



1999 ASSEMBLY BILL 465

September 14, 1999 - Introduced by Representatives GOETSCH and WALKER,
cosponsored by Senator GEORGE. Referred to Committee on Criminal Justice.

1 **AN ACT** *to repeal* 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),
2 939.615 (7) (c), 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64,
3 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.195
4 (6), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23
5 (1m), 943.23 (1r), 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5),
6 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6.,
7 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41
8 (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41 (3g) (a)
9 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48
10 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3.; **to**
11 **renumber** 351.07 (2) (a) and 961.49 (1); **to renumber and amend** 49.95 (1),
12 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm)
13 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 971.17 (1),
14 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d); **to amend** 6.18, 11.61 (1) (a),

ASSEMBLY BILL 465

1 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 15.01 (2), 23.33 (13) (cg),
2 26.14 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80
3 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d),
4 48.355 (2d) (b) 3., 48.415 (9m) (b) 2., 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (5)
5 (bm) 2., 48.685 (5) (bm) 3., 48.685 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2.,
6 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141
7 (10) (b), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49
8 (4) (b), 51.15 (12), 55.06 (11) (am), 66.4025 (1) (b), 66.4025 (1) (c), 69.24 (1)
9 (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7)
10 (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.94
11 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 110.07
12 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a), 125.085 (3) (a) 2., 125.105 (2)
13 (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2),
14 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44
15 (1m), 139.44 (2), 139.44 (8) (c), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5),
16 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9)
17 (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6)
18 (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2),
19 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.),
20 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.035 (2), 301.035 (4), 301.26 (4) (cm)
21 1., 302.095 (2), 302.11 (1g) (a) 2., 302.11 (1p), 302.113 (2), 302.113 (7), 302.113
22 (9), 302.114 (5) (f), 302.114 (6) (b), 302.114 (6) (c), 302.114 (9), 302.33 (1), 303.065
23 (1) (b) 1., 303.08 (1) (intro.), 303.08 (2), 303.08 (5) (intro.), 303.08 (6), 303.08 (12),
24 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4)
25 (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.31 (1) (i), 343.31 (3) (d) (intro.),

ASSEMBLY BILL 465

1 343.44 (2) (b) (intro.), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c),
2 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c),
3 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5),
4 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11
5 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13
6 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
7 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 768.07, 783.07, 801.50 (5),
8 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b)
9 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1)
10 (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e),
11 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m.
12 a., 939.62 (2m) (a) 2m. b., 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1),
13 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4),
14 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10
15 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6),
16 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4),
17 940.195 (5), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3),
18 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2)
19 (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21,
20 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23
21 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b)
22 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3)
23 (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b)
24 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2)
25 (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.),

ASSEMBLY BILL 465

1 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.),
2 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26
3 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3),
4 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1),
5 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325,
6 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327
7 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01
8 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2),
9 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017 (2m) (b) (intro.),
10 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2), 943.10 (1)
11 (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3) (c),
12 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
13 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (1g), 943.23 (2), 943.23 (3),
14 943.23 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25 (2) (intro.),
15 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2),
16 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2),
17 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39
18 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8)
19 (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c),
20 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50 (4) (a), 943.50 (4) (b), 943.50
21 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c),
22 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3)
23 (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 (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.), 946.03

ASSEMBLY BILL 465

1 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.), 946.12
2 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.),
3 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.),
4 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (intro.), 946.44 (1) (intro.),
5 946.44 (1g), 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2),
6 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a),
7 946.68 (1r) (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74
8 (2), 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013
9 (1x) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03
10 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b),
11 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a),
12 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2) (intro.),
13 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21 (1),
14 948.22 (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),

ASSEMBLY BILL 465

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), 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2.,
15 973.032 (4) (c) 2., 973.075 (1) (b) 1m. e., 973.075 (2) (d), 973.09 (2) (b) 1., 977.06
16 (2) (b) and 978.13 (1) (c); ***to repeal and recreate*** 944.15 (title); ***to create***
17 15.105 (26), 19.42 (10) (o), 19.42 (13) (n), 20.505 (4) (dr), 20.505 (4) (mr), 20.923
18 (4) (b) 7., 20.923 (6) (hr), 49.95 (1) (e) and (f), 125.075 (2) (b), 227.01 (13) (sm),
19 230.08 (2) (L) 6., 230.08 (2) (of), 302.113 (7m), 302.113 (8m), 302.113 (9) (am),
20 302.113 (9) (d), 302.113 (9g), 302.114 (8m), 302.114 (9) (d), 346.04 (2t), 346.04
21 (4), 346.17 (2t), 801.50 (5c), 939.32 (1) (bm), 939.32 (1g), 939.32 (1m), 939.32 (2)
22 (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1)
23 (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20
24 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h),
25 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1)

ASSEMBLY BILL 465

1 (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5.,
2 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.41 (3g) (b) (title),
3 961.48 (1) (a) and (b), 971.17 (1) (b), 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2)
4 (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6.,
5 973.017, 973.15 (2) (am), 973.30 and 977.05 (4) (jm) of the statutes; and *to*
6 *affect* 1997 Wisconsin Act 283, section 454 (1) (f) and 1997 Wisconsin Act 283,
7 section 454 (2); **relating to:** classification and elements of felony offenses and
8 certain misdemeanor offenses; modification of a bifurcated sentence in certain
9 cases; revocation of extended supervision; the creation of a sentencing
10 commission and temporary sentencing guidelines; making an appropriation;
11 and providing penalties.

Analysis by the Legislative Reference Bureau

1997 Wisconsin Act 283 (often called the “truth in sentencing” act) changed felony penalties and created a new structure for sentences for felony offenses. 1997 Wisconsin Act 283 also created a criminal 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 must include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

This bill is the proposed legislation necessary to implement the recommendations made by the committee. The rest of this analysis contains a general description of current law, the changes made to current law by 1997 Wisconsin Act 283, and some of the most significant changes recommended by the committee and incorporated into this bill. For further information, see the August 31, 1999, report of the criminal penalties study committee, which contains all of the committee’s recommendations and the committee’s explanation of and rationale for those recommendations.

Felony penalties

Current law provides various penalties for felonies, which are crimes punishable by imprisonment of more than one year. Virtually every felony created in the criminal code is put in one of six classes (Class A, B, BC, C, D or E) and each class has 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:

ASSEMBLY BILL 465

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 that are 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 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 December 31, 1999:

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

ASSEMBLY BILL 465

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, item 1 under *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 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*).

ASSEMBLY BILL 465

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 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 under current law 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

ASSEMBLY BILL 465

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 commits 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 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

ASSEMBLY BILL 465

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 the department of corrections (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 does for the current 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:

<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

ASSEMBLY BILL 465

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 (a current law sentence), the court must specify all of the following: 1) whether the confinement in prison portion of the bifurcated sentence is to run concurrent with or consecutively to the imprisonment portion of the current law sentence; and 2) whether the period of parole under the current law sentence is to run concurrent with or consecutively to the term of extended supervision portion of the bifurcated sentence. The court must also make the same specifications when imposing a current law 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 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

ASSEMBLY BILL 465

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 who is sentencing 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

ASSEMBLY BILL 465

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.

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. 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.

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,

ASSEMBLY BILL 465

SECTION 1

1 the applicant shall specify the applicant’s eligibility for only the presidential ballot.
2 The application form shall require the following information and be in substantially
3 the following form:

4 This blank shall be returned to the municipal clerk’s office. Application must
5 be received in sufficient time for ballots to be mailed and returned prior to any
6 presidential election at which applicant wishes to vote. Complete all statements in
7 full.

8 APPLICATION FOR PRESIDENTIAL
9 ELECTOR’S ABSENT BALLOT.

10 (To be voted at the Presidential Election
11 on November, (year)

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

21 Signed

22 Address(Present address)
23(City)(State)

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

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

ASSEMBLY BILL 465**SECTION 3**

1 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
2 ~~more than 4 years and 6 months or both.~~

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

5 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),
6 (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not~~
7 ~~more than 4 years and 6 months or both~~ is guilty of a Class I felony.

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

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

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

24 **13.06 Executive favor.** Any member of the legislature who gives, offers or
25 promises to give his or her vote or influence in favor of or against any measure or

ASSEMBLY BILL 465

1 proposition pending or proposed to be introduced in the legislature, or that has
2 already been passed by either house of the legislature, in consideration of or on
3 condition that the governor approve, disapprove, veto or sign, or agree to approve,
4 disapprove, veto or sign, any other measure or proposition pending or proposed to be
5 introduced in the legislature or that has already been passed by the legislature, or
6 either house thereof, or in consideration or upon condition that the governor
7 nominate for appointment or appoint or remove any person to or from any office or
8 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
9 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
10 of a Class I felony.

11 **SECTION 7.** 13.69 (6m) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 13.69 **(6m)** Any principal, lobbyist or other individual acting on behalf of a
14 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
15 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~
16 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
17 felony.

18 **SECTION 8.** 15.01 (2) of the statutes is amended to read:

19 15.01 **(2)** "Commission" means a 3-member governing body in charge of a
20 department or independent agency or of a division or other subunit within a
21 department, except for the Wisconsin waterways commission which shall consist of
22 5 members, the parole commission which shall consist of 6 members and the Fox
23 river management commission which shall consist of 7 members. A Wisconsin group
24 created for participation in a continuing interstate body, or the interstate body itself,
25 shall be known as a "commission", but is not a commission for purposes of s. 15.06.

ASSEMBLY BILL 465**SECTION 8**

1 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
2 but is not a commission for purposes of s. 15.06. The sentencing commission created
3 under s. 15.105 (26) shall be known as a “commission” but is not a commission for
4 purposes of s. 15.06 (1) to (4m), (7) and (9).

5 **SECTION 9.** 15.105 (26) of the statutes is created to read:

6 15.105 **(26)** SENTENCING COMMISSION. (a) *Creation; membership.* There is
7 created a sentencing commission which is attached to the department of
8 administration under s. 15.03 and which shall consist of the following members:

9 1. The attorney general or his or her designee.

10 2. The state public defender or his or her designee.

11 3. Seven members, at least 2 of whom are not employed by any unit of federal,
12 state or local government, appointed by the governor.

13 4. One majority party member from each house of the legislature, appointed
14 as are the members of standing committees in their respective houses.

15 5. One member appointed by the senate majority leader or, if the senate
16 majority leader and the governor are members of the same political party, by the
17 senate minority leader.

18 6. Two circuit judges, appointed by the supreme court.

19 7. One representative of crime victims and one district attorney, each appointed
20 by the attorney general.

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

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

ASSEMBLY BILL 465**SECTION 9**

1 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
2 3. and 5. to 8. shall serve 3-year terms and are eligible for reappointment.

3 2. The term of a circuit judge appointed under par. (a) 6. shall end when such
4 person ceases to be a circuit judge. The term of a district attorney appointed under
5 par. (a) 7. shall end when such person ceases to be a district attorney.

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

9 (e) *Reimbursement and compensation.* Members of the commission shall be
10 reimbursed for their actual and necessary expenses incurred in the performance of
11 their duties. An officer or employe of the state shall be reimbursed by the agency that
12 pays the member's salary. Members who are full-time state officers or employes
13 shall receive no compensation for their services. Other members shall be paid \$25
14 per day, in addition to their actual and necessary expenses, for each day on which
15 they are actually and necessarily engaged in the performance of their duties.

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

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

18 19.42 (10) (o) A member, the executive director or the deputy director of the
19 sentencing commission.

20 **SECTION 11.** 19.42 (13) (n) of the statutes is created to read:

21 19.42 (13) (n) The position of member, executive director or deputy director of
22 the sentencing commission.

23 **SECTION 12.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
24 insert the following amounts for the purposes indicated:

ASSEMBLY BILL 465

1999-00 2000-01

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20.505 Administration, department of

(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND
COMMISSIONS

(dr) Sentencing commission GPR A 415,000 380,000

SECTION 13. 20.505 (4) (dr) of the statutes is created to read:

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

SECTION 14. 20.505 (4) (mr) of the statutes is created to read:

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

SECTION 15. 20.923 (4) (b) 7. of the statutes is created to read:

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

SECTION 16. 20.923 (6) (hr) of the statutes is created to read:

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

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

23.33 (13) (cg) *Penalties related to causing death or injury; interference with signs and standards.* A person who violates sub. (8) (f) 1. ~~shall be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony

ASSEMBLY BILL 465

1 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
2 person.

3 **SECTION 18.** 26.14 (8) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 26.14 (8) Any person who intentionally sets fire to the land of another or to a
6 marsh shall be ~~fined not more than \$10,000 or imprisoned for not more than 7 years~~
7 ~~and 6 months or both~~ is guilty of a Class H felony.

8 **SECTION 19.** 29.971 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is amended to read:

10 29.971 (1) (c) ~~For~~ A person having fish in his or her possession in violation of
11 this chapter ~~and is guilty of a Class I felony if the value of the fish under par. (d)~~
12 ~~exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than~~
13 ~~3 years or both.~~

14 **SECTION 20.** 29.971 (1m) (c) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 29.971 (1m) (c) ~~For~~ A person possessing clams in violation of s. 29.537, is guilty
17 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine~~
18 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

19 **SECTION 21.** 29.971 (11m) (a) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
22 possessing a bear without a valid Class A bear license, or for possessing a bear which
23 does not have a carcass tag attached or possessing a bear during the closed season,
24 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
25 more than 6 months or both for the first violation, or by a fine of not more than ~~\$5,000~~

ASSEMBLY BILL 465**SECTION 21**

1 \$10,000 or imprisonment for not more than ~~2 years~~ 9 months or both for any
2 subsequent violation, and, in addition, the court shall revoke all hunting approvals
3 issued to the person under this chapter and shall prohibit the issuance of any new
4 hunting approval under this chapter to the person for 3 years.

