 maximum term of confinement in prison specified in par. (b) is increased under this
22 paragraph, the total length of the bifurcated sentence that may be imposed is
23 increased by the same amount.

24 **SECTION 929.** 973.01 (2) (c) 2. of the statutes is created to read:

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1 973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes
2 apply to a crime, the court shall apply them in the order listed in calculating the
3 maximum term of imprisonment for that crime:

4 a. Sections 939.621, 939.632, 939.645, 961.46 and 961.49.

5 b. Section 939.63.

6 c. Section 939.62 or 961.48.

7 **SECTION 930.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)
8 and amended to read:

9 973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)

10 The term of extended supervision that follows the term of confinement in prison may
11 not be less than 25% of the length of the term of confinement in prison imposed under
12 par. (b); and, for a classified felony, may not exceed whichever of the following is
13 applicable:

14 **SECTION 931.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

15 973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not
16 exceed 20 years.

17 2. For a Class C felony, the term of extended supervision may not exceed 15
18 years.

19 3. For a Class D felony, the term of extended supervision may not exceed 10
20 years.

21 4. For a Class E, F or G felony, the term of extended supervision may not exceed
22 5 years.

23 5. For a Class H felony, the term of extended supervision may not exceed 3
24 years.

25 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

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1 **SECTION 932.** 973.01 (4) of the statutes is amended to read:

2 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
3 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
4 confinement in prison portion of the sentence without reduction for good behavior.
5 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
6 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

7 **SECTION 933.** 973.01 (5) of the statutes is amended to read:

8 973.01 (5) OTHER EXTENDED SUPERVISION CONDITIONS. Whenever the court
9 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
10 the term of extended supervision, including drug treatment under s. 973.031.

11 **SECTION 934.** 973.01 (7m) of the statutes is created to read:

12 973.01 (7m) MODIFICATION OF BIFURCATED SENTENCE. A court may at any time
13 modify a bifurcated sentence that the court previously imposed by reducing the term
14 of confinement in prison portion of the sentence and lengthening the term of
15 extended supervision imposed so that the total length of the bifurcated sentence
16 originally imposed does not change. A proceeding to modify a bifurcated sentence
17 under this subsection shall be conducted using the procedure established and the
18 factors specified by the director of state courts under s. 758.19 (8).

19 **SECTION 935.** 973.0135 (1) (b) 2. of the statutes is amended to read:

20 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
21 or (1r), 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., s.
22 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
23 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
24 (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
25 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

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1 **SECTION 936.** 973.017 of the statutes is created to read:

2 **973.017 Bifurcated sentences; use of guidelines; consideration of**
3 **aggravating and mitigating factors. (1) DEFINITION.** In this section, “sentencing
4 decision” means a decision as to whether to impose a bifurcated sentence under s.
5 973.01 or to place a person on probation and a decision as to the length of a bifurcated
6 sentence, including the length of each component of the bifurcated sentence, the
7 amount of a fine and the length of a term of probation.

8 **(2) GENERAL REQUIREMENT.** When a court makes a sentencing decision
9 concerning a person convicted of a criminal offense committed on or after the
10 effective date of this subsection ... [revisor inserts date], the court shall consider all
11 of the following:

12 (a) If the offense is a felony, the sentencing guidelines adopted by the
13 sentencing commission under s. 973.30 or, if the sentencing commission has not
14 adopted a guideline for the offense, any applicable temporary sentencing guideline
15 adopted by the criminal penalties study committee created under 1997 Wisconsin
16 Act 283.

17 (b) Any applicable mitigating factors and any applicable aggravating factors,
18 including the aggravating factors specified in subs. (3) to (8).

19 **(3) AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for
20 any crime, the court shall consider all of the following as aggravating factors:

21 (a) The fact that the person committed the crime while his or her usual
22 appearance was concealed, disguised or altered, with the intent to make it less likely
23 that he or she would be identified with the crime.

24 (b) The fact that the person committed the crime using information that was
25 disclosed to him or her under s. 301.46.

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1 (c) The fact that the person committed the crime for the benefit of, at the
2 direction of or in association with any criminal gang, as defined in s. 939.22 (9), with
3 the specific intent to promote, further or assist in any criminal conduct by criminal
4 gang members, as defined in s. 939.22 (9g).

5 (d) The fact that the person committed the felony while wearing a vest or other
6 garment designed, redesigned or adapted to prevent bullets from penetrating the
7 garment.

8 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the
9 intent to influence the policy of a governmental unit or to punish a governmental unit
10 for a prior policy decision, if any of the following circumstances also applies to the
11 felony committed by the person:

12 a. The person caused bodily harm, great bodily harm or death to another.

13 b. The person caused damage to the property of another and the total property
14 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.
15 b., property is reduced in value by the amount that it would cost either to repair or
16 to replace it, whichever is less.

17 c. The person used force or violence or the threat of force or violence.

18 2. a. In this subdivision, "labor dispute" includes any controversy concerning
19 terms, tenure or conditions of employment, or concerning the association or
20 representation of persons in negotiating, fixing, maintaining, changing or seeking
21 to arrange terms or conditions of employment, regardless of whether the disputants
22 stand in the proximate relation of employer and employe.

23 b. Subdivision 1. does not apply to conduct arising out of or in connection with
24 a labor dispute.

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1 (4) AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH
2 CERTAIN DISEASES. (a) In this subsection:

3 1. “HIV” means any strain of human immunodeficiency virus, which causes
4 acquired immunodeficiency syndrome.

5 2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
6 or 948.025.

7 3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B,
8 hepatitis C or chlamydia.

9 4. “Significantly exposed” means sustaining a contact which carries a potential
10 for transmission of a sexually transmitted disease or HIV by one or more of the
11 following:

12 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
13 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
14 amniotic fluid; or other body fluid that is visibly contaminated with blood.

15 b. Exchange, during the accidental or intentional infliction of a penetrating
16 wound, including a needle puncture, of blood; semen; vaginal secretions;
17 cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other
18 body fluid that is visibly contaminated with blood.

