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 $\begin{array}{c} LRB-4368/1\\ MGD; jld:rs \end{array}$ 

## 2005 ASSEMBLY BILL 989

February 7, 2006 – Introduced by Representatives Hahn, Ainsworth, Albers, Bies, Gronemus, Gunderson, Gundrum, Hines, Krawczyk, Musser, Nass, Ott, Owens, Petrowski, Towns, Townsend and Underheim, cosponsored by Senators S. Fitzgerald and Roessler. Referred to Committee on Judiciary.

1 AN ACT to amend 961.41 (3g) (d) of the statutes; relating to: the controlled

substance ecstasy and providing penalties.

## Analysis by the Legislative Reference Bureau

Current law prohibits a person from possessing or attempting to possess certain controlled substances. The penalties for violating this prohibition and how the violation is classified depend on the controlled substance involved and, for some controlled substances, the person's criminal record with respect to controlled substance offenses.

Under current law, a person who possesses or attempts to possess the controlled substance ecstasy (3,4-methylenedioxymethamphetamine,l commonly known as MDMA) is guilty of a misdemeanor and may be fined not more than \$500 or imprisoned in the county jail for not more than 30 days or both. This bill increases those penalties so that they are the same as the current penalties for possessing or attempting to possess LSD (lysergic acid diethylamide). Under the bill, if a person is convicted of possessing or attempting to possess ecstasy, the person is guilty of a misdemeanor and may be fined not more than \$5,000 or imprisoned in the county jail for not more than one year or both. But, if a person is convicted of possessing or attempting to possess ecstasy after being convicted of any state or federal controlled substance offense, the person is guilty of a Class I felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, consists of a term of confinement in prison followed by a term of extended supervision) or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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:

**SECTION 1.** 961.41 (3g) (d) of the statutes is amended to read:

961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person possesses or attempts to possess lysergic acid diethylamide, phencyclidine, 3,4-methylenedioxymethamphetamine, amphetamine, methcathinone, psilocin, or psilocybin, or a controlled substance analog of lysergic acid diethylamide. phencyclidine, 3,4-methylenedioxymethamphetamine, amphetamine, methcathinone, psilocin or psilocybin, the person may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

16 (END)