5 **SECTION 22.** 29.971 (11p) (a) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 29.971 **(11p)** (a) For entering the den of a hibernating black bear and harming
8 the bear, by a fine of not more than \$10,000 or imprisonment for not more than ~~2~~
9 years 9 months or both.

10 **SECTION 23.** 30.80 (2g) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 30.80 **(2g)** (b) Shall be fined not ~~less than \$300 nor more than \$5,000~~ \$10,000
13 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
14 injury to a person but the person did not suffer great bodily harm.

15 **SECTION 24.** 30.80 (2g) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 30.80 **(2g)** (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
18 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
19 person and the person suffered great bodily harm.

20 **SECTION 25.** 30.80 (2g) (d) of the statutes, as affected by 1997 Wisconsin Act
21 283, is amended to read:

22 30.80 **(2g)** (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
23 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
24 death to a person.

ASSEMBLY BILL 465

1 **SECTION 26.** 30.80 (3m) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

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

6 **SECTION 27.** 36.25 (6) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

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

16 **SECTION 28.** 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 29.** 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,

ASSEMBLY BILL 465**SECTION 29**

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 30.** 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 31.** 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 32.** 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.

ASSEMBLY BILL 465

1 **SECTION 33.** 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 34.** 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 35.** 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 36.** 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 37.** 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 38.** 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

ASSEMBLY BILL 465**SECTION 38**

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 39.** 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 40.** 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 41.** 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.~~

ASSEMBLY BILL 465

1 **SECTION 42.** 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 43.** 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 44.** 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

ASSEMBLY BILL 465**SECTION 44**

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

3 **SECTION 45.** 49.49 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
4 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 46.** 49.49 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
17 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

ASSEMBLY BILL 465

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 47.** 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 48.** 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 49.** 49.49 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
23 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

ASSEMBLY BILL 465**SECTION 49**

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 50.** 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is renumbered 49.95 (1) (intro.) and amended to read:

5 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
6 this chapter, whether for himself or herself or for some other person, wilfully makes
7 any false representations ~~may, if~~ is subject to the following penalties:

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

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

13 (c) If the value of the assistance exceeds \$1,000 but does not exceed \$2,500,
14 \$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not
15 more than 7 years and 6 9 months or both; and if,

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

19 **SECTION 51.** 49.95 (1) (e) and (f) of the statutes are created to read:

20 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
21 \$10,000, the person is guilty of a Class H felony.

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

24 **SECTION 52.** 51.15 (12) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

ASSEMBLY BILL 465

1 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
2 knowing the information contained therein to be false ~~may be fined not more than~~
3 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
4 Class H felony.

5 **SECTION 53.** 55.06 (11) (am) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

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

11 **SECTION 54.** 66.4025 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 66.4025 (1) (b) Any person who secures or assists in securing dwelling
14 accommodations under s. 66.402 by intentionally making false representations in
15 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
16 which the person would not otherwise be entitled ~~shall be fined not more than~~
17 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

18 **SECTION 55.** 66.4025 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

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

ASSEMBLY BILL 465**SECTION 56**

1 **SECTION 56.** 69.24 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

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

6 **SECTION 57.** 70.47 (18) (a) of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

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

12 **SECTION 58.** 71.83 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 71.83 (2) (b) *Felony*. 1. ‘False income tax return; fraud.’ Any person, other than
15 a corporation or limited liability company, who renders a false or fraudulent income
16 tax return with intent to defeat or evade any assessment required by this chapter
17 ~~shall be~~ is guilty of a Class H felony and ~~may be fined not more than \$10,000 or~~
18 ~~imprisoned for not more than 7 years and 6 months or both, together with assessed~~
19 the cost of prosecution. In this subdivision, “return” includes a separate return filed
20 by a spouse with respect to a taxable year for which a joint return is filed under s.
21 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by
22 the spouses with respect to a taxable year for which a separate return is filed under
23 s. 71.03 (2) (m) after the filing of that joint return.

24 2. ‘Officer of a corporation; false franchise or income tax return.’ Any officer
25 of a corporation or manager of a limited liability company required by law to make,

ASSEMBLY BILL 465

1 render, sign or verify any franchise or income tax return, who makes any false or
2 fraudulent franchise or income tax return, with intent to defeat or evade any
3 assessment required by this chapter shall be is guilty of a Class H felony and may
4 be ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
5 ~~or both, together with~~ assessed the cost of prosecution.

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

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

20 **SECTION 59.** 86.192 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 86.192 (4) Any person who violates this section ~~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 injury, defacement or removal causes the death of a person.

ASSEMBLY BILL 465**SECTION 60**

1 **SECTION 60.** 97.43 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 97.43 (4) Whoever violates this section ~~may be fined not less than \$500 nor~~
4 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
5 guilty of a Class H felony.

6 **SECTION 61.** 97.45 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor~~
9 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
10 guilty of a Class H felony.

11 **SECTION 62.** 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 63.** 100.2095 (6) (d) of the statutes is amended to read:

18 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less
19 ~~than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more than ~~one year~~
20 9 months or both. Each day of violation constitutes a separate offense.

21 **SECTION 64.** 100.26 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 100.26 (2) Any person violating s. 100.02 ~~shall be fined not less than \$50 nor~~
24 ~~more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and~~
25 ~~6 months or both~~ is guilty of a Class I felony.

ASSEMBLY BILL 465

1 **SECTION 65.** 100.26 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 100.26 **(5)** Any person violating s. 100.06 or any order or regulation of the
4 department thereunder, or s. 100.18 (9), ~~shall may be fined not less than \$100 nor~~
5 ~~more than \$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.
6 Each day of violation constitutes a separate offense.

7 **SECTION 66.** 100.26 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is amended to read:

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

14 **SECTION 67.** 101.143 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

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

20 **SECTION 68.** 101.94 (8) (b) of the statutes, as affected by 1997 Wisconsin Act
21 283, is amended to read:

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

ASSEMBLY BILL 465**SECTION 69**

1 **SECTION 69.** 102.835 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 102.835 **(11)** EVASION. Any person who removes, deposits or conceals or aids in
4 removing, depositing or concealing any property upon which a levy is authorized
5 under this section with intent to evade or defeat the assessment or collection of any
6 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
7 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
8 costs of prosecution.

9 **SECTION 70.** 102.835 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

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

17 **SECTION 71.** 102.85 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 102.85 **(3)** An employer who violates an order to cease operations under s.
20 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3~~
21 ~~years or both~~ is guilty of a Class I felony.

22 **SECTION 72.** 108.225 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is amended to read:

24 108.225 **(11)** EVASION. Any person who removes, deposits or conceals or aids in
25 removing, depositing or concealing any property upon which a levy is authorized

ASSEMBLY BILL 465

1 under this section with intent to evade or defeat the assessment or collection of any
2 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
3 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
4 costs of prosecution.

5 **SECTION 73.** 108.225 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

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

13 **SECTION 74.** 110.07 (5) (a) of the statutes is amended to read:

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

17 **SECTION 75.** 114.20 (18) (c) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 114.20 (18) (c) Any person who knowingly makes a false statement in any
20 application or in any other document required to be filed with the department, or who
21 knowingly foregoes the submission of any application, document, or any registration
22 certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more~~
23 ~~than 7 years and 6 months or both~~ is guilty of a Class H felony.

24 **SECTION 76.** 115.31 (2g) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 76**

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 77.** 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 78.** 125.075 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
15 is renumbered 125.075 (2) (a) and amended to read:

16 125.075 (2) (a) ~~Whoever violates sub. (1) may 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 if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

19 **SECTION 79.** 125.075 (2) (b) of the statutes is created to read:

20 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
21 underage person dies.

22 **SECTION 80.** 125.085 (3) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

ASSEMBLY BILL 465

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

4 **SECTION 81.** 125.105 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

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

9 **SECTION 82.** 125.66 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 125.66 (3) Any person manufacturing or rectifying intoxicating liquor without
12 holding appropriate permits under this chapter, or any person who sells such liquor,
13 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or~~
14 ~~both. Second or subsequent convictions shall be punished by both the fine and~~
15 ~~imprisonment~~ is guilty of a Class F felony.

16 **SECTION 83.** 125.68 (12) (b) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor~~
19 ~~more than \$5,000 or imprisoned for not less than one year nor more than 15 years~~
20 ~~or both~~ is guilty of a Class F felony.

21 **SECTION 84.** 125.68 (12) (c) of the statutes, as affected by 1997 Wisconsin Act
22 283, is amended to read:

23 125.68 (12) (c) Any person causing the death of another human being through
24 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol

ASSEMBLY BILL 465**SECTION 84**

1 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
2 ~~for not more than 15 years~~ is guilty of a Class E felony.

3 **SECTION 85.** 132.20 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
6 in this state in a counterfeit mark or in any goods or service bearing or provided
7 under a counterfeit mark ~~shall~~ is guilty of a Class H felony, except that,
8 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
9 individual, he or she may be fined not more than \$250,000 ~~or imprisoned for not more~~
10 ~~than 7 years and 6 months or both, or, and~~ if the person is not an individual, the
11 person may be fined not more than \$1,000,000.

12 **SECTION 86.** 133.03 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

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

21 **SECTION 87.** 133.03 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
24 combines or conspires with any other person or persons to monopolize any part of
25 trade or commerce is guilty of a Class H felony, except that, notwithstanding the

ASSEMBLY BILL 465

1 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
2 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
3 or imprisoned for not more than 7 years and 6 months or both.

4 **SECTION 88.** 134.05 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~
7 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~
8 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
9 9 months or both.

10 **SECTION 89.** 134.16 of the statutes, as affected by 1997 Wisconsin Act 283, is
11 amended to read:

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

24 **SECTION 90.** 134.20 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
25 Act 283, is amended to read:

ASSEMBLY BILL 465**SECTION 90**

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

4 **SECTION 91.** 134.205 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

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

10 **SECTION 92.** 134.58 of the statutes, as affected by 1997 Wisconsin Act 283, is
11 amended to read:

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

19 **SECTION 93.** 139.44 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
22 any stamp or procures or causes the same to be done, or who knowingly utters,
23 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
24 affixes the same to any package or container of cigarettes, or who possesses with the
25 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps

ASSEMBLY BILL 465

1 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
2 years is guilty of a Class G felony.

3 **SECTION 94.** 139.44 (1m) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
6 meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than~~
7 ~~one year nor more than 15 years~~ is guilty of a Class G felony.

8 **SECTION 95.** 139.44 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is amended to read:

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

15 **SECTION 96.** 139.44 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than~~
18 ~~\$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a
19 Class I felony.

20 **SECTION 97.** 139.95 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 139.95 (2) A dealer who possesses a schedule I controlled substance or schedule
23 II controlled substance that does not bear evidence that the tax under s. 139.88 has
24 been paid ~~may be fined not more than \$10,000 or imprisoned for not more than 7~~
25 years ~~and 6 months or both~~ is guilty of a Class H felony.

ASSEMBLY BILL 465**SECTION 98**

1 **SECTION 98.** 139.95 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 139.95 (3) 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 a counterfeit stamp to a schedule I controlled substance or schedule II
7 controlled substance or who possesses a schedule I controlled substance or schedule
8 II controlled substance to which a false, altered or counterfeit stamp is affixed ~~may~~
9 ~~be fined not more than \$10,000 or imprisoned for not less than one year nor more~~
10 ~~than 15 years or both~~ is guilty of a Class F felony.

11 **SECTION 99.** 146.345 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 146.345 (3) Any person who violates this section is guilty of a Class H felony,
14 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
15 person may be fined not more than \$50,000 or imprisoned for not more than 7 years
16 and 6 months or both.

17 **SECTION 100.** 146.35 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~
20 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
21 felony.

22 **SECTION 101.** 146.60 (9) (am) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

ASSEMBLY BILL 465

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

4 **SECTION 102.** 146.70 (10) (a) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

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

12 **SECTION 103.** 154.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 154.15 (2) Any person who, with the intent to cause a withholding or
15 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
16 the declarant, illegally falsifies or forges the declaration of another or conceals a
17 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
18 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~
19 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
20 felony.

21 **SECTION 104.** 154.29 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 154.29 (2) Any person who, with the intent to cause the withholding or
24 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
25 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation

ASSEMBLY BILL 465

1 under s. 154.21 of a do-not-resuscitate order or any responsible person who
2 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~
3 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
4 felony.

5 **SECTION 105.** 166.20 (11) (b) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
8 release of a hazardous substance covered under 42 USC 11004 as required under sub.
9 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall~~ is subject to the following
10 penalties:

11 1. For the first offense, the person is guilty of a Class I felony, except that,
12 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
13 ~~fined not less than \$100 nor more than \$25,000 or imprisoned for not more than 3~~
14 ~~years or both.~~

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

19 **SECTION 106.** 167.10 (9) (g) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
22 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~
23 ~~than 15 years or both~~ is guilty of a Class G felony.

24 **SECTION 107.** 175.20 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

ASSEMBLY BILL 465

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

6 **SECTION 108.** 180.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
9 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

10 **SECTION 109.** 181.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more~~
13 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
14 felony.

15 **SECTION 110.** 185.825 of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 **185.825 Penalty for false document.** Whoever causes a document to be
18 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
19 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
20 Class I felony.