19 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
20 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
21 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
22 amniotic fluid; or other body fluid that is visibly contaminated with blood.

23 (b) When making a sentencing decision concerning a person convicted of a
24 serious sex crime, the court shall consider as an aggravating factor the fact that the
25 serious sex crime was committed under all of the following circumstances:

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1 1. At the time that he or she committed the serious sex crime, the person
2 convicted of committing the serious sex crime had a sexually transmitted disease or
3 acquired immunodeficiency syndrome or had had a positive test for the presence of
4 HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

5 2. At the time that he or she committed the serious sex crime, the person
6 convicted of committing the serious sex crime knew that he or she had a sexually
7 transmitted disease or acquired immunodeficiency syndrome or that he or she had
8 had a positive test for the presence of HIV, antigen or nonantigenic products of HIV
9 or an antibody to HIV.

10 3. The victim of the serious sex crime was significantly exposed to HIV or to the
11 sexually transmitted disease, whichever is applicable, by the acts constituting the
12 serious sex crime.

13 **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON.** (a)

14 In this subsection:

15 1. "Elder person" means any individual who is 62 years of age or older.

16 2. "Violent felony" means any felony under s. 940.19 (2), (4), (5) or (6), 940.225
17 (1), (2) or (3), 940.23 or 943.32.

18 (b) When making a sentencing decision concerning a person convicted of a
19 violent felony, the court shall consider as an aggravating factor the fact that the
20 victim of the violent felony was an elder person. This paragraph applies even if the
21 person mistakenly believed that the victim had not attained the age of 62 years.

22 **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**

23 PERSONS. (a) In this subsection, "person responsible for the welfare the child"
24 includes the child's parent, stepparent, guardian, foster parent or treatment foster
25 parent; an employe of a public or private residential home, institution or agency; any

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1 other person legally responsible for the child’s welfare in a residential setting; or a
2 person employed by one who is legally responsible for the child’s welfare to exercise
3 temporary control or care for the child.

4 (b) When making a sentencing decision concerning a person convicted of a
5 violation of s. 948.02 (1) or (2), 948.025 (1) or 948.03 (2) or (3), the court shall consider
6 as an aggravating factor the fact that the person was a person responsible for the
7 welfare of the child who was the victim of the violation.

8 (7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.
9 When making a sentencing decision concerning a person convicted of a violation of
10 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
11 that, at the time of the violation, there was a minor passenger under 16 years of age
12 or an unborn child in the person’s motor vehicle.

13 (8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES. (a) *Distribution*
14 *or delivery to prisoners.* 1. In this paragraph, “precinct” means a place where any
15 activity is conducted by a prison, jail or house of correction.

16 2. When making a sentencing decision concerning a person convicted of
17 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
18 fact that the violation involved delivering, distributing or possessing with intent to
19 deliver or distribute a controlled substance or controlled substance analog to a
20 prisoner within the precincts of any prison, jail or house of correction.

21 (b) *Distribution or delivery on public transit vehicles.* When making a
22 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
23 the court shall consider as an aggravating factor the fact that the violation involved
24 delivering, distributing or possessing with intent to deliver or distribute a controlled
25 substance included in schedule I or II or a controlled substance analog of any

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1 controlled substance included in schedule I or II and that the person knowingly used
2 a public transit vehicle during the violation.

3 **(9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME.** The aggravating factors
4 listed in this section are not elements of any crime. A prosecutor is not required to
5 charge any aggravating factor or otherwise allege the existence of an aggravating
6 factor in any pleading for a court to consider the aggravating factor when making a
7 sentencing decision.

8 **(10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL.** The requirement
9 under sub. (2) (a) that a court consider sentencing guidelines adopted by the
10 sentencing commission or the criminal penalties study committee does not require
11 a court to make a sentencing decision that is within any range or consistent with a
12 recommendation specified in the guidelines, and there is no right to appeal a court's
13 sentencing decision based on the court's decision to depart in any way from any
14 guideline.

15 **(11) REQUIRED FINDINGS OF FACT.** The court shall make explicit findings of fact
16 on the record to support each element of its sentencing decision, including its decision
17 as to whether to impose a bifurcated sentence under s. 973.01 or to place a person
18 on probation and its decision as to the length of a bifurcated sentence, including the
19 length of each component of the bifurcated sentence, the amount of a fine and the
20 length of a term of probation.

21 **(12) STANDARD OF REVIEW ON APPEAL.** In an appeal from a court's sentencing
22 decision, the appellate court shall reverse the sentencing decision if it determines
23 that the sentencing court erroneously exercised its discretion in making the
24 sentencing decision or there is not substantial evidence in the record to support the
25 sentencing decision.

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1 **SECTION 937.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

2 973.03 (3) (e) 1. A crime which is a Class A ~~or~~, B or C felony.

3 2. A crime which is a Class ~~C~~ D, E, F or G felony listed in s. 969.08 (10) (b), but
4 not including any crime specified in s. 943.10.

5 **SECTION 938.** 973.03 (3) (e) 3. of the statutes is repealed.

6 **SECTION 939.** 973.031 of the statutes is created to read:

7 **973.031 Court-ordered drug treatment.** Whenever the court imposes a
8 sentence or places a person on probation for any offense committed on or after July
9 1, 2000, the court may order the person to participate in a drug treatment program
10 as a condition of probation or, in the case of a person sentenced under s. 973.01, while
11 the person is in prison or as a condition of extended supervision or both. The court
12 may order the department to pay for the cost of drug treatment under this section
13 from the appropriation under s. 20.410 (1) (a) for persons in jail or prison or under
14 s. 20.410 (1) (b) for persons on probation or extended supervision.

15 **SECTION 940.** 973.032 (4) (c) 2. of the statutes is amended to read:

16 973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~
17 to a sentence of imprisonment concurrent with the sentence to the intensive
18 sanctions program.

