

1969 ASSEMBLY BILL 1023

July 17, 1969 — Introduced by Assemblyman BARBEE. Referred to
Committee on State Affairs.

1 AN ACT to repeal 161.275; and to amend 161.20 and 161.28 (1) and (2)
2 of the statutes, relating to repealing the prohibition against the
3 sale, use and possession of marijuana.

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5 Analysis by the Legislative Reference Bureau

6 Present law prohibits growing, cultivating, mixing, compounding,
7 having control of, preparing, possessing, prescribing, selling, giving
8 away, administering or dispensing marijuana or hemp for beverage or
9 smoking purposes. The use and possession of marijuana or hemp in
10 certain forms are also prohibited. The maximum penalty for use
11 and possession is 5 years' imprisonment. The maximum penalty for
12 an illegal sale of marijuana to a minor is 25 years' imprisonment
13 for a 1st offense.

14 This proposal repeals the above prohibitions on marijuana
15 possession or selling.

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

19 SECTION 1. 161.20 of the statutes is amended to read:

20 161.20 Any person violating any provision of this chapter,
21 except ~~sections s.~~ 161.02 and 161.275, shall upon conviction be
22 ~~punished by a fine~~ fined not exceeding \$1,000, or ~~by imprisonment~~

1 for imprisoned not exceeding 3 years or by both such fine and
2 ~~imprisonment~~ .

3 SECTION 2. 161.275 of the statutes is repealed.

4 SECTION 3. 161.28 (1) and (2) of the statutes are amended
5 to read:

6 161.28 (1) Any person who violates s. 161.02 (1) ~~or 161.275 (1)~~
7 shall be imprisoned not less than 2 nor more than 10 years. For
8 a 2nd offense or if, in case of a first conviction of violating
9 s. 161.02 (1) ~~or 161.275 (1)~~ such person had previously been
10 convicted of any violation of the laws of the United States or
11 of any state, territory or district thereof, relating to narcotic
12 drugs ~~or marijuana~~ , such person shall be imprisoned not less than
13 5 nor more than 10 years. For a 3rd or subsequent offense, or if
14 such person had previously been convicted 2 or more times in the
15 aggregate of any violation of the laws of the United States or
16 of any state, territory or district thereof, relating to narcotic
17 drugs ~~or marijuana~~ , such person shall be imprisoned not less than
18 10 nor more than 20 years. Except for a first offense sentence
19 shall not be withheld or its execution stayed pursuant to ch. 57,
20 and parole shall not be granted until the minimum imprisonment
21 provided for the offense has been served, less good time allowances
22 as provided in ss. 53.11 and 53.12.

23 (2) Any person making an illegal sale of narcotic drugs ~~or~~
24 ~~marijuana~~ to any person under the age of 21 years shall be im-
25 prisoned not less than 3 years nor more than 25 years. For a 2nd
26 conviction for such offense, such person shall be imprisoned for

1 not less than 20 years nor more than life. For a 3rd conviction
2 for such offense such person shall be imprisoned for life. Except
3 for a first offense, sentence shall not be withheld or its execution
4 stayed pursuant to ch. 57, and parole shall not be granted until
5 the minimum imprisonment provided for the offense has been served,
6 less good time allowances as provided in ss. 53.11 and 53.12.

7 (Lind)

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