21 **SECTION 111.** 200.09 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 200.09 (2) Every director, president, secretary or other official or agent of any
24 public service corporation, who shall practice fraud or knowingly make any false
25 statement to secure a certificate of authority to issue any security, or issue under a

ASSEMBLY BILL 465**SECTION 111**

1 certificate so obtained and with knowledge of such fraud, or false statement, or
2 negotiate, or cause to be negotiated, any security, in violation of this chapter, shall
3 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
4 ~~15 years or both~~ is guilty of a Class I felony.

5 **SECTION 112.** 214.93 of the statutes, as affected by 1997 Wisconsin Act 283, is
6 amended to read:

7 **214.93 False statements.** A person may not knowingly make, cause, or allow
8 another person to make or cause to be made, a false statement, under oath if required
9 by this chapter or on any report or statement required by the division or by this
10 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
11 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

12 **SECTION 113.** 215.02 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any
15 debtor of any association or any information about the private account or
16 transactions of such association, discloses any fact obtained in the course of any
17 examination of any association, or discloses examination or other confidential
18 information obtained from any state or federal regulatory authority, including an
19 authority of this state or another state, for financial institutions, mortgage bankers,
20 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
21 I felony and shall forfeit his or her office or position ~~and may be fined not less than~~
22 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~
23 ~~3 years or both.~~

24 **SECTION 114.** 215.12 of the statutes, as affected by 1997 Wisconsin Act 283, is
25 amended to read:

ASSEMBLY BILL 465

1 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
2 director, employe or agent of any association who steals, abstracts, or wilfully
3 misapplies any property of the association, whether owned by it or held in trust, or
4 who, without authority, issues or puts forth any certificate of savings accounts,
5 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
6 in any book, record, report or statement of the association with intent to injure or
7 defraud the association or any person or corporation, or to deceive any officer or
8 director of the association, or any other person, or any agent appointed to examine
9 the affairs of such association, or any person who, with like intent, aids or abets any
10 officer, director, employe or agent in the violation of this section, ~~shall be imprisoned~~
11 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

12 **SECTION 115.** 215.21 (21) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 **215.21 (21) PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS.** Every officer,
15 director, employe or agent of any association, or any appraiser making appraisals for
16 any association, who accepts or receives, or offers or agrees to accept or receive
17 anything of value in consideration of its loaning any money to any person; or any
18 person who offers, gives, presents or agrees to give or present anything of value to
19 any officer, director, employe or agent of any association or to any appraiser making
20 appraisals for any association in consideration of its loaning money to the person,
21 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~
22 ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this
23 subsection prohibits an association from employing an officer, employe or agent to
24 solicit mortgage loans and to pay the officer, employe or agent on a fee basis.

ASSEMBLY BILL 465**SECTION 116**

1 **SECTION 116.** 218.21 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 218.21 (7) Any person who knowingly makes a false statement in an
4 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
5 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
6 Class H felony.

7 **SECTION 117.** 220.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is amended to read:

9 220.06 (2) If any employe in the division or any member of the banking review
10 board or any employe thereof discloses the name of any debtor of any bank or
11 licensee, or anything relative to the private account or transactions of such bank or
12 licensee, or any fact obtained in the course of any examination of any bank or
13 licensee, except as herein provided, that person is guilty of a Class I felony and shall
14 be subject, upon conviction, to forfeiture of office or position ~~and may be fined not less~~
15 ~~than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more~~
16 ~~than 3 years or both.~~

17 **SECTION 118.** 221.0625 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
18 Act 283, is amended to read:

19 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation
20 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~
21 ~~not more than 15 years~~ is guilty of a Class F felony:

22 **SECTION 119.** 221.0636 (2) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

24 221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~
25 ~~not more than 30 years~~ is guilty of a Class H felony.

ASSEMBLY BILL 465

1 **SECTION 120.** 221.0637 (2) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

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

6 **SECTION 121.** 221.1004 (2) of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
9 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
10 ~~than 15 years or both~~ is guilty of a Class F felony.

11 **SECTION 122.** 227.01 (13) (sm) of the statutes is created to read:

12 227.01 (13) (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

13 **SECTION 123.** 230.08 (2) (L) 6. of the statutes is created to read:

14 230.08 (2) (L) 6. Sentencing commission.

15 **SECTION 124.** 230.08 (2) (of) of the statutes is created to read:

16 230.08 (2) (of) The executive director of the sentencing commission.

17 **SECTION 125.** 253.06 (4) (b) of the statutes is amended to read:

18 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
19 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both,~~ is guilty
20 of a Class I felony for the first offense and ~~may be fined not more than \$10,000 or~~
21 ~~imprisoned for not more than 7 years and 6 months, or both,~~ is guilty of a Class H
22 felony for the 2nd or subsequent offense.

23 **SECTION 126.** 285.87 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

ASSEMBLY BILL 465**SECTION 126**

1 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
2 another conviction under par. (a), the person shall is guilty of a Class I felony, except
3 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may
4 be fined not more than \$50,000 per day of violation ~~or imprisoned for not more than~~
5 ~~3 years or both.~~

6 **SECTION 127.** 291.97 (2) (b) (intro.) of the statutes, as affected by 1997
7 Wisconsin Act 283, is amended to read:

8 291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall
9 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
10 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 ~~nor more than~~
11 \$100,000 ~~or imprisoned for not more than 7 years and 6 months or both:~~

12 **SECTION 128.** 291.97 (2) (c) 1. and 2. of the statutes, as affected by 1997
13 Wisconsin Act 283, are amended to read:

14 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall
15 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
16 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 ~~nor more than \$50,000~~
17 ~~or imprisoned for not more than 2 years or both.~~

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

22 **SECTION 129.** 299.53 (4) (c) 2. of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

24 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
25 representation in complying with sub. (2) (a) shall be fined not more than \$25,000

ASSEMBLY BILL 465

1 or imprisoned for not more than one year in the county jail or both. For a 2nd or
2 subsequent violation, the person shall is guilty of a Class I felony, except that,
3 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
4 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

5 **SECTION 130.** 301.035 (2) of the statutes is amended to read:

6 301.035 (2) Assign hearing examiners from the division to preside over
7 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
8 (2) and ch. 304.

9 **SECTION 131.** 301.035 (4) of the statutes is amended to read:

10 301.035 (4) Supervise employes in the conduct of the activities of the division
11 and be the administrative reviewing authority for decisions of the division under ss.
12 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
13 ch. 304.

14 **SECTION 132.** 301.26 (4) (cm) 1. of the statutes is amended to read:

15 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
16 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
17 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile
18 correctional institutions, secured child caring institutions, as defined in s. 938.02
19 (15g), alternate care providers, aftercare supervision providers and corrective
20 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
21 care of any juvenile 14 years of age or over who has been placed in a juvenile
22 correctional facility based on a delinquent act that is a violation of s. 943.23 (1m) or
23 (1r), 1997 stats., s. 948.35, 1997 stats., or s. 948.36, 1997 stats., or s. 939.31, 939.32
24 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
25 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, (1) or 948.30 (2), 948.35

ASSEMBLY BILL 465**SECTION 132**

1 ~~(1) (b) or 948.36~~ and for the care of any juvenile 10 years of age or over who has been
2 placed in a juvenile correctional institution or a secured child caring institution for
3 attempting or committing a violation of s. 940.01 or for committing a violation of s.
4 940.02 or 940.05.

5 **SECTION 133.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 302.095 (2) Any officer or other person who delivers or procures to be delivered
8 or has in his or her possession with intent to deliver to any inmate confined in a jail
9 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
10 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
11 prison, any article or thing whatever, with intent that any inmate confined in the jail
12 or prison shall obtain or receive the same, or who receives from any inmate any
13 article or thing whatever with intent to convey the same out of a jail or prison,
14 contrary to the rules or regulations and without the knowledge or permission of the
15 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
16 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~
17 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

18 **SECTION 134.** 302.11 (1g) (a) 2. of the statutes is amended to read:

19 302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m),
20 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., or s. 940.02,
21 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
22 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) or (1m), 943.32 (2),
23 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08,
24 or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

25 **SECTION 135.** 302.11 (1p) of the statutes is amended to read:

ASSEMBLY BILL 465

1 302.11 (1p) An inmate serving a term subject to s. 961.49 (2), 1997 stats., for
2 a crime committed before December 31, 1999, is entitled to mandatory release,
3 except the inmate may not be released before he or she has complied with s. 961.49
4 (2), 1997 stats.

5 **SECTION 136.** 302.113 (2) of the statutes is amended to read:

6 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
7 section is entitled to release to extended supervision after he or she has served the
8 term of confinement in prison portion of the sentence imposed under s. 973.01, as
9 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
10 applicable.

11 **SECTION 137.** 302.113 (7) of the statutes is amended to read:

12 302.113 (7) Any person released to extended supervision under this section is
13 subject to all conditions and rules of extended supervision until the expiration of the
14 term of extended supervision portion of the bifurcated sentence. The department
15 may set conditions of extended supervision in addition to any conditions of extended
16 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by
17 the department do not conflict with the court's conditions.

18 **SECTION 138.** 302.113 (7m) of the statutes is created to read:

19 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
20 or the department may petition the sentencing court to modify any conditions of
21 extended supervision set by the court.

22 (b) If the department files a petition under this subsection, it shall serve a copy
23 of the petition on the person who is the subject of the petition and, if the person is
24 represented by an attorney, on the person's attorney. If a person who is subject to this
25 section or his or her attorney files a petition under this subsection, the person or his

ASSEMBLY BILL 465

1 or her attorney shall serve a copy of the petition on the department. The court shall
2 serve a copy of a petition filed under this section on the district attorney. The court
3 may direct the clerk of the court to provide notice of the petition to a victim of a crime
4 committed by the person who is the subject of the petition.

5 (c) The court may conduct a hearing to consider the petition. The court may
6 grant the petition in full or in part if it determines that the modification would meet
7 the needs of the department and the public and would be consistent with the
8 objectives of the person's sentence.

9 (d) A person subject to this section or the department may appeal an order
10 entered by the court under this subsection. The appellate court may reverse the
11 order only if it determines that the sentencing court erroneously exercised its
12 discretion in granting or denying the petition.

13 (e) 1. An inmate may not petition the court to modify the conditions of extended
14 supervision earlier than one year before the date of the inmate's scheduled date of
15 release to extended supervision or more than once before the inmate's release to
16 extended supervision.

17 2. A person subject to this section may not petition the court to modify the
18 conditions of extended supervision within one year after the inmate's release to
19 extended supervision. If a person subject to this section files a petition authorized
20 by this subsection after his or her release from confinement, the person may not file
21 another petition until one year after the date of filing the former petition.

22 **SECTION 139.** 302.113 (8m) of the statutes is created to read:

23 302.113 (8m) (a) Every person released to extended supervision under this
24 section remains in the legal custody of the department. If the department alleges
25 that any condition or rule of extended supervision has been violated by the person,

ASSEMBLY BILL 465

1 the department may take physical custody of the person for the investigation of the
2 alleged violation.

3 (b) If a person released to extended supervision under this section signs a
4 statement admitting a violation of a condition or rule of extended supervision, the
5 department may, as a sanction for the violation, confine the person for up to 90 days
6 in a regional detention facility or, with the approval of the sheriff, in a county jail.
7 If the department confines the person in a county jail under this paragraph, the
8 department shall reimburse the county for its actual costs in confining the person
9 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
10 the person is not eligible to earn good time credit on any period of confinement
11 imposed under this subsection.

12 **SECTION 140.** 302.113 (9) of the statutes is amended to read:

13 302.113 (9) (a) If a person released to extended supervision under this section
14 violates a condition of extended supervision, the division of hearings and appeals in
15 the department of administration, upon proper notice and hearing, or the
16 department of corrections, if the person on extended supervision waives a hearing,
17 may revoke the extended supervision of the person and return the person to prison.
18 If the extended supervision of the person is revoked, the person shall be returned to
19 the circuit court for the county in which the person was convicted of the offense for
20 which he or she was on extended supervision, and the court shall order the person
21 to be returned to prison, he or she shall be returned to prison for any specified period
22 of time that does not exceed the time remaining on the bifurcated sentence. The time
23 remaining on the bifurcated sentence is the total length of the bifurcated sentence,
24 less time served by the person in custody under the sentence before release to
25 extended supervision under sub. (2) and less all time served in custody for previous

ASSEMBLY BILL 465**SECTION 140**

1 revocations of extended supervision under the sentence. The revocation court order
2 returning a person to prison under this paragraph shall provide the person on whose
3 extended supervision was revoked with credit in accordance with ss. 304.072 and
4 973.155.

5 (b) A person who is returned to prison after revocation of extended supervision
6 shall be incarcerated for the entire period of time specified by the department of
7 corrections in the case of a waiver or by the division of hearings and appeals in the
8 department of administration in the case of a hearing court under par. (a). The period
9 of time specified under par. (a) may be extended in accordance with sub. (3). If a
10 person is returned to prison under par. (a) for a period of time that is less than the
11 time remaining on the bifurcated sentence, the person shall be released to extended
12 supervision after he or she has served the period of time specified by the court under
13 par. (a) and any periods of extension imposed in accordance with sub. (3).

14 (c) A person who is subsequently released to extended supervision after service
15 of the period of time specified by the department of corrections in the case of a waiver
16 or by the division of hearings and appeals in the department of administration in the
17 case of a hearing court under par. (a) is subject to all conditions and rules under sub.
18 subs. (7) and, if applicable, (7m) until the expiration of the term of remaining
19 extended supervision portion of the bifurcated sentence. The remaining extended
20 supervision portion of the bifurcated sentence is the total length of the bifurcated
21 sentence, less the time served by the person in confinement under the bifurcated
22 sentence before release to extended supervision under sub. (2) and less all time
23 served in confinement for previous revocations of extended supervision under the
24 bifurcated sentence.