19 **SECTION 941.** 973.075 (1) (b) 1m. e. of the statutes is amended to read:

20 973.075 (1) (b) 1m. e. To cause more than \$1,000 \$2,000 worth of criminal
21 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

22 **SECTION 942.** 973.075 (2) (d) of the statutes is amended to read:

23 973.075 (2) (d) The officer has probable cause to believe that the property was
24 derived from or realized through a crime or that the property is a vehicle which was
25 used to transport any property or weapon used or to be used or received in the

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1 commission of any felony, which was used in the commission of a crime relating to
2 a submerged cultural resource in violation of s. 44.47 or which was used to cause
3 more than ~~\$1,000~~ \$2,000 worth of criminal damage to cemetery property in violation
4 of s. 943.01 (2) (d) or 943.012.

5 **SECTION 943.** 973.09 (2) (b) 1. of the statutes is amended to read:

6 973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one
7 year nor more than either the statutory maximum term of imprisonment
8 confinement in prison for the crime, as specified in s. 973.01 (2) (b), or 3 years,
9 whichever is greater.

10 **SECTION 944.** 973.09 (6) of the statutes is created to read:

11 973.09 (6) The court may require as a condition of probation that the person
12 participate in a drug treatment program under s. 973.031.

13 **SECTION 945.** 973.15 (2) (am) of the statutes is created to read:

14 973.15 (2) (am) 1. If a court provides that a bifurcated sentence imposed under
15 s. 973.01 is to run concurrent with or consecutive to a sentence to the Wisconsin state
16 prisons other than another bifurcated sentence imposed under s. 973.01, the court
17 shall do all of the following:

18 a. Order the term of confinement in prison under the bifurcated sentence to be
19 concurrent with or consecutive to the term of confinement in prison required under
20 the nonbifurcated sentence.

21 b. Order the period of parole under the nonbifurcated sentence to be concurrent
22 with or consecutive to the term of extended supervision required under the
23 bifurcated sentence.

24 2. If a court imposes a sentence to the Wisconsin state prisons that is not a
25 bifurcated sentence imposed under s. 973.01 and provides that the nonbifurcated

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1 sentence is to run concurrent with or consecutive to a bifurcated sentence under s.
2 973.01, the court shall do all of the following:

3 a. Order the term of confinement in prison under the nonbifurcated sentence
4 to be concurrent with or consecutive to the term of confinement in prison required
5 under the bifurcated sentence.

6 b. Order the period of parole under the nonbifurcated sentence to be concurrent
7 with or consecutive to the term of extended supervision required under the
8 bifurcated sentence.

9 **SECTION 946.** 973.30 of the statutes is created to read:

10 **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission
11 shall do all of the following:

12 (a) Select an executive director having appropriate training and experience to
13 study sentencing practices and prepare proposed sentencing guidelines.

14 (b) Monitor and compile data regarding sentencing practices in the state.

15 (c) Adopt advisory sentencing guidelines for felonies committed on or after the
16 effective date of this paragraph [revisor inserts date], to promote public safety, to
17 reflect changes in sentencing practices and to preserve the integrity of the criminal
18 justice and correctional systems.

19 (d) Provide information to the legislature, state agencies and the public
20 regarding the costs to and other needs of the department which result from
21 sentencing practices.

22 (e) Provide information to judges and lawyers about the sentencing guidelines.

23 (f) Publish and distribute to all circuit judges hearing criminal cases an annual
24 report regarding its work, which shall include all sentencing guidelines and all

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1 changes in existing sentencing guidelines adopted during the 12 months preceding
2 the report.

3 (g) Study whether race is a basis for imposing sentences in criminal cases and
4 submit a report and recommendations on this issue to the governor, to each house
5 of the legislature under s. 13.172 (2) and to the supreme court.

6 (h) Assist the legislature in assessing the cost of enacting new or revising
7 existing statutes affecting criminal sentencing.

8 (i) At least semiannually, submit reports to all circuit judges, and to the chief
9 clerk of each house of the legislature for distribution to the appropriate standing
10 committees under s. 13.172 (3), containing statistics regarding criminal sentences
11 imposed in this state. Each report shall have a different focus and need not contain
12 statistics regarding every crime. Each report shall contain information regarding
13 sentences imposed statewide and in each of the following geographic areas:

- 14 1. Milwaukee County.
- 15 2. Dane and Rock counties.
- 16 3. Brown, Outagamie, Calumet and Winnebago counties.
- 17 4. Racine and Kenosha counties.
- 18 5. All other counties.

19 (j) Study how sentencing options affect various types of offenders and offenses.

20 **(2) STAFF.** Subject to authorization under s. 16.505, the sentencing commission
21 may hire staff to assist it in the performance of its duties.

22 **(3) SUNSET.** This section does not apply after December 31, 2004.

23 **SECTION 947.** 977.05 (4) (jm) of the statutes is created to read:

24 977.05 (4) (jm) At the request of an inmate determined by the state public
25 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent

SENATE BILL 357**SECTION 947**

1 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
2 (9g) before a program review committee and the sentencing court, if the state public
3 defender determines the case should be pursued.

4 **SECTION 948.** 977.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 977.06 (2) (b) A person who makes a false representation that he or she does
7 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~
8 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
9 is guilty of a Class I felony.

10 **SECTION 949.** 978.13 (1) (c) of the statutes, as affected by 1999 Wisconsin Act
11 9, is amended to read:

12 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
13 fringe benefit costs of clerk positions in the district attorney's office necessary for the
14 prosecution of violent crime cases primarily involving felony violations under s.
15 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
16 940.06, 940.225, 943.23 (1g), ~~(1m)~~ and ~~(1r)~~ and 943.32 (2). The state treasurer shall
17 pay the amount authorized under this paragraph to the county treasurer pursuant
18 to a voucher submitted by the district attorney to the secretary of administration
19 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
20 may not exceed \$94,400 in the 1999-2000 fiscal year and \$97,200 in the 2000-01
21 fiscal year.