25 **SECTION 141.** 302.113 (9) (am) of the statutes is created to read:

ASSEMBLY BILL 465

1 302.113 (9) (am) When a person is returned to court under par. (a) after
2 revocation of extended supervision, the division of hearings and appeals in the
3 department of administration, in the case of a hearing, or the department of
4 corrections, in the case of a waiver, shall make a recommendation to the court
5 concerning the period of time for which the person should be returned to prison. The
6 recommended time period may not exceed the time remaining on the bifurcated
7 sentence, as calculated under par. (a).

8 **SECTION 142.** 302.113 (9) (d) of the statutes is created to read:

9 302.113 (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 of 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 143.** 302.113 (9g) of the statutes is created to read:

16 302.113 (9g) (a) In this subsection, "program review committee" means the
17 committee at a correctional institution that reviews the security classifications,
18 institution assignments and correctional programming assignments of inmates
19 confined in the institution.

20 (b) An inmate who is serving a bifurcated sentence for a crime other than a
21 Class B felony may seek modification of the bifurcated sentence in the manner
22 specified in par. (f) if he or she meets one of the following criteria:

23 1. The inmate is 65 years of age or older and has served at least 5 years of the
24 term of confinement in prison portion of the bifurcated sentence.

ASSEMBLY BILL 465**SECTION 143**

1 2. The inmate is 60 years of age or older and has served at least 10 years of the
2 term of confinement in prison portion of the bifurcated sentence.

3 (c) An inmate who meets the criteria under par. (b) may submit a petition to
4 the program review committee at the correctional institution in which the inmate is
5 confined requesting a modification of the inmate's bifurcated sentence in the manner
6 specified in par. (f). If the program review committee determines that the public
7 interest would be served by a modification of the inmate's bifurcated sentence in the
8 manner provided under par. (f), the committee shall approve the petition for referral
9 to the sentencing court and notify the department of its approval. The department
10 shall then refer the inmate's petition to the sentencing court and request the court
11 to conduct a hearing on the petition. If the program review committee determines
12 that the public interest would not be served by a modification of the inmate's
13 bifurcated sentence in the manner specified in par. (f), the committee shall deny the
14 inmate's petition.

15 (d) When a court is notified by the department that it is referring to the court
16 an inmate's petition for modification of the inmate's bifurcated sentence, the court
17 shall set a hearing to determine whether the public interest would be served by a
18 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
19 The inmate and the district attorney have the right to be present at the hearing, and
20 any victim of the inmate's crime has the right to be present at the hearing and to
21 provide a statement concerning the modification of the inmate's bifurcated sentence.
22 The court shall order such notice of the hearing date as it considers adequate to be
23 given to the department, the inmate, the attorney representing the inmate, if
24 applicable, and the district attorney. Victim notification shall be provided as
25 specified under par. (g).

ASSEMBLY BILL 465

1 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
2 by the greater weight of the credible evidence that a modification of the bifurcated
3 sentence in the manner specified in par. (f) would serve the public interest. If the
4 inmate proves that a modification of the bifurcated sentence in the manner specified
5 in par. (f) would serve the public interest, the court shall modify the inmate's
6 bifurcated sentence in that manner. If the inmate does not prove that a modification
7 of the bifurcated sentence in the manner specified in par. (f) would serve the public
8 interest, the court shall deny the inmate's petition for modification of the bifurcated
9 sentence.

10 (f) A court may modify an inmate's bifurcated sentence under this section only
11 as follows:

12 1. The court shall reduce the term of confinement in prison portion of the
13 inmate's bifurcated sentence in a manner that provides for the release of the inmate
14 to extended supervision within 30 days after the date on which the court issues its
15 order modifying the bifurcated sentence.

16 2. The court shall lengthen the term of extended supervision imposed so that
17 the total length of the bifurcated sentence originally imposed does not change.

18 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

19 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
20 shall send a notice of hearing to the victim of the crime committed by the inmate, if
21 the victim has submitted a card under subd. 3. requesting notification. The notice
22 shall inform the victim that he or she may appear at the hearing scheduled under
23 par. (d) and shall inform the victim of the manner in which he or she may provide a
24 statement concerning the modification of the inmate's bifurcated sentence in the
25 manner provided in par. (f). The clerk of the circuit court shall make a reasonable

ASSEMBLY BILL 465**SECTION 143**

1 attempt to send the notice of hearing to the last-known address of the inmate's
2 victim, postmarked at least 10 days before the date of the hearing.

3 3. The director of state courts shall design and prepare cards for a victim to send
4 to the clerk of the circuit court for the county in which the inmate was convicted and
5 sentenced. The cards shall have space for a victim to provide his or her name and
6 address, the name of the applicable inmate and any other information that the
7 director of state courts determines is necessary. The director of state courts shall
8 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
9 shall provide the cards, without charge, to victims. Victims may send completed
10 cards to the clerk of the circuit court for the county in which the inmate was convicted
11 and sentenced. All court records or portions of records that relate to mailing
12 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

13 (h) An inmate may appeal a court's decision to deny the inmate's petition for
14 modification of his or her bifurcated sentence. The state may appeal a court's
15 decision to grant an inmate's petition for a modification of the inmate's bifurcated
16 sentence. In an appeal under this paragraph, the appellate court may reverse a
17 decision granting or denying a petition for modification of a bifurcated sentence only
18 if it determines that the sentencing court erroneously exercised its discretion in
19 granting or denying the petition.

20 (i) If the program review committee denies an inmate's petition under par. (c),
21 the inmate may not file another petition within one year after the date of the program
22 review committee's denial. If the program review committee approves an inmate's
23 petition for referral to the sentencing court under par. (c) but the sentencing court
24 denies the petition, the inmate may not file another petition under par. (c) within one
25 year after the date of the court's decision.

ASSEMBLY BILL 465

1 (j) An inmate eligible to seek modification of his or her bifurcated sentence
2 under this subsection has a right to be represented by counsel in proceedings under
3 this subsection. An inmate, or the department on the inmate's behalf, may apply to
4 the state public defender for determination of indigency and appointment of counsel
5 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
6 committee under par. (c). If an inmate whose petition has been referred to the court
7 under par. (c) is without counsel, the court shall refer the matter to the state public
8 defender for determination of indigency and appointment of counsel under s. 977.05
9 (4) (jm).

10 **SECTION 144.** 302.114 (5) (f) of the statutes is amended to read:

11 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
12 release to extended supervision. In an appeal under this paragraph, the appellate
13 court may reverse an order denying a petition for release to extended supervision
14 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
15 discretion in denying the petition for release to extended supervision.

16 **SECTION 145.** 302.114 (6) (b) of the statutes is amended to read:

17 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for
18 release to extended supervision under this section, the clerk of the circuit court in
19 which the petition is filed shall send a copy of the petition and, if a hearing is
20 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
21 the victim has submitted a card under par. (e) requesting notification.

22 **SECTION 146.** 302.114 (6) (c) of the statutes is amended to read:

23 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
24 may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled,

ASSEMBLY BILL 465**SECTION 146**

1 and shall inform the victim of the manner in which he or she may provide written
2 statements concerning the inmate's petition for release to extended supervision.

3 **SECTION 147.** 302.114 (8m) of the statutes is created to read:

4 302.114 **(8m)** (a) Every person released to extended supervision under this
5 section remains in the legal custody of the department. If the department alleges
6 that any condition or rule of extended supervision has been violated by the person,
7 the department may take physical custody of the person for the investigation of the
8 alleged violation.

9 (b) If a person released to extended supervision under this section signs a
10 statement admitting a violation of a condition or rule of extended supervision, the
11 department may, as a sanction for the violation, confine the person for up to 90 days
12 in a regional detention facility or, with the approval of the sheriff, in a county jail.
13 If the department confines the person in a county jail under this paragraph, the
14 department shall reimburse the county for its actual costs in confining the person
15 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
16 the person is not eligible to earn good time credit on any period of confinement
17 imposed under this subsection.

18 **SECTION 148.** 302.114 (9) of the statutes is amended to read:

19 302.114 **(9)** (a) If a person released to extended supervision under this section
20 violates a condition of extended supervision, the division of hearings and appeals in
21 the department of administration, upon proper notice and hearing, or the
22 department of corrections, if the person on extended supervision waives a hearing,
23 may revoke the extended supervision of the person and return the person to prison.
24 If the extended supervision of the person is revoked, the person shall be returned to
25 the circuit court for the county in which the person was convicted of the offense for

ASSEMBLY BILL 465

1 which he or she was on extended supervision, and the court shall order the person
2 to be returned to prison, he or she shall be returned to prison for a specified period
3 of time, as provided under par. (b) before he or she is eligible for being released again
4 to extended supervision. The period of time specified under this paragraph may not
5 be less than 5 years and may be extended in accordance with sub. (3).

6 (b) ~~If~~ When a person is returned to prison court under par. (a) after revocation
7 of extended supervision, the department of corrections, in the case of a waiver, or the
8 division of hearings and appeals in the department of administration, in the case of
9 a hearing under par. (a), shall ~~specify a~~ make a recommendation to the court
10 concerning the period of time for which the person shall be incarcerated should be
11 returned to prison before being eligible for release to extended supervision. The
12 period of time specified recommended under this paragraph may not be less than 5
13 years and may be ~~extended in accordance with sub. (3).~~

14 (bm) A person who is returned to prison under par. (a) after revocation of
15 extended supervision may, upon petition to the sentencing court, be released to
16 extended supervision after he or she has served the entire period of time specified
17 ~~in~~ by the court under par. (b) (a), including any periods of extension imposed under
18 sub. (3). A person may not file a petition under this paragraph earlier than 90 days
19 before the date on which he or she is eligible to be released to extended supervision.
20 If a person files a petition for release to extended supervision under this paragraph
21 at any time earlier than 90 days before the date on which he or she is eligible to be
22 released to extended supervision, the court shall deny the petition without a hearing.
23 The procedures specified in sub. (5) (am) to (f) apply to a petition filed under this
24 paragraph.

ASSEMBLY BILL 465**SECTION 148**

1 (c) A person who is subsequently released to extended supervision under par.
2 ~~(b)~~ (bm) is subject to all conditions and rules under sub. (8) until the expiration of the
3 sentence.

4 **SECTION 149.** 302.114 (9) (d) of the statutes is created to read:

5 302.114 **(9)** (d) In any case in which there is a hearing before the division of
6 hearings and appeals in the department of administration concerning whether to
7 revoke a person's extended supervision, the person on extended supervision may
8 seek review of a decision to revoke extended supervision and the department of
9 corrections may seek review of a decision to not revoke extended supervision. Review
10 of a decision under this paragraph may be sought only by an action for certiorari.

11 **SECTION 150.** 302.33 (1) of the statutes is amended to read:

12 302.33 **(1)** The maintenance of persons who have been sentenced to the state
13 penal institutions; persons in the custody of the department, except as provided in
14 sub. (2) and ~~s. ss. 301.048 (7), 302.113 (8m) and 302.114 (8m)~~; persons accused of
15 crime and committed for trial; persons committed for the nonpayment of fines and
16 expenses; and persons sentenced to imprisonment therein, while in the county jail,
17 shall be paid out of the county treasury. No claim may be allowed to any sheriff for
18 keeping or boarding any person in the county jail unless the person was lawfully
19 detained therein.

20 **SECTION 151.** 303.065 (1) (b) 1. of the statutes is amended to read:

21 303.065 **(1)** (b) 1. A person serving a life sentence, other than a life sentence
22 specified in subd. 2., may be considered for work release only after he or she has
23 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
24 is applicable, or he or she has reached his or her extended supervision eligibility date
25 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

ASSEMBLY BILL 465

1 **SECTION 152.** 303.08 (1) (intro.) of the statutes is amended to read:

2 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
3 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under
4 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
5 necessary and reasonable hours for any of the following purposes:

6 **SECTION 153.** 303.08 (2) of the statutes is amended to read:

7 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
8 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
9 the department, the prisoner person is sentenced to ordinary confinement. The A
10 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)
11 or 302.114 (8m), may petition the court for such privilege at the time of sentence or
12 thereafter, and in the discretion of the court may renew the prisoner's petition. The
13 court may withdraw the privilege at any time by order entered with or without notice.

14 **SECTION 154.** 303.08 (5) (intro.) of the statutes is amended to read:

15 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
16 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the
17 wages, salary and unemployment insurance and employment training benefits
18 received by prisoners shall be disbursed by the sheriff for the following purposes, in
19 the order stated:

20 **SECTION 155.** 303.08 (6) of the statutes is amended to read:

21 303.08 (6) The department, for a person subject to a confinement sanction
22 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may
23 authorize the sheriff to whom the prisoner is committed to arrange with another
24 sheriff for the employment or employment training of the prisoner in the other's

ASSEMBLY BILL 465**SECTION 155**

1 county, and while so employed or trained to be in the other's custody but in other
2 respects to be and continue subject to the commitment.

3 **SECTION 156.** 303.08 (12) of the statutes is amended to read:

4 303.08 (12) In counties having a house of correction, any person violating the
5 privilege granted under sub. (1) may be transferred by the county jailer to the house
6 of correction for the remainder of the term of the person's sentence or, if applicable,
7 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
8 (8m).

9 **SECTION 157.** 304.06 (1) (b) of the statutes is amended to read:

10 304.06 (1) (b) Except as provided in s. 961.49 (2), 1997 stats., sub. (1m) or s.
11 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an
12 inmate of the Wisconsin state prisons or any felon or any person serving at least one
13 year or more in a county house of correction or a county reforestation camp organized
14 under s. 303.07, when he or she has served 25% of the sentence imposed for the
15 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)
16 or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate
17 serving a life term when he or she has served 20 years, as modified by the formula
18 under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable.
19 The person serving the life term shall be given credit for time served prior to
20 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
21 may grant special action parole releases under s. 304.02. The department or the
22 parole commission shall not provide any convicted offender or other person
23 sentenced to the department's custody any parole eligibility or evaluation until the
24 person has been confined at least 60 days following sentencing.