22 **SECTION 950.** 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

23 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
24 The committee shall submit a report of its findings and recommendations to the
25 legislature in the manner provided under section 13.172 (2) of the statutes and to the

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1 governor. The report shall include any proposed legislation that is necessary to
2 implement the recommendations made by the committee in its report.

3 **SECTION 951.** 1997 Wisconsin Act 283, section 454 (2) is amended to read:

4 [1997 Wisconsin Act 283] Section 454 (2) ATTORNEY PROJECT POSITION. The
5 authorized FTE positions for the department of administration are increased by 1.0
6 GPR attorney project position, to be funded from the appropriation under section
7 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal
8 penalties study committee established under subsection (1), for the period ending on
9 ~~April 30, 1999~~ June 30, 2000.

10 **SECTION 952.** 1999 Wisconsin Act 9, section 9443 (24e) is amended to read:

11 [1999 Wisconsin Act 9] Section 9443 (24e) LOTTERY FUND. The repeal and
12 recreation of sections 25.75 (1) (b), 71.07 (3m) (b) 1. a. and (c) 3., 71.28 (2m) (b) 1. a.
13 and (c) 3., 71.47 (2m) (b) 1. a. and (c) 3. and 79.10 (11) (b) of the statutes and the
14 creation of section 25.75 (1) (c) 3. and (3) (b) and (e) of the statutes take effect on the
15 effective date of the 2001 ~~2001-03~~ budget act.

16 **SECTION 9101. Nonstatutory provisions; administration.**

17 (1) DISTRICT ATTORNEY POSITION REALLOCATIONS.

18 (a) *Increased allocations.* Of the authorized FTE GPR assistant district
19 attorney positions for the department of administration funded from the
20 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
21 allocated to the prosecutorial unit of Taylor County is increased by 0.2 position.

22 (b) *Decreased allocations.* Of the authorized FTE GPR assistant district
23 attorney positions for the department of administration funded from the
24 appropriation under section 20.475 (1) (d) of the statutes, the number of positions
25 allocated to the prosecutorial unit of Rusk County is decreased by 0.2 position.

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1 **SECTION 9104. Nonstatutory provisions; agriculture, trade and**
2 **consumer protection.**

3 (1) BOARD COMPOSITION. Notwithstanding the length of term for members of the
4 board of agriculture, trade and consumer protection under section 15.13, 1997 stats.,
5 the 2 members who are consumer representatives shall cease to hold office on July
6 1, 2000.

7 (2) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS.

8 (a) *Assets and liabilities.* On July 1, 2000, all assets and liabilities of the
9 department of agriculture, trade and consumer protection that are primarily related
10 to the consumer protection investigation and enforcement functions performed by
11 the department of justice under chapters 100, 134, 136, 344, 704, 707 and 779, 1993
12 stats., or are primarily related to programs or functions transferred to the
13 department of justice under this act, shall become the assets and liabilities of the
14 department of justice. The departments of justice and agriculture, trade and
15 consumer protection shall jointly determine these assets and liabilities and shall
16 jointly develop and implement a plan for the orderly transfer thereof. In the event
17 of any disagreement between the departments, the joint committee on finance shall
18 decide the question.

19 (b) *Employe transfers.* On July 1, 2000, 16.8 FTE positions in the department
20 of agriculture trade and consumer protection that are primarily related to the
21 consumer protection investigation and enforcement functions performed by the
22 department of justice under chapters 100, 134, 136, 344, 704, 707 and 779, 1993
23 stats., or are primarily related to programs or functions transferred to the
24 department of justice this act, and the incumbents holding these positions, as
25 determined by the joint committee on finance are transferred to the department of

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1 justice, to be funded from the appropriation under section 20.455 (1) (a) of the
2 statutes.

3 (c) *Employe status.* Employes transferred under paragraph (b) have all the
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
5 statutes in the department of justice that they enjoyed in the department of
6 agriculture, trade and consumer protection immediately before the transfer.
7 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
8 has attained permanent status in class is required to serve a probationary period.

9 (d) *Supplies and equipment.* On July 1, 2000, all tangible personal property,
10 including records, of the department of agriculture, trade and consumer protection
11 that are primarily related to the consumer protection investigation and enforcement
12 functions performed by the department of justice under chapters 100, 134, 136, 344,
13 704, 707 and 779, 1993 stats., or are primarily related to programs or functions
14 transferred to the department of justice under this act, are transferred to the
15 department of justice. The departments of justice and agriculture, trade and
16 consumer protection shall jointly identify the tangible personal property, including
17 records, and shall jointly develop and implement a plan for the orderly transfer
18 thereof. In the event of any disagreement between the departments, the joint
19 committee on finance shall decide the question.

20 (e) *Pending matters.* On July 1, 2000, any matter pending with the department
21 of agriculture, trade and consumer protection that is primarily related to the
22 consumer protection investigation and enforcement functions performed by the
23 department of justice under chapters 100, 134, 136, 344, 704, 707 and 779, 1993
24 stats., or are primarily related to programs or functions transferred to the
25 department of justice under this act, are transferred to the department of justice.

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1 All materials submitted or actions taken by the department of agriculture, trade and
2 consumer protection with respect to the pending matter are considered as having
3 been submitted to or taken by the department of justice.

4 (f) *Contracts.* On July 1, 2000, all contracts entered into by the department of
5 agriculture, trade and consumer protection or the department of justice that are
6 primarily related to the consumer protection investigation and enforcement
7 functions performed by the department of justice under chapters 100, 134, 136, 344,
8 704, 707 and 779, 1993 stats., or are primarily related to programs or functions
9 transferred to the department of justice under this act, and that are in effect on the
10 effective date of this paragraph, remain in effect and are transferred to the
11 department of justice. The departments of justice and agriculture, trade and
12 consumer protection shall jointly identify these contracts and shall jointly develop
13 and implement a plan for the orderly transfer thereof. In the event of any
14 disagreement between the departments, the joint committee on finance shall decide
15 the question. The department of justice shall carry out the obligations under these
16 contracts until the obligations are modified or rescinded by the department of justice
17 to the extent allowed under the contract.