25 **SECTION 158.** 304.071 (2) of the statutes is amended to read:

ASSEMBLY BILL 465

1 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1997 stats.,
2 or s. 939.62 (2m) (c), ~~961.49 (2),~~ 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he
3 or she is not eligible for parole under this section.

4 **SECTION 159.** 341.605 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 341.605 (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 160.** 342.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 342.06 (2) Any person who knowingly makes a false statement in an
12 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
13 ~~not more than 7 years and 6 months or both is guilty of a Class H felony.~~

14 **SECTION 161.** 342.065 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be~~
17 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
18 ~~or both is guilty of a Class H felony.~~

19 **SECTION 162.** 342.155 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 342.155 (4) (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 Class H felony.

24 **SECTION 163.** 342.156 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

ASSEMBLY BILL 465**SECTION 163**

1 342.156 (6) (b) Any person who violates this section with intent to defraud may
2 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
3 or both is guilty of a Class H felony.

4 **SECTION 164.** 342.30 (3) (a) of the statutes is amended to read:

5 342.30 (3) (a) Any person who violates sub. (1g) ~~may be fined not more than~~
6 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
7 Class H felony.

8 **SECTION 165.** 342.32 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is amended to read:

10 342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
11 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation~~ is
12 guilty of a Class H felony.

13 **SECTION 166.** 343.31 (1) (i) of the statutes is amended to read:

14 343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer under
15 s. 346.04 (3).

16 **SECTION 167.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

17 343.31 (3) (d) (intro.) Any person convicted of knowingly fleeing or attempting
18 to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege
19 revoked as follows:

20 **SECTION 168.** 343.44 (2) (b) (intro.) of the statutes, as affected by 1997
21 Wisconsin Act 84, is amended to read:

22 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
23 sub. (1) (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more
24 than one year in the county jail or both. In imposing a sentence under this

ASSEMBLY BILL 465

1 paragraph, or a local ordinance in conformity with this paragraph, the court shall
2 review the record and consider the following:

3 **SECTION 169.** 344.48 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 344.48 (2) Any person violating this section may be fined not more than \$1,000
6 \$10,000 or imprisoned for not more than 2 years 9 months or both.

7 **SECTION 170.** 346.04 (2t) of the statutes is created to read:

8 346.04 (2t) No operator of a vehicle, after having received a visible or audible
9 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall
10 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as
11 safety reasonably permits.

12 **SECTION 171.** 346.04 (4) of the statutes is created to read:

13 346.04 (4) Subsection (2t) is not an included offense of sub. (3), but a person may
14 not be convicted of violating both subs. (2t) and (3) for acts arising out of the same
15 incident or occurrence.

16 **SECTION 172.** 346.17 (2t) of the statutes is created to read:

17 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
18 \$10,000 or imprisoned for not more than 9 months or both.

19 **SECTION 173.** 346.17 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
22 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~
23 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

24 **SECTION 174.** 346.17 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

ASSEMBLY BILL 465

1 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
2 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
3 the person shall be fined not less than \$1,000 nor more than \$10,000 and may be
4 imprisoned for not more than 3 years is guilty of a Class H felony.

5 **SECTION 175.** 346.17 (3) (c) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
8 (14), to another, the person shall be fined not less than \$1,100 nor more than \$10,000
9 and may be imprisoned for not more than 3 years is guilty of a Class F felony.

10 **SECTION 176.** 346.17 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 346.17 (3) (d) If the violation results in the death of another, the person shall
13 be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not
14 more than 7 years and 6 months is guilty of a Class E felony.

15 **SECTION 177.** 346.175 (1) (a) of the statutes is amended to read:

16 346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a
17 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for
18 the violation as provided in this section.

19 **SECTION 178.** 346.175 (1) (b) of the statutes is amended to read:

20 346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a
21 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this
22 section if the person operating the vehicle or having the vehicle under his or her
23 control at the time of the violation has been convicted for the violation under this
24 section or under s. 346.04 (2t) or (3).

25 **SECTION 179.** 346.175 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 465

1 346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by
2 the authority issuing the citation with the name and address of the person operating
3 the vehicle or having the vehicle under his or her control at the time of the violation
4 and sufficient information for the officer to determine that probable cause does not
5 exist to believe that the owner of the vehicle was operating the vehicle at the time
6 of the violation, then the owner of the vehicle shall not be liable under this section
7 or under s. 346.04 (2t) or (3).

8 **SECTION 180.** 346.175 (4) (c) of the statutes is amended to read:

9 346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of
10 the violation the vehicle was in the possession of a lessee, and the lessor provides a
11 traffic officer employed by the authority issuing the citation with the information
12 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
13 this section or under s. 346.04 (2t) or (3).

14 **SECTION 181.** 346.175 (4) (d) of the statutes is amended to read:

15 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
16 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time
17 of the violation the vehicle was being operated by or was under the control of any
18 person on a trial run, and if the dealer provides a traffic officer employed by the
19 authority issuing the citation with the name, address and operator's license number
20 of the person operating the vehicle, then that person, and not the dealer, shall be
21 liable under this section or under s. 346.04 (2t) or (3).

22 **SECTION 182.** 346.175 (5) (intro.) of the statutes is amended to read:

23 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
24 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

25 **SECTION 183.** 346.175 (5) (a) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 183**

1 346.175 (5) (a) A vehicle owner or other person found liable under this section
2 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor
3 more than \$1,000.

4 **SECTION 184.** 346.65 (2) (e) of the statutes is amended to read:

5 346.65 (2) (e) Except as provided in par. (f), is guilty of a Class H felony and shall
6 be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not less than
7 6 months ~~nor more than 5 years~~ if the total number of suspensions, revocations and
8 convictions counted under s. 343.307 (1) equals 5 or more, except that suspensions,
9 revocations or convictions arising out of the same incident or occurrence shall be
10 counted as one.

11 **SECTION 185.** 346.65 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)
14 shall be fined not less than \$600 ~~nor more than \$2,000~~ and may be imprisoned for
15 not less than 90 days ~~nor more than 2 years and 3 months~~ is guilty of a Class I felony.

16 **SECTION 186.** 346.74 (5) (b) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 346.74 (5) (b) Shall May be fined not less than \$300 ~~nor more than \$5,000~~
19 \$10,000 or imprisoned for not less than 10 days ~~nor more than 2 years 9 months~~ or
20 both if the accident involved injury to a person but the person did not suffer great
21 bodily harm.

22 **SECTION 187.** 346.74 (5) (c) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

ASSEMBLY BILL 465

1 346.74 (5) (c) ~~May be fined not more than \$10,000 or imprisoned not more than~~
2 ~~3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a person
3 and the person suffered great bodily harm.

4 **SECTION 188.** 346.74 (5) (d) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 346.74 (5) (d) ~~May be fined not more than \$10,000 or imprisoned not more than~~
7 ~~7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
8 death to a person.

9 **SECTION 189.** 350.11 (2m) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 350.11 (2m) Any person who violates s. 350.135 (1) ~~shall be fined not more than~~
12 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
13 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
14 person.

15 **SECTION 190.** 351.07 (2) (a) of the statutes is renumbered 351.07 (2).

16 **SECTION 191.** 351.07 (2) (b) of the statutes is repealed.

17 **SECTION 192.** 446.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
18 amended to read:

19 **446.07 Penalty.** Anyone violating this chapter may be fined not less than ~~\$100~~
20 ~~nor more than \$500~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or
21 both.

22 **SECTION 193.** 447.09 of the statutes, as affected by 1997 Wisconsin Act 283, is
23 amended to read:

24 **447.09 Penalties.** Any person who violates this chapter may be fined not more
25 than \$1,000 or imprisoned for not more than one year in the county jail or both for

ASSEMBLY BILL 465**SECTION 193**

1 the first offense and ~~may be fined not more than \$2,500 or imprisoned for not more~~
2 ~~than 3 years or both~~ is guilty of a Class I felony for the 2nd or subsequent conviction
3 within 5 years.

4 **SECTION 194.** 450.11 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 450.11 (9) (b) Any person who delivers, or who possesses with intent to
7 manufacture or deliver, a prescription drug in violation of this section ~~may 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 H felony.

10 **SECTION 195.** 450.14 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 450.14 (5) Any person who violates this section ~~may be fined not less than \$100~~
13 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~
14 ~~and 6 months or both~~ is guilty of a Class H felony.

15 **SECTION 196.** 450.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is amended to read:

17 450.15 (2) Any person who violates this section ~~may be fined not less than \$100~~
18 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~
19 ~~and 6 months or both~~ is guilty of a Class H felony.

20 **SECTION 197.** 551.58 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 551.58 (1) Any person who wilfully violates any provision of this chapter except
23 s. 551.54, or any rule under this chapter, or any order of which the person has notice,
24 or who violates s. 551.54 knowing or having reasonable cause to believe that the
25 statement made was false or misleading in any material respect, ~~may be fined not~~

ASSEMBLY BILL 465

1 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
2 ~~guilty of a Class H felony.~~ Each of the acts specified shall constitute a separate
3 offense and a prosecution or conviction for any one of such offenses shall not bar
4 prosecution or conviction for any other offense.

5 **SECTION 198.** 552.19 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 552.19 (1) Any person, including a controlling person of an offeror or target
8 company, who wilfully violates this chapter or any rule under this chapter, or any
9 order of which the person has notice, ~~may be fined not more than \$5,000 or~~
10 ~~imprisoned for not more than 7 years and 6 months or both is guilty of a Class H~~
11 ~~felony.~~ Each of the acts specified constitutes a separate offense and a prosecution or
12 conviction for any one of the offenses does not bar prosecution or conviction for any
13 other offense.

14 **SECTION 199.** 553.52 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
15 is amended to read:

16 553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of
17 which the person has notice, or who violates s. 553.41 (1) knowing or having
18 reasonable cause to believe either that the statement made was false or misleading
19 in any material respect or that the failure to report a material event under s. 553.31
20 (1) was false or misleading in any material respect, ~~may be fined not more than~~
21 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a~~
22 ~~Class G felony.~~ Each of the acts specified is a separate offense, and a prosecution or
23 conviction for any one of those offenses does not bar prosecution or conviction for any
24 other offense.

ASSEMBLY BILL 465**SECTION 200**

1 **SECTION 200.** 553.52 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 553.52 (2) Any person who employs, directly or indirectly, any device, scheme
4 or artifice to defraud in connection with the offer or sale of any franchise or engages,
5 directly or indirectly, in any act, practice, or course of business which operates or
6 would operate as a fraud or deceit upon any person in connection with the offer or
7 sale of any franchise shall be ~~fin~~ed not more than \$5,000 or imprisoned for not more
8 than 7 years and 6 months or both is guilty of a Class G felony.

9 **SECTION 201.** 562.13 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than~~
12 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

13 **SECTION 202.** 562.13 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is amended to read:

15 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 ~~may be~~
16 ~~fin~~ed not more than \$10,000 or imprisoned for not more than 7 years and 6 months
17 ~~or both~~ is guilty of a Class H felony.

18 **SECTION 203.** 565.50 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is amended to read:

20 565.50 (2) Any person who alters or forges a lottery ticket or share or
21 intentionally utters or transfers an altered or forged lottery ticket or share shall be
22 ~~fin~~ed not more than \$10,000 or imprisoned for not more than 7 years and 6 months
23 ~~or both~~ is guilty of a Class I felony.

24 **SECTION 204.** 565.50 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

ASSEMBLY BILL 465

1 565.50 (3) Any person who possesses an altered or forged lottery ticket or share
2 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
3 more than ~~3 years~~ 9 months or both.

4 **SECTION 205.** 601.64 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally
7 permits any person over whom he or she has authority to violate or intentionally aids
8 any person in violating any insurance statute or rule of this state, s. 149.13 or
9 149.144 or any effective order issued under s. 601.41 (4) ~~may~~ is guilty of a Class I
10 felony, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~
11 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~
12 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the
13 meaning expressed under s. 939.23.

14 **SECTION 206.** 641.19 (4) (a) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 641.19 (4) (a) Any person who wilfully violates or fails to comply with any
17 provision of this chapter or the rules promulgated thereunder or who, knowingly,
18 makes a false statement, a false representation of a material fact, or who fails to
19 disclose a material fact in any registration, examination, statement or report
20 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~
21 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
22 guilty of a Class H felony.

23 **SECTION 207.** 641.19 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

ASSEMBLY BILL 465

1 641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully
2 abstracts or converts to his or her own use or to the use of another, any of the moneys,
3 funds, securities, premiums, credits, property, or other assets of any employe welfare
4 fund, or of any fund connected therewith, ~~shall be fined not more than \$10,000 or~~
5 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
6 felony.

7 **SECTION 208.** 753.061 (2m) of the statutes is amended to read:

8 753.061 (2m) The chief judge of the 1st judicial administrative district is
9 authorized to designate 4 circuit court branches to primarily handle violent crime
10 cases that involve a violation of s. 939.63, if a felony is committed while armed, and
11 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m)~~ and ~~(1r)~~ and 943.32
12 (2). If the circuit court branches are designated under this subsection, 2 shall begin
13 to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to
14 primarily handle violent crime cases on August 1, 1992.

15 **SECTION 209.** 765.30 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
16 Act 283, is amended to read:

17 765.30 (1) (intro.) The following ~~shall~~ may be fined not less than ~~\$200~~ nor more
18 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

19 **SECTION 210.** 765.30 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
20 Act 283, is amended to read:

21 765.30 (2) (intro.) The following ~~shall~~ may be fined not less than ~~\$100~~ nor more
22 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

23 **SECTION 211.** 768.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
24 amended to read:

ASSEMBLY BILL 465

1 **768.07 Penalty.** Any person who violates any provision of this chapter may
2 be fined not less than ~~\$100~~ nor more than ~~\$1,000~~ \$10,000 or imprisoned for not more
3 than ~~2 years~~ 9 months or both.

4 **SECTION 212.** 783.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
5 amended to read:

6 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus shall be
7 is directed to any public officer, body, board or person, commanding the performance
8 of any duty specially enjoined by law, ~~if it shall appear to the court that such~~ and the
9 officer or person or any member of such the body or board has, without just excuse,
10 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~
11 ~~exceeding \$5,000, upon every such,~~ the officer, person or member of such the body or
12 board, ~~or sentence the officer, person or member to imprisonment for not more than~~
13 ~~7 years and 6 months~~ is guilty of a Class H felony.

14 **SECTION 213.** 801.50 (5) of the statutes is amended to read:

15 801.50 (5) Venue of an action for certiorari to review a probation, extended
16 supervision or parole revocation, a denial by a program review committee under s.
17 302.113 (9g) of a petition for modification of a bifurcated sentence or a refusal of
18 parole ~~by certiorari~~ shall be the county in which the relator was last convicted of an
19 offense for which the relator was on probation, extended supervision or parole or for
20 which the relator is currently incarcerated.

21 **SECTION 214.** 801.50 (5c) of the statutes is created to read:

22 801.50 (5c) Venue of an action for certiorari brought by the department of
23 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke
24 extended supervision shall be in the county in which the person on extended

ASSEMBLY BILL 465

1 supervision was convicted of the offense for which he or she is on extended
2 supervision.

3 **SECTION 215.** 911.01 (4) (c) of the statutes is amended to read:

4 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
5 rendition; sentencing, ~~or~~ granting or revoking probation, modification of a bifurcated
6 sentence under s. 302.113 (9g), issuance of arrest warrants, criminal summonses and
7 search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to
8 pretrial release under ch. 969 except where habeas corpus is utilized with respect to
9 release on bail or as otherwise provided in ch. 969.

10 **SECTION 216.** 938.208 (1) (a) of the statutes is amended to read:

11 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
12 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
13 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~
14 ~~or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if
15 committed by an adult.

16 **SECTION 217.** 938.34 (4h) (a) of the statutes is amended to read:

17 938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
18 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
19 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m)~~
20 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1) or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ or the
21 juvenile is 10 years of age or over and has been adjudicated delinquent for attempting
22 or committing a violation of s. 940.01 or for committing a violation of 940.02 or
23 940.05.

24 **SECTION 218.** 938.34 (4m) (b) 1. of the statutes is amended to read:

ASSEMBLY BILL 465

1 938.34 **(4m)** (b) 1. The juvenile has committed a delinquent act that would be
2 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
3 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)
4 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

5 **SECTION 219.** 938.355 (2d) (b) 3. of the statutes is amended to read:

6 938.355 **(2d)** (b) 3. That the parent has committed a violation of s. 940.19 (3),
7 1997 stats., or s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
8 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
9 if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2),
10 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that
11 the violation resulted in great bodily harm, as defined in s. ~~938.22~~ 939.22 (14), or in
12 substantial bodily harm, as defined in s. ~~938.22~~ 939.22 (38), to the juvenile or another
13 child of the parent.

14 **SECTION 220.** 938.355 (4) (b) of the statutes is amended to read:

15 938.355 **(4)** (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile
16 has been adjudicated delinquent is subject to par. (a), except that the judge may make
17 an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th
18 birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)
19 apply for 5 years, if the juvenile is adjudicated delinquent for committing an act that
20 would be punishable as a Class B or C felony if committed by an adult, or until the
21 juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for
22 committing an act that would be punishable as a Class A felony if committed by an
23 adult.

24 **SECTION 221.** 938.78 (3) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 221**

1 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
2 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
3 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
4 943.23 (1m) or (1r), 1997 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
5 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,
6 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02,
7 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in
8 ch. 940 has escaped from a secured correctional facility, child caring institution,
9 inpatient facility, as defined in s. 51.01 (10), secure detention facility or juvenile
10 portion of a county jail, or from the custody of a peace officer or a guard of such a
11 facility, institution or jail, or has been allowed to leave a secured correctional facility,
12 child caring institution, inpatient facility, secure detention facility or juvenile
13 portion of a county jail for a specified time period and is absent from the facility,
14 institution or jail for more than 12 hours after the expiration of the specified period,
15 the department or county department having supervision over the juvenile may
16 release the juvenile's name and any information about the juvenile that is necessary
17 for the protection of the public or to secure the juvenile's return to the facility,
18 institution or jail. The department of corrections shall promulgate rules establishing
19 guidelines for the release of the juvenile's name or information about the juvenile to
20 the public.

21 **SECTION 222.** 939.22 (21) (d) of the statutes is amended to read:

22 939.22 (21) (d) Battery, ~~substantial battery or aggravated battery~~, as
23 prohibited in s. 940.19 or 940.195.

24 **SECTION 223.** 939.30 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 939.30 (1) Except as provided in sub. (2) and ~~ss. 948.35 and s. 961.455~~, whoever,
2 with intent that a felony be committed, advises another to commit that crime under
3 circumstances that indicate unequivocally that he or she has the intent is guilty of
4 a Class ~~D~~ H felony.

5 **SECTION 224.** 939.30 (2) of the statutes is amended to read:

6 939.30 (2) For a solicitation to commit a crime for which the penalty is life
7 imprisonment, the actor is guilty of a Class ~~C~~ F felony. For a solicitation to commit
8 a Class ~~E~~ I felony, the actor is guilty of a Class ~~E~~ I felony.

9 **SECTION 225.** 939.32 (1) (intro.) of the statutes is amended to read:

10 939.32 (1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime
11 specified in s. 940.19, 940.195 or 943.20 may be fined or imprisoned or both ~~not to~~
12 ~~exceed one-half the maximum penalty for the completed crime; as provided under~~
13 ~~sub. (1g),~~ except:

14 **SECTION 226.** 939.32 (1) (b) of the statutes is repealed.

15 **SECTION 227.** 939.32 (1) (bm) of the statutes is created to read:

16 939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one
17 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being
18 applied, is guilty of a Class A misdemeanor.

19 **SECTION 228.** 939.32 (1g) of the statutes is created to read:

20 939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit
21 a crime that is punishable under sub. (1) (intro.) is as follows:

22 (a) The maximum fine is one-half of the maximum fine for the completed crime.

23 (b) 1. If s. 939.62 is not being applied, the maximum term of imprisonment is
24 one-half of the maximum term of imprisonment, as increased by any penalty
25 enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the completed crime.

ASSEMBLY BILL 465

1 2. If s. 939.62 is being applied, the maximum term of imprisonment is
2 determined by the following method:

3 a. Multiplying by one-half the maximum term of imprisonment, as increased
4 by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
5 completed crime.

6 b. Applying s. 939.62 to the product under subd. 2. a.

7 **SECTION 229.** 939.32 (1m) of the statutes is created to read:

8 **939.32 (1m) BIFURCATED SENTENCES.** If the court imposes a bifurcated sentence
9 under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub.
10 (1) (intro.), the following requirements apply:

11 (a) *Maximum term of confinement for attempt to commit classified felony.* 1.

12 Subject to the minimum term of extended supervision required under s. 973.01 (2)
13 (d), if the crime is a classified felony and s. 939.62 is not being applied, the maximum
14 term of confinement in prison is one-half of the maximum term of confinement in
15 prison specified in s. 973.01 (2) (b), as increased by any penalty enhancement statute
16 listed in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

17 2. Subject to the minimum term of extended supervision required under s.
18 973.01 (2) (d), if the crime is a classified felony and s. 939.62 is being applied, the
19 court shall determine the maximum term of confinement in prison by the following
20 method:

21 a. Multiplying by one-half the maximum term of confinement in prison
22 specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed
23 in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

24 b. Applying s. 939.62 to the product under subd. 2. a.

ASSEMBLY BILL 465

1 (b) *Maximum term of extended supervision for attempt to commit classified*
2 *felony.* The maximum term of extended supervision for an attempt to commit a
3 classified felony is one-half of the maximum term of extended supervision for the
4 completed crime under s. 973.01 (2) (d).

5 (c) *Maximum term of confinement for attempt to commit unclassified felony or*
6 *misdemeanor.* The court shall determine the maximum term of confinement in
7 prison for an attempt to commit a crime other than a classified felony by applying
8 s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g)
9 (b).

10 **SECTION 230.** 939.32 (2) (title) of the statutes is created to read:

11 939.32 (2) (title) MISDEMEANORS.

12 **SECTION 231.** 939.32 (3) (title) of the statutes is created to read:

13 939.32 (3) (title) REQUIREMENTS.

14 **SECTION 232.** 939.50 (1) (intro.) of the statutes is amended to read:

15 939.50 (1) (intro.) ~~Except as provided in ss. 946.83 and 946.85, felonies~~ Felonies
16 ~~in chs. 939 to 951~~ the statutes are classified as follows:

17 **SECTION 233.** 939.50 (1) (bc) of the statutes is repealed.

18 **SECTION 234.** 939.50 (1) (f) of the statutes is created to read:

19 939.50 (1) (f) Class F felony.

20 **SECTION 235.** 939.50 (1) (g) of the statutes is created to read:

21 939.50 (1) (g) Class G felony.

22 **SECTION 236.** 939.50 (1) (h) of the statutes is created to read:

23 939.50 (1) (h) Class H felony.

24 **SECTION 237.** 939.50 (1) (i) of the statutes is created to read:

25 939.50 (1) (i) Class I felony.

ASSEMBLY BILL 465

1 **SECTION 238.** 939.50 (2) of the statutes is amended to read:

2 939.50 (2) A felony is a Class A, B, ~~BC~~, C, D or E, F, G, H or I felony when it
3 is so specified in ~~chs. 939 to 951~~ the statutes.

4 **SECTION 239.** 939.50 (3) (bc) of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed.

6 **SECTION 240.** 939.50 (3) (c) of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
9 imprisonment not to exceed ~~15~~ 40 years, or both.

10 **SECTION 241.** 939.50 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ \$100,000 or
13 imprisonment not to exceed ~~10~~ 25 years, or both.

14 **SECTION 242.** 939.50 (3) (e) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 939.50 (3) (e) For a Class E felony, a fine not to exceed ~~\$10,000~~ \$50,000 or
17 imprisonment not to exceed ~~5~~ 15 years, or both.

18 **SECTION 243.** 939.50 (3) (f) of the statutes is created to read:

19 939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment
20 not to exceed 12 years and 6 months, or both.

21 **SECTION 244.** 939.50 (3) (g) of the statutes is created to read:

22 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
23 not to exceed 10 years, or both.

24 **SECTION 245.** 939.50 (3) (h) of the statutes is created to read:

ASSEMBLY BILL 465

1 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
2 not to exceed 6 years, or both.

3 **SECTION 246.** 939.50 (3) (i) of the statutes is created to read:

4 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment
5 not to exceed 3 years and 6 months, or both.

6 **SECTION 247.** 939.615 (7) (b) 2. of the statutes is amended to read:

7 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ I felony if the
8 same conduct that violates par. (a) also constitutes a crime that is a felony.

9 **SECTION 248.** 939.615 (7) (c) of the statutes is repealed.

10 **SECTION 249.** 939.62 (1) (a) of the statutes is amended to read:

11 939.62 (1) (a) A maximum term of imprisonment of one year or less may be
12 increased to not more than ~~3~~ 2 years.

13 **SECTION 250.** 939.62 (1) (b) of the statutes is amended to read:

14 939.62 (1) (b) A maximum term of imprisonment of more than one year but not
15 more than 10 years may be increased by not more than 2 years if the prior convictions
16 were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for
17 a felony.

18 **SECTION 251.** 939.62 (1) (c) of the statutes is amended to read:

19 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be
20 increased by not more than 2 years if the prior convictions were for misdemeanors
21 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

22 **SECTION 252.** 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

23 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony~~
24 is that is a Class A, B or C felony or, if the felony was committed before December 31,
25 1999, that was punishable by a maximum prison term of 30 years or more.

ASSEMBLY BILL 465**SECTION 253**

1 **SECTION 253.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

2 939.62 **(2m)** (a) 2m. b. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
3 or (1r), 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., or s.
4 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
5 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
6 (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
7 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

8 **SECTION 254.** 939.622 of the statutes is repealed.

9 **SECTION 255.** 939.623 of the statutes is repealed.

10 **SECTION 256.** 939.624 of the statutes is repealed.

11 **SECTION 257.** 939.625 of the statutes is repealed.

12 **SECTION 258.** 939.63 (1) of the statutes is renumbered 939.63, and 939.63 (1)
13 (d), (2) and (3), as renumbered, are amended to read:

14 939.63 **(1)** (d) The maximum term of imprisonment for a felony not specified
15 in subd. ~~2.~~ or ~~3.~~ par (b) or (c) may be increased by not more than 3 years.

16 **(2)** The increased penalty provided in this ~~subsection~~ section does not apply if
17 possessing, using or threatening to use a dangerous weapon is an essential element
18 of the crime charged.

19 **(3)** This ~~subsection~~ section applies only to crimes specified under chs. 939 to
20 951 and 961.