18 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
19 trade and consumer protection or by the department of justice that are in effect on
20 the effective date of this paragraph and that are primarily related to the consumer
21 protection investigation and enforcement functions performed by the department of
22 justice under chapter 344, 1993 stats., or are primarily related to programs or
23 functions transferred to the department of justice under this act, remain in effect
24 until their specified expiration date or until amended or repealed by the department
25 of justice. All orders issued by the department of agriculture, trade and consumer

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1 protection or by the department of justice that are in effect on the effective date of
2 this paragraph and that are primarily related to the consumer protection
3 investigation and enforcement functions performed by the department of justice
4 under chapter 344, 1993 stats., or are primarily related to programs or functions
5 transferred to the department of justice under this act, remain in effect until their
6 specified expiration date or until modified or rescinded by the department of justice.

SECTION 9107. Nonstatutory provisions; building commission.

8 (1) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act 9,
9 section 9107 (1), the following project is added to the 1999-2001 state building
10 program and the appropriate totals are increased by the amounts shown:

11 (a) In paragraph (c) 1., under projects financed by
12 general fund supported borrowing:

13 Digital television conversion	\$13,220,800
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14 (2) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act 9,
15 section 9107 (1), the following project is added to the 1999-2001 state building
16 program and the appropriate totals are increased by the amounts shown:

17 (a) In paragraph (i) 1., under projects financed by
18 general fund supported borrowing:

19 System -- Digital television conversion	\$1,700,000
--	-------------

20 (3) 1999-2001 STATE BUILDING PROGRAM ADDITIONS. In 1999 Wisconsin Act 9,
21 section 9107 (1), the following new paragraph is created to add the following new
22 project to the 1999-2001 state building program and the appropriate totals are
23 increased by the amounts shown:

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1 (L) MILWAUKEE AREA TECHNICAL COLLEGE

2 1. *Projects financed by general fund supported*

3 *borrowing:*

4 Digital television conversion \$3,500,000

5 2. *Agency totals:*

6 General fund supported borrowing 3,500,000

7 Total -- All sources of funds \$3,500,000

8 **SECTION 9111. Nonstatutory provisions; corrections.**

9 (1) INITIAL IMPLEMENTATION OF CASELOAD REDUCTION REQUIREMENTS. The
10 department of corrections shall develop a plan to implement section 301.03 (3a) of
11 the statutes, as created by this act, which it shall submit to the joint committee on
12 finance no later than May 1, 2000. No later than July 1, 2000, the department shall
13 begin reducing caseloads for probation, extended supervision and parole agents in
14 Brown, Dane, Kenosha, Milwaukee, Racine and Rock counties who supervise more
15 than 20 persons on probation, extended supervision or parole.

16 **SECTION 9123. Nonstatutory provisions; health and family services.**

17 (1) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY PERSONS; ADMINISTRATION. The
18 department of health and family services may request the joint committee on finance
19 to supplement, from the appropriation account under section 20.865 (4) (a) of the
20 statutes, the appropriation account under section 20.435 (4) (a) of the statutes, to pay
21 the costs of staffing and administration of the program of prescription drug
22 assistance for elderly persons under section 49.688 of the statutes, as created by this
23 act. If the department of health and family services requests supplementation of the
24 appropriation account under section 20.435 (4) (a) of the statutes, the department

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1 shall submit a plan to the joint committee on finance to expend not more than
2 \$1,000,000 for fiscal year 1999-2000. The plan shall be based on a review by the
3 department of health and family services of the pharmacy assistance programs of
4 other states and the feasibility of contracting with the medical assistance fiscal agent
5 for this state to administer the program under section 49.688 of the statutes, as
6 created by this act. If the cochairpersons of the committee do not notify the secretary
7 of the department within 14 working days after the date of the department's
8 submittal that the committee intends to schedule a meeting to review the request,
9 the appropriation account shall be supplemented as provided in the request. If,
10 within 14 working days after the date of the department's submittal, the
11 cochairpersons of the committee notify the secretary of the department that the
12 committee intends to schedule a meeting to review the request, the appropriation
13 account shall be supplemented only as approved by the committee. Notwithstanding
14 section 13.101 (3) (a) 1. of the statutes, the committee is not required to find that an
15 emergency exists.

16 (2) FOOD PANTRY GRANT RULES. Not later than the first day of the 6th month
17 beginning after the effective date of this subsection, the department of health and
18 family services shall promulgate any rules necessary to implement the grant
19 program under section 46.766 of the statutes, as created by this act. Prior to
20 promulgating the rules, however, the department of health and family services shall
21 convene a committee to advise the department regarding the department's proposed
22 rules. The committee shall be composed of all of the following:

- 23 (a) One representative of an emergency food provider.
24 (b) One representative of a food bank.
25 (c) One representative of a community action agency.

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1 (d) One representative of a faith-based social services organization.

2 (e) One representative of the University of Wisconsin-Extension with
3 experience in hunger prevention policies.

4 (f) Two other persons with experience in hunger prevention and emergency food
5 distribution.

6 **SECTION 9130. Nonstatutory provisions; justice.**

7 (1) TRANSFER OF PUBLIC INTERVENOR EFFECTS.

8 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
9 liabilities of the department of natural resources that on October 1, 1997, were
10 primarily related to the functions of the public intervenor, as determined by the
11 secretary of administration, shall become the assets and liabilities of the department
12 of justice.

13 (b) *Tangible personal property.* On the effective date of this paragraph, all
14 tangible personal property, including records, of the department of natural resources
15 that on October 1, 1997, was primarily related to the functions of the public
16 intervenor, as determined by the secretary of administration, is transferred to the
17 department of justice.