21 **SECTION 259.** 939.63 (2) of the statutes is repealed.

22 **SECTION 260.** 939.632 (1) (e) 1. of the statutes is amended to read:

23 939.632 **(1)** (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 ~~(1)~~
24 ~~(1c)~~, 940.19 (2), ~~(3)~~, (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
25 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02 (1) or

ASSEMBLY BILL 465

1 (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), ~~948.35~~
2 ~~(1) (b) or (c) or 948.36.~~

3 **SECTION 261.** 939.632 (2) of the statutes is amended to read:

4 939.632 (2) If a person commits a violent crime in a school zone, the maximum
5 period term of imprisonment is increased as follows:

6 (a) If the violent crime is a felony, the maximum period term of imprisonment
7 is increased by 5 years.

8 (b) If the violent crime is a misdemeanor, the maximum period term of
9 imprisonment is increased by 3 months and the place of imprisonment is the county
10 jail.

11 **SECTION 262.** 939.635 of the statutes is repealed.

12 **SECTION 263.** 939.64 of the statutes is repealed.

13 **SECTION 264.** 939.641 of the statutes is repealed.

14 **SECTION 265.** 939.645 (2) of the statutes is amended to read:

15 939.645 (2) (a) If the crime committed under sub. (1) is ordinarily a
16 misdemeanor other than a Class A misdemeanor, the revised maximum fine is
17 \$10,000 and the revised maximum period term of imprisonment is one year in the
18 county jail.

19 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
20 the penalty increase under this section changes the status of the crime to a felony and
21 the revised maximum fine is \$10,000 and the revised maximum period term of
22 imprisonment is 2 years.

23 (c) If the crime committed under sub. (1) is a felony, the maximum fine
24 prescribed by law for the crime may be increased by not more than \$5,000 and the

ASSEMBLY BILL 465

1 maximum ~~period~~ term of imprisonment prescribed by law for the crime may be
2 increased by not more than 5 years.

3 **SECTION 266.** 939.646 of the statutes is repealed.

4 **SECTION 267.** 939.647 of the statutes is repealed.

5 **SECTION 268.** 939.648 of the statutes is repealed.

6 **SECTION 269.** 939.72 (1) of the statutes is amended to read:

7 939.72 (1) Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a
8 party to a crime which is the objective of the solicitation; or

9 **SECTION 270.** 939.75 (1) of the statutes is amended to read:

10 939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02
11 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)
12 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to
13 (e) and ~~(1b)~~, “unborn child” means any individual of the human species from
14 fertilization until birth that is gestating inside a woman.

15 **SECTION 271.** 940.02 (2) (intro.) of the statutes is amended to read:

16 940.02 (2) (intro.) Whoever causes the death of another human being under any
17 of the following circumstances is guilty of a Class ~~B~~ C felony:

18 **SECTION 272.** 940.03 of the statutes is amended to read:

19 **940.03 Felony murder.** Whoever causes the death of another human being
20 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)
21 (a), 943.02, 943.10 (2), 943.23 (1g) or 943.32 (2) may be imprisoned for not more than
22 ~~20~~ 15 years in excess of the maximum ~~period~~ term of imprisonment provided by law
23 for that crime or attempt.

24 **SECTION 273.** 940.04 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 940.04 (1) Any person, other than the mother, who intentionally destroys the
2 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~
3 ~~than 3 years or both~~ is guilty of a Class H felony.

4 **SECTION 274.** 940.04 (2) (intro.) of the statutes is amended to read:

5 940.04 (2) (intro.) Any person, other than the mother, who does either of the
6 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

7 **SECTION 275.** 940.04 (4) of the statutes is amended to read:

8 940.04 (4) Any pregnant woman who intentionally destroys the life of her
9 unborn quick child or who consents to such destruction by another ~~may be~~
10 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

11 **SECTION 276.** 940.06 (1) of the statutes is amended to read:

12 940.06 (1) Whoever recklessly causes the death of another human being is
13 guilty of a Class ~~C~~ D felony.

14 **SECTION 277.** 940.06 (2) of the statutes is amended to read:

15 940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of
16 a Class ~~C~~ D felony.

17 **SECTION 278.** 940.07 of the statutes is amended to read:

18 **940.07 Homicide resulting from negligent control of vicious animal.**

19 Whoever knowing the vicious propensities of any animal intentionally allows it to go
20 at large or keeps it without ordinary care, if such animal, while so at large or not
21 confined, kills any human being who has taken all the precautions which the
22 circumstances may permit to avoid such animal, is guilty of a Class ~~C~~ G felony.

23 **SECTION 279.** 940.08 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 940.08 (1) Whoever causes the death of another human being by the negligent
2 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
3 D G felony.

4 **SECTION 280.** 940.08 (2) of the statutes is amended to read:

5 940.08 (2) Whoever causes the death of an unborn child by the negligent
6 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class D
7 G felony.

8 **SECTION 281.** 940.09 (1) (intro.) of the statutes is amended to read:

9 940.09 (1) (intro.) Any person who does any of the following is guilty of a Class
10 B felony may be penalized as provided in sub. (1c):

11 **SECTION 282.** 940.09 (1b) of the statutes is repealed.

12 **SECTION 283.** 940.09 (1c) of the statutes is created to read:

13 940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is
14 guilty of a Class D felony.

15 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
16 one or more prior convictions, suspensions or revocations, as counted under s.
17 343.307 (2).

18 **SECTION 284.** 940.10 (1) of the statutes is amended to read:

19 940.10 (1) Whoever causes the death of another human being by the negligent
20 operation or handling of a vehicle is guilty of a Class E G felony.

21 **SECTION 285.** 940.10 (2) of the statutes is amended to read:

22 940.10 (2) Whoever causes the death of an unborn child by the negligent
23 operation or handling of a vehicle is guilty of a Class E G felony.

24 **SECTION 286.** 940.11 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent
2 to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is
3 guilty of a Class C F felony.

4 **SECTION 287.** 940.11 (2) of the statutes is amended to read:

5 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
6 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class D G
7 felony.

8 **SECTION 288.** 940.12 of the statutes is amended to read:

9 **940.12 Assisting suicide.** Whoever with intent that another take his or her
10 own life assists such person to commit suicide is guilty of a Class D H felony.

11 **SECTION 289.** 940.15 (2) of the statutes is amended to read:

12 940.15 (2) Whoever intentionally performs an abortion after the fetus or
13 unborn child reaches viability, as determined by reasonable medical judgment of the
14 woman's attending physician, is guilty of a Class E I felony.

15 **SECTION 290.** 940.15 (5) of the statutes is amended to read:

16 940.15 (5) Whoever intentionally performs an abortion and who is not a
17 physician is guilty of a Class E I felony.

18 **SECTION 291.** 940.15 (6) of the statutes is amended to read:

19 940.15 (6) Any physician who intentionally performs an abortion under sub.
20 (3) shall use that method of abortion which, of those he or she knows to be available,
21 is in his or her medical judgment most likely to preserve the life and health of the
22 fetus or unborn child. Nothing in this subsection requires a physician performing
23 an abortion to employ a method of abortion which, in his or her medical judgment
24 based on the particular facts of the case before him or her, would increase the risk
25 to the woman. Any physician violating this subsection is guilty of a Class E I felony.

ASSEMBLY BILL 465

1 **SECTION 292.** 940.19 (2) of the statutes is amended to read:

2 940.19 (2) Whoever causes substantial bodily harm to another by an act done
3 with intent to cause bodily harm to that person or another is guilty of a Class ~~E~~ I
4 felony.

5 **SECTION 293.** 940.19 (3) of the statutes is repealed.

6 **SECTION 294.** 940.19 (4) of the statutes is amended to read:

7 940.19 (4) Whoever causes great bodily harm to another by an act done with
8 intent to cause bodily harm to that person or another is guilty of a Class ~~D~~ H felony.

9 **SECTION 295.** 940.19 (5) of the statutes is amended to read:

10 940.19 (5) Whoever causes great bodily harm to another by an act done with
11 intent to cause ~~either substantial bodily harm or great bodily harm~~ to that person
12 or another is guilty of a Class ~~C~~ E felony.

13 **SECTION 296.** 940.19 (6) (intro.) of the statutes is amended to read:

14 940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by
15 conduct that creates a substantial risk of great bodily harm is guilty of a Class ~~D~~ H
16 felony. A rebuttable presumption of conduct creating a substantial risk of great
17 bodily harm arises:

18 **SECTION 297.** 940.195 (2) of the statutes is amended to read:

19 940.195 (2) Whoever causes substantial bodily harm to an unborn child by an
20 act done with intent to cause bodily harm to that unborn child, to the woman who is
21 pregnant with that unborn child or another is guilty of a Class ~~E~~ I felony.

22 **SECTION 298.** 940.195 (3) of the statutes is repealed.

23 **SECTION 299.** 940.195 (4) of the statutes is amended to read:

ASSEMBLY BILL 465

1 940.195 (4) Whoever causes great bodily harm to an unborn child by an act
2 done with intent to cause bodily harm to that unborn child, to the woman who is
3 pregnant with that unborn child or another is guilty of a Class ~~D~~ H felony.

4 **SECTION 300.** 940.195 (5) of the statutes is amended to read:

5 940.195 (5) Whoever causes great bodily harm to an unborn child by an act
6 done with intent to cause ~~either substantial bodily harm or great bodily harm~~ to that
7 unborn child, to the woman who is pregnant with that unborn child or another is
8 guilty of a Class ~~C~~ E felony.

9 **SECTION 301.** 940.195 (6) of the statutes is repealed.

10 **SECTION 302.** 940.20 (1) of the statutes is amended to read:

11 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison or
12 other state, county or municipal detention facility who intentionally causes bodily
13 harm to an officer, employe, visitor or another inmate of such prison or institution,
14 without his or her consent, is guilty of a Class ~~D~~ H felony.

15 **SECTION 303.** 940.20 (1m) of the statutes is amended to read:

16 940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any
17 person who is subject to an injunction under s. 813.12 or a tribal injunction filed
18 under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who
19 sought the injunction by an act done without the consent of the petitioner is guilty
20 of a Class ~~E~~ I felony.

21 (b) Any person who is subject to an injunction under s. 813.125 and who
22 intentionally causes bodily harm to the petitioner who sought the injunction by an
23 act done without the consent of the petitioner is guilty of a Class ~~E~~ I felony.

24 **SECTION 304.** 940.20 (2) of the statutes is amended to read:

ASSEMBLY BILL 465

1 **940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS.** Whoever
2 intentionally causes bodily harm to a law enforcement officer or fire fighter, as those
3 terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the
4 person knows or has reason to know that the victim is a law enforcement officer or
5 fire fighter, by an act done without the consent of the person so injured, is guilty of
6 a Class **D H** felony.

7 **SECTION 305.** 940.20 (2m) (b) of the statutes is amended to read:

8 **940.20 (2m) (b)** Whoever intentionally causes bodily harm to a probation,
9 extended supervision and parole agent or an aftercare agent, acting in an official
10 capacity and the person knows or has reason to know that the victim is a probation,
11 extended supervision and parole agent or an aftercare agent, by an act done without
12 the consent of the person so injured, is guilty of a Class **D H** felony.

13 **SECTION 306.** 940.20 (3) of the statutes is amended to read:

14 **940.20 (3) BATTERY TO JURORS.** Whoever intentionally causes bodily harm to a
15 person who he or she knows or has reason to know is or was a grand or petit juror,
16 and by reason of any verdict or indictment assented to by the person, without the
17 consent of the person injured, is guilty of a Class **D H** felony.

18 **SECTION 307.** 940.20 (4) of the statutes is amended to read:

19 **940.20 (4) BATTERY TO PUBLIC OFFICERS.** Whoever intentionally causes bodily
20 harm to a public officer in order to influence the action of such officer or as a result
21 of any action taken within an official capacity, without the consent of the person
22 injured, is guilty of a Class **E I** felony.

23 **SECTION 308.** 940.20 (5) (b) of the statutes is amended to read:

24 **940.20 (5) (b)** Whoever intentionally causes bodily harm to a technical college
25 district or school district officer or employe acting in that capacity, and the person

ASSEMBLY BILL 465

1 knows or has reason to know that the victim is a technical college district or school
2 district officer or employe, without the consent of the person so injured, is guilty of
3 a Class E I felony.

4 **SECTION 309.** 940.20 (6) (b) (intro.) of the statutes is amended to read:

5 940.20 **(6)** (b) (intro.) Whoever intentionally causes bodily harm to another
6 under any of the following circumstances is guilty of a Class E I felony:

7 **SECTION 310.** 940.20 (7) (b) of the statutes is amended to read:

8 940.20 **(7)** (b) Whoever intentionally causes bodily harm to an emergency
9 department worker, an emergency medical technician, a first responder or an
10 ambulance driver who is acting in an official capacity and who the person knows or
11 has reason to know is an emergency department worker, an emergency medical
12 technician, a first responder or an ambulance driver, by an act done without the
13 consent of the person so injured, is guilty of a Class D H felony.