18 (c) *Contracts.* All contracts entered into by the department of natural resources
19 in effect on the effective date of this paragraph that are primarily related to the
20 functions of the public intervenor, as determined by the secretary of administration,
21 remain in effect and are transferred to the department of justice. The department
22 of justice shall carry out any such contractual obligations unless modified or
23 rescinded by the department of justice to the extent allowed under the contract.

24 (d) *Rules and orders.* All rules promulgated by the department of natural
25 resources in effect on the effective date of this paragraph that are primarily related

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1 to the functions of the public intervenor, as determined by the secretary of
2 administration, remain in effect until their specified expiration dates or until
3 amended or repealed by the department of justice. All orders issued by the
4 department of natural resources in effect on the effective date of this paragraph that
5 are primarily related to the functions of the public intervenor, as determined by the
6 secretary of administration, remain in effect until their specified expiration dates or
7 until modified or rescinded by the department of justice.

8 (e) *Pending matters.* Any matter pending with the department of natural
9 resources on the effective date of this paragraph that is primarily related to the
10 functions of the public intervenor, as determined by the secretary of administration,
11 is transferred to the department of justice and all materials submitted to or actions
12 taken by the department of natural resources with respect to the pending matter are
13 considered as having been submitted to or taken by the department of justice.

SECTION 9139. Nonstatutory provisions; public instruction.

14 (1) FUNDING FOR ACHIEVEMENT GUARANTEE CONTRACT PROGRAM. Notwithstanding
15 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42
16 of the statutes for the purpose of the 2003-05 biennial budget bill, the department
17 of public instruction shall submit information concerning the appropriation under
18 section 20.255 (2) (cu) of the statutes, as affected by this act, as though the amount
19 of that appropriation in fiscal year 2002-03 had been increased by the amount
20 appropriated under section 20.255 (2) (cv) of the statutes in fiscal year 2002-03.

SECTION 9158. Nonstatutory provisions; other.

21 (1) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (26)
22 (c) 1. of the statutes, as created by this act, the initial members of the sentencing
23 commission shall be appointed for the following terms:
24
25

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1 (a) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
2 created by this act, one of whom is not employed by any unit of federal, state or local
3 government and one circuit judge, for terms expiring on January 1, 2001.

4 (b) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
5 created by this act, one of whom is not employed by any unit of federal, state or local
6 government, one district attorney and one circuit judge, for terms expiring on
7 January 1, 2002.

8 (c) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
9 created by this act, one representative of crime victims and one attorney in private
10 practice, for terms expiring on January 1, 2003.

11 (2) SENTENCING COMMISSION; POSITION AUTHORIZATION. There is authorized for the
12 sentencing commission 1.0 FTE GPR executive director position, 1.0 FTE GPR
13 deputy director position and 4.0 FTE GPR other positions to be funded from the
14 appropriation under section 20.505 (4) (dr) of the statutes, as created by this act.

15 (3) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing
16 commission created under section 973.30 of the statutes, as created by this act, are
17 appointed, the criminal penalties study committee shall provide information to
18 lawyers, judges, the legislature and the public regarding this act.

19 (4) COPIES OF THE MASTER SETTLEMENT AGREEMENT. The department of
20 administration shall provide a copy of the master settlement agreement to each
21 public library system, as defined in section 43.01 (5) of the statutes. “Master
22 settlement agreement” means the settlement agreement and related documents
23 entered into on November 23, 1998, by this state and the leading U.S. tobacco product
24 manufacturers.

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1 (5) ADMINISTRATIVE REGISTER. The revisor of statutes shall, within 60 days after
2 the effective date of this subsection, publish a copy of the master settlement
3 agreement in the Wisconsin Administrative Register. “Master settlement
4 agreement” means the settlement agreement and related documents entered into on
5 November 23, 1998, by this state and the leading U.S. tobacco product
6 manufacturers.

7 (6) EXCISE TAX PAID ON CIGARETTES; RULES.

8 (a) Using the procedure under section 227.24 of the statutes, the department
9 of revenue shall submit in proposed form the rules required under section 895.10 (4)
10 of the statutes, as created by this act, to the legislative council under section 227.15
11 (1) of the statutes no later than the first day of the 4th month beginning after the
12 effective date of this paragraph.

13 (b) Using the procedure under section 227.24 of the statutes, the department
14 of revenue may promulgate rules required under section 895.10 (4) of the statutes,
15 as created by this act, for the period before the effective date of the rules submitted
16 under paragraph (a), but not to exceed the period authorized under section 227.24
17 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b) and (3)
18 of the statutes, the department is not required to provide evidence that promulgating
19 a rule under this paragraph as an emergency rule is necessary for the preservation
20 of the public peace, health, safety or welfare and is not required to provide a finding
21 of emergency for a rule promulgated under this paragraph.

22 **SECTION 9201. Appropriation changes; administration.**

23 (1) ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS. In the schedule under
24 section 20.005 (3) of the statutes for the appropriation to the department of
25 administration under section 20.475 (1) (d) of the statutes, as affected by the acts of

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1 1999, the dollar amount is increased by \$998,100 for fiscal year 2000–01 to increase
2 the authorized FTE positions for the department of administration by 20.75 GPR
3 positions on July 1, 2000, for assistant district attorney positions as follows: 0.25
4 position for Adams County; 1.0 position for Burnett County; 0.25 position for
5 Chippewa County; 0.5 position for Columbia County; 2.5 positions for Dane County;
6 0.25 position for Jefferson County; 0.5 position for Kenosha County; 0.5 position for
7 LaCrosse County; 1.0 position for Manitowoc County; 1.0 position for Marathon
8 County; 7.0 positions for Milwaukee County; 0.5 position for Oneida County; 0.5
9 position for Outagamie County; 1.0 position for Polk County; 0.5 position for Portage
10 County; 0.75 position for Rock County; 1.0 position for Sauk County, to serve
11 Marquette and Sauk counties; 0.5 position for Sheboygan County; and 1.25 positions
12 for Winnebago County.

13 (2) CRIMINAL PENALTIES STUDY COMMITTEE. In the schedule under section 20.005
14 (3) of the statutes for the appropriation to the department of administration under
15 section 20.505 (3) (c) of the statutes, as affected by the acts of 1999, the dollar amount
16 is increased by \$112,500 for fiscal year 1999–00 to fund the activities of the criminal
17 penalties study committee created under 1997 Wisconsin Act 283, section 454 (1).

18 **SECTION 9204. Appropriation changes; agriculture, trade and**
19 **consumer protection.**

20 (1) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS. In the schedule
21 under section 20.005 (3) of the statutes for the appropriation to the department of
22 agriculture, trade and consumer protection under section 20.115 (1) (a) of the
23 statutes, as affected by the acts of 1999, the dollar amount is decreased by \$953,200
24 for fiscal year 2000–01 to decrease funding for the purpose for which the
25 appropriation is made.

SENATE BILL 357**1 SECTION 9223. Appropriation changes; health and family services.**

2 (1) BADGER CARE HEALTH CARE PROGRAM. In the schedule under section 20.005
3 (3) of the statutes for the appropriation to the department of health and family
4 services under section 20.435 (4) (bc) of the statutes, as affected by the acts of 1999,
5 the dollar amount is increased by \$1,658,200 for fiscal year 1999-00 and the dollar
6 amount is increased by \$11,589,000 for fiscal year 2000-01 for the badger care health
7 care program.

8 SECTION 9228. Appropriation changes; joint committee on finance.

9 (1) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY; ADMINISTRATION. In the schedule
10 under section 20.005 (3) of the statutes for the appropriation to the joint committee
11 on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1999,
12 the dollar amount is increased by \$1,000,000 for fiscal year 1999-00 and the dollar
13 amount is increased by \$1,000,000 for fiscal year 2000-01 to increase funding for
14 administration of the prescription drug assistance for elderly program under section
15 49.688 of the statutes, as created by this act.

16 SECTION 9230. Appropriation changes; justice.

17 (1) GAMING LAW ENFORCEMENT. In the schedule under section 20.005 (3) of the
18 statutes for the appropriation to the department of justice under section 20.455 (2)
19 (fm) of the statutes, as affected by the acts of 1999, the dollar amount is increased
20 by \$226,700 for fiscal year 2000-01 for gaming law enforcement activities.

21 (2) PUBLIC INTERVENOR. In the schedule under section 20.005 (3) of the statutes
22 for the appropriation to the department of justice under section 20.455 (1) (a) of the
23 statutes, as affected by the acts of 1999, the dollar amount is increased by \$241,400
24 for fiscal year 2000-01 to increase the authorized FTE positions for the department

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1 by 2.0 GPR attorney positions on the effective date of this subsection for the purposes
2 of the public intervenor.

3 (3) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS. In the schedule
4 under section 20.005 (3) of the statutes for the appropriation to the department of
5 justice under section 20.455 (1) (a) of the statutes, as affected by the acts of 1999, the
6 dollar amount is increased by \$953,200 for fiscal year 2000–01 to increase funding
7 for the purpose for which the appropriation is made.

8 **SECTION 9243. Appropriation changes; revenue.**

9 (1) GENERAL PROGRAM OPERATIONS OF THE LOTTERY. In the schedule under section
10 20.005 (3) of the statutes for the appropriation to the department of revenue under
11 section 20.566 (8) (a) of the statutes, as affected by the acts of 1999, the dollar amount
12 is increased by \$21,095,800 for fiscal year 2000–01 for conducting general program
13 operations of the lottery.

14 (2) LOTTERY AND GAMING CREDIT ADMINISTRATION. In the schedule under section
15 20.005 (3) of the statutes for the appropriation to the department of revenue under
16 section 20.566 (2) (am) of the statutes, as affected by the acts of 1999, the dollar
17 amount is increased by \$152,900 for fiscal year 2000–01 to administer the lottery and
18 gaming credit.

19 **SECTION 9311. Initial applicability; corrections.**

20 (1) YOUTH AIDS. The treatment of sections 20.410 (3) (ce) and (cf), 46.215 (2) (c)
21 3., 46.22 (1) (e) 3. c., 49.45 (6m) (br) 1. (with respect to the appropriation accounts
22 under section 20.410 (3) (ce) and (cf) of the statutes, as created by this act) and 301.26
23 (3) (c), (4) (a), (6) (a), (7) (a) (intro.) and (k), (7m) and (8) of the statutes first applies
24 to payments made by the department of corrections on January 1, 2001.

25 **SECTION 9323. Initial applicability; health and family services.**

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1 (1) COMMUNITY AIDS.

2 (a) The treatment of sections 20.435 (7) (ba) and (bb), 46.034 (3), 46.215 (2) (c)
3 1., 46.22 (1) (am) and (e) 3. a., 46.27 (11) (c) 3., 46.283 (5), 46.284 (5) (a), 46.40 (1) (a),
4 (2), (2g), (3) and (7m), 46.45 (3) (a) and (6), 46.495 (1) (am), (d) and (dc) and 51.423
5 (1), (2), (4) and (9) of the statutes and the amendment of section 46.45 (2) (a) of the
6 statute first apply to payments made by the department of health and family services
7 on January 1, 2001.

8 (b) The repeal and recreation of section 46.45 (2) (a) of the statutes first applies
9 to payments made by the department of health and family services on July 1, 2001.

10 **SECTION 9326. Initial applicability; insurance.**

11 (1) COVERAGE OF CHILDHOOD IMMUNIZATIONS. The treatment of sections 40.51 (8)
12 and (8m), 60.23 (25), 66.184, 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1)
13 (intro.), 609.88 and 632.895 (14) of the statutes first applies to all of the following:

14 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
15 that are issued or renewed, and self-insured health plans that are established,
16 extended, modified or renewed, on the effective date of this paragraph.

17 (b) Disability insurance policies covering employees who are affected by a
18 collective bargaining agreement containing provisions inconsistent with this act
19 that are issued or renewed on the earlier of the following:

20 1. The day on which the collective bargaining agreement expires.

21 2. The day on which the collective bargaining agreement is extended, modified
22 or renewed.

23 (c) Self-insured health plans covering employees who are affected by a collective
24 bargaining agreement containing provisions inconsistent with this act that are
25 established, extended, modified or renewed on the earlier of the following:

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1 1. The day on which the collective bargaining agreement expires.

2 2. The day on which the collective bargaining agreement is extended, modified
3 or renewed.

4 **SECTION 9350. Initial applicability; transportation.**

5 (1) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)
6 of the statutes first applies to offenses committed on the effective date of this
7 subsection.

8 **SECTION 9400. Effective dates; general.** Except as provided in SECTIONS
9 9401 to 9458 of this act, this act takes effect on the day after publication.

10 **SECTION 9401. Effective dates; administration.**

11 (1) DISTRICT ATTORNEY POSITION REALLOCATIONS. SECTION 9101 (1) of this act
12 takes effect on January 1, 2001.

13 **SECTION 9404. Effective dates; agriculture, trade and consumer**
14 **protection.**

15 (1) BOARD COMPOSITION. The treatment of section 15.13 of the statutes takes
16 effect on July 1, 2000.

17 (2) TRANSFER OF CERTAIN CONSUMER PROTECTION FUNCTIONS. The repeal of
18 sections 100.207 (6) (em) and 165.25 (4) (ar); the renumbering of section 100.207
19 (title) and (1) to (5); the renumber and amendment of sections 100.171, 100.173,
20 100.174, 100.175, 100.177, 100.205, 100.206, 100.207 (6) (b), (c), (e) and (f), 100.209,
21 100.28, 100.50 and 100.51; the amendment of sections 20.115 (1) (hm), 20.455 (1)
22 (hm), 60.23 (24), 100.178 (1) (c), 100.178 (4), 100.178 (7), 100.18 (8), 100.18 (11) (d),
23 100.182 (5) (a), 100.182 (5) (b), 100.2095 (6) (b), 100.2095 (6) (c), 100.21 (3) (a), 100.26
24 (1), 100.26 (6), 100.264 (2) (intro.), 100.264 (3), 134.71 (12), 134.95 (2), 134.95 (3),
25 134.99 (1), 136.03 (title), 136.03 (1) (intro.), 196.219 (3) (n), 344.576 (3) (a) 5., 344.576

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1 (3) (c), 344.579 (2) (intro.), 618.41 (6m), 631.01 (1) (b), 631.01 (4m), 632.18, 704.90 (11)
2 (title), 704.90 (11) (a), 704.90 (11) (b), 707.49 (4), 707.55 (10), 707.57 (2), 707.57 (3),
3 779.93 (title), 779.93 (1) and 779.93 (2) (intro.); and the creation 100.18 (11) (b) 1. of
4 the statutes by this act takes effect on July 1, 2000.

5 **SECTION 9407. Effective dates; building commission.**

6 (1) BUILDING COMMISSION. The repeal and recreation of section 20.866 (1) (u) of
7 the statutes takes effect on July 1, 2001.

8 **SECTION 9409. Effective dates; circuit courts.**

9 (1) COURT SUPPORT PAYMENTS. The treatment of sections 20.625 (1) (d) and
10 758.19 (5) (b) (intro.) and 1. of the statutes takes effect on January 1, 2001.

11 **SECTION 9411. Effective dates; corrections.**

12 (1) YOUTH AIDS. The treatment of sections 20.410 (3) (ce) and (cf), 46.215 (2) (c)
13 3., 46.22 (1) (e) 3. c. and 301.26 (3) (c), (4) (a), (6) (a), (7) (a) (intro.) and (k), (7m) and
14 (8) of the statutes takes effect on July 1, 2000.

15 **SECTION 9423. Effective dates; health and family services.**

16 (1) COMMUNITY AIDS.

17 (a) The treatment of sections 20.435 (7) (ba) and (bb), 46.034 (3), 46.215 (2) (c)
18 1., 46.22 (1) (am) and (e) 3. a., 46.27 (11) (c) 3., 46.283 (5), 46.284 (5) (a), 46.40 (1) (a),
19 (2), (2g), (3) and (7m), 46.45 (3) (a) and (6), 46.495 (1) (am), (d) and (dc) and 51.423
20 (1), (2), (4) and (9) of the statutes and the amendment of section 46.45 (2) (a) of the
21 statutes take effect on July 1, 2000.

22 (b) The repeal and recreation of section 46.45 (2) (a) of the statutes takes effect
23 on July 1, 2001.

24 **SECTION 9426. Effective dates; insurance.**

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1 (1) COVERAGE OF CHILDHOOD IMMUNIZATIONS. The treatment of sections 40.51 (8)
2 and (8m), 60.23 (25), 66.184, 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1)
3 (intro.), 609.88 and 632.895 (14) of the statutes and SECTION 9326 (1) of this act take
4 effect on the first day of the 6th month beginning after publication.

SECTION 9430. Effective dates; justice.

5 (1) PUBLIC INTERVENOR. The treatment of sections 18.13 (4g), 165.07, 165.075,
6 165.076 and 814.245 (2) (d) of the statutes and SECTION 9130 (1) of this act take effect
7 on July 1, 2000, or on the day after publication, whichever is later.
8

SECTION 9443. Effective dates; revenue.

9 (1) PAYMENTS FOR MUNICIPAL SERVICES. The treatment of section 20.835 (5) (a)
10 of the statutes takes effect on July 1, 2000.
11

SECTION 9450. Effective dates; transportation.

12 (1) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)
13 of the statutes and SECTION 9350 (1) of this act take effect on whichever of the
14 following dates is later:
15

16 (a) The day after publication.

17 (b) May 1, 2001, or the date stated in the notice published by the secretary of
18 transportation in the Wisconsin Administrative Register under section 85.515 of the
19 statutes, whichever is earlier.

20 (END)