14 **SECTION 311.** 940.201 (2) (intro.) of the statutes is amended to read:

15 940.201 **(2)** (intro.) Whoever does any of the following is guilty of a Class D H
16 felony:

17 **SECTION 312.** 940.203 (2) (intro.) of the statutes is amended to read:

18 940.203 **(2)** (intro.) Whoever intentionally causes bodily harm or threatens to
19 cause bodily harm to the person or family member of any judge under all of the
20 following circumstances is guilty of a Class D H felony:

21 **SECTION 313.** 940.205 (2) (intro.) of the statutes is amended to read:

22 940.205 **(2)** (intro.) Whoever intentionally causes bodily harm or threatens to
23 cause bodily harm to the person or family member of any department of revenue
24 official, employe or agent under all of the following circumstances is guilty of a Class
25 D H felony:

ASSEMBLY BILL 465

1 **SECTION 314.** 940.207 (2) (intro.) of the statutes is amended to read:

2 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
3 cause bodily harm to the person or family member of any department of commerce
4 or department of workforce development official, employe or agent under all of the
5 following circumstances is guilty of a Class ~~D~~ H felony:

6 **SECTION 315.** 940.21 of the statutes is amended to read:

7 **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or
8 mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is
9 guilty of a Class ~~B~~ C felony.

10 **SECTION 316.** 940.22 (2) of the statutes is amended to read:

11 940.22 (2) **SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself
12 or herself out to be a therapist and who intentionally has sexual contact with a
13 patient or client during any ongoing therapist–patient or therapist–client
14 relationship, regardless of whether it occurs during any treatment, consultation,
15 interview or examination, is guilty of a Class ~~C~~ F felony. Consent is not an issue in
16 an action under this subsection.

17 **SECTION 317.** 940.225 (2) (intro.) of the statutes is amended to read:

18 940.225 (2) **SECOND DEGREE SEXUAL ASSAULT.** (intro.) Whoever does any of the
19 following is guilty of a Class ~~BC~~ C felony:

20 **SECTION 318.** 940.225 (3) of the statutes is amended to read:

21 940.225 (3) **THIRD DEGREE SEXUAL ASSAULT.** Whoever has sexual intercourse
22 with a person without the consent of that person is guilty of a Class ~~D~~ G felony.
23 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person
24 without the consent of that person is guilty of a Class ~~D~~ G felony.

25 **SECTION 319.** 940.23 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 465

1 940.23 (1) (a) Whoever recklessly causes great bodily harm to another human
2 being under circumstances which show utter disregard for human life is guilty of a
3 Class C D felony.

4 **SECTION 320.** 940.23 (1) (b) of the statutes is amended to read:

5 940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child
6 under circumstances that show utter disregard for the life of that unborn child, the
7 woman who is pregnant with that unborn child or another is guilty of a Class C D
8 felony.

9 **SECTION 321.** 940.23 (2) (a) of the statutes is amended to read:

10 940.23 (2) (a) Whoever recklessly causes great bodily harm to another human
11 being is guilty of a Class D F felony.

12 **SECTION 322.** 940.23 (2) (b) of the statutes is amended to read:

13 940.23 (2) (b) Whoever recklessly causes great bodily harm to an unborn child
14 is guilty of a Class D F felony.

15 **SECTION 323.** 940.24 (1) of the statutes is amended to read:

16 940.24 (1) Whoever causes bodily harm to another by the negligent operation
17 or handling of a dangerous weapon, explosives or fire is guilty of a Class E I felony.

18 **SECTION 324.** 940.24 (2) of the statutes is amended to read:

19 940.24 (2) Whoever causes bodily harm to an unborn child by the negligent
20 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class E
21 I felony.

22 **SECTION 325.** 940.25 (1) (intro.) of the statutes is amended to read:

23 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class
24 D F felony:

25 **SECTION 326.** 940.25 (1b) of the statutes is repealed.

ASSEMBLY BILL 465

1 **SECTION 327.** 940.285 (2) (b) 1g. of the statutes is amended to read:

2 940.285 (2) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
3 that cause death is guilty of a Class ~~B~~ C felony. Any person violating par. (a) 3. under
4 circumstances that cause death is guilty of a Class D felony.

5 **SECTION 328.** 940.285 (2) (b) 1m. of the statutes is amended to read:

6 940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that
7 cause great bodily harm is guilty of a Class ~~C~~ F felony.

8 **SECTION 329.** 940.285 (2) (b) 1r. of the statutes is amended to read:

9 940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are
10 likely to cause great bodily harm is guilty of a Class ~~D~~ G felony. Any person violating
11 par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is
12 guilty of a Class I felony.

13 **SECTION 330.** 940.285 (2) (b) 2. of the statutes is amended to read:

14 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that
15 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person
16 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
17 of a Class I felony.

18 **SECTION 331.** 940.285 (2) (b) 3. of the statutes is repealed.

19 **SECTION 332.** 940.29 of the statutes is amended to read:

20 **940.29 Abuse of residents of penal facilities.** Any person in charge of or
21 employed in a penal or correctional institution or other place of confinement who
22 abuses, neglects or ill-treats any person confined in or a resident of any such
23 institution or place or who knowingly permits another person to do so is guilty of a
24 Class ~~E~~ I felony.

25 **SECTION 333.** 940.295 (3) (b) 1g. of the statutes is amended to read:

ASSEMBLY BILL 465

1 940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
2 that cause death to a vulnerable person is guilty of a Class B C felony. Any person
3 violating par. (a) 3. under circumstances that cause death to a vulnerable person is
4 guilty of a Class D felony.

5 **SECTION 334.** 940.295 (3) (b) 1m. of the statutes is amended to read:

6 940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that
7 cause great bodily harm to a vulnerable person is guilty of a Class C E felony.

8 **SECTION 335.** 940.295 (3) (b) 1r. of the statutes is amended to read:

9 940.295 (3) (b) 1r. Except as provided in subd. 1m., any person violating par.
10 (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty
11 of a Class ~~D~~ F felony. Any person violating par. (a) 1. under circumstances that are
12 likely to cause great bodily harm is guilty of a Class G felony.

13 **SECTION 336.** 940.295 (3) (b) 2. of the statutes is amended to read:

14 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that
15 cause ~~or are likely to cause~~ bodily harm is guilty of a Class E H felony. Any person
16 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
17 of a Class I felony.

18 **SECTION 337.** 940.295 (3) (b) 3. of the statutes is amended to read:

19 940.295 (3) (b) 3. Except as provided in subd. 1m., any person violating par. (a)
20 2. or 3. under circumstances that cause ~~or are likely to cause~~ great bodily harm is
21 guilty of a Class E H felony. Any person violating par. (a) 2. or 3. under circumstances
22 that are likely to cause great bodily harm is guilty of a Class I felony.

23 **SECTION 338.** 940.30 of the statutes is amended to read:

ASSEMBLY BILL 465

1 **940.30 False imprisonment.** Whoever intentionally confines or restrains
2 another without the person’s consent and with knowledge that he or she has no
3 lawful authority to do so is guilty of a Class ~~E~~ H felony.

4 **SECTION 339.** 940.305 (1) of the statutes is amended to read:

5 940.305 (1) Except as provided in sub. (2), whoever by force or threat of
6 imminent force seizes, confines or restrains a person without the person’s consent
7 and with the intent to use the person as a hostage in order to influence a person to
8 perform or not to perform some action demanded by the actor is guilty of a Class ~~A~~
9 B felony.

10 **SECTION 340.** 940.305 (2) of the statutes is amended to read:

11 940.305 (2) Whoever commits a violation specified under sub. (1) is guilty of
12 a Class ~~B~~ C felony if, before the time of the actor’s arrest, each person who is held as
13 a hostage is released without bodily harm.

14 **SECTION 341.** 940.31 (1) (intro.) of the statutes is amended to read:

15 940.31 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C
16 felony:

17 **SECTION 342.** 940.31 (2) (a) of the statutes is amended to read:

18 940.31 (2) (a) Except as provided in par. (b), whoever violates sub. (1) with
19 intent to cause another to transfer property in order to obtain the release of the victim
20 is guilty of a Class ~~A~~ B felony.

21 **SECTION 343.** 940.31 (2) (b) of the statutes is amended to read:

22 940.31 (2) (b) Whoever violates sub. (1) with intent to cause another to transfer
23 property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony if
24 the victim is released without permanent physical injury prior to the time the first
25 witness is sworn at the trial.

ASSEMBLY BILL 465

1 **SECTION 344.** 940.32 (2) (intro.) of the statutes is amended to read:

2 940.32 **(2)** (intro.) Whoever meets all of the following criteria is guilty of a Class
3 ~~A misdemeanor~~ I felony:

4 **SECTION 345.** 940.32 (2m) of the statutes is amended to read:

5 940.32 **(2m)** Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she
6 intentionally gains access to a record in electronic format that contains personally
7 identifiable information regarding the victim in order to facilitate the violation
8 under sub. (2).

9 **SECTION 346.** 940.32 (3) (intro.) of the statutes is amended to read:

10 940.32 **(3)** (intro.) Whoever violates sub. (2) under any of the following
11 circumstances is guilty of a Class ~~E~~ H felony:

12 **SECTION 347.** 940.32 (3m) (intro.) of the statutes is amended to read:

13 940.32 **(3m)** (intro.) Whoever violates sub. (3) under all of the following
14 circumstances is guilty of a Class ~~D~~ G felony:

15 **SECTION 348.** 940.43 (intro.) of the statutes is amended to read:

16 **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
17 940.42 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

18 **SECTION 349.** 940.45 (intro.) of the statutes is amended to read:

19 **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
20 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

21 **SECTION 350.** 941.11 (intro.) of the statutes is amended to read:

22 **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the
23 following is guilty of a Class ~~D~~ H felony:

24 **SECTION 351.** 941.12 (1) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 351**

1 941.12 (1) Whoever intentionally interferes with the proper functioning of a
2 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of
3 a Class E I felony.

4 **SECTION 352.** 941.20 (2) (intro.) of the statutes is amended to read:

5 941.20 (2) (intro.) Whoever does any of the following is guilty of a Class E G
6 felony:

7 **SECTION 353.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

8 941.20 (3) (a) (intro.) Whoever intentionally discharges a firearm from a
9 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot
10 that is open to the public under any of the following circumstances is guilty of a Class
11 C F felony:

12 **SECTION 354.** 941.21 of the statutes is amended to read:

13 **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace
14 officer who is acting in his or her official capacity by taking a dangerous weapon or
15 a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer
16 without his or her consent is guilty of a Class E H felony. This section applies to any
17 dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4)
18 (a) that the officer is carrying or that is in an area within the officer's immediate
19 presence.

20 **SECTION 355.** 941.235 (1) of the statutes is amended to read:

21 941.235 (1) Any person who goes armed with a firearm in any building owned
22 or leased by the state or any political subdivision of the state is guilty of a Class B
23 A misdemeanor.

24 **SECTION 356.** 941.26 (2) (a) of the statutes is amended to read:

25 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class E H felony.

ASSEMBLY BILL 465

1 **SECTION 357.** 941.26 (2) (b) of the statutes is amended to read:

2 941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class C F felony.

3 **SECTION 358.** 941.26 (2) (e) of the statutes is amended to read:

4 941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or
5 commercial transportation of the bomb, grenade, projectile, shell or container under
6 sub. (1) (b) is guilty of a Class E H felony.

7 **SECTION 359.** 941.26 (2) (f) of the statutes is amended to read:

8 941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb,
9 grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily
10 discomfort to a person who the actor knows, or has reason to know, is a peace officer
11 who is acting in an official capacity is guilty of a Class D H felony.

12 **SECTION 360.** 941.26 (2) (g) of the statutes is amended to read:

13 941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb,
14 grenade, projectile, shell or container under sub. (1) (b) during his or her commission
15 of another crime to cause bodily harm or bodily discomfort to another or who
16 threatens to use the bomb, grenade, projectile, shell or container during his or her
17 commission of another crime to incapacitate another person is guilty of a Class E H
18 felony.

19 **SECTION 361.** 941.26 (4) (d) of the statutes is amended to read:

20 941.26 (4) (d) Whoever intentionally uses a device or container described under
21 par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows,
22 or has reason to know, is a peace officer who is acting in an official capacity is guilty
23 of a Class D H felony.

24 **SECTION 362.** 941.26 (4) (e) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 362**

1 941.26 (4) (e) Whoever uses a device or container described under par. (a)
2 during his or her commission of another crime to cause bodily harm or bodily
3 discomfort to another or who threatens to use the device or container during his or
4 her commission of another crime to incapacitate another person is guilty of a Class
5 E H felony.

6 **SECTION 363.** 941.28 (3) of the statutes is amended to read:

7 941.28 (3) Any person violating this section is guilty of a Class E H felony.

8 **SECTION 364.** 941.29 (2) (intro.) of the statutes is amended to read:

9 941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class E G felony
10 if he or she possesses a firearm under any of the following circumstances:

11 **SECTION 365.** 941.29 (2m) of the statutes is repealed.

12 **SECTION 366.** 941.295 (1) of the statutes is amended to read:

13 941.295 (1) Whoever sells, transports, manufactures, possesses or goes armed
14 with any electric weapon is guilty of a Class E H felony.

15 **SECTION 367.** 941.296 (2) (intro.) of the statutes is amended to read:

16 941.296 (2) (intro.) Whoever uses or possesses a handgun during the
17 commission of a crime under chs. 939 to 948 or 961 is guilty of a Class E H felony
18 under any of the following circumstances.

19 **SECTION 368.** 941.296 (3) of the statutes is repealed.

20 **SECTION 369.** 941.298 (2) of the statutes is amended to read:

21 941.298 (2) Whoever sells, delivers or possesses a firearm silencer is guilty of
22 a Class E H felony.

23 **SECTION 370.** 941.30 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 941.30 (1) FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY. Whoever recklessly
2 endangers another's safety under circumstances which show utter disregard for
3 human life is guilty of a Class D F felony.

4 **SECTION 371.** 941.30 (2) of the statutes is amended to read:

5 941.30 (2) SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY. Whoever
6 recklessly endangers another's safety is guilty of a Class E G felony.

7 **SECTION 372.** 941.31 (1) of the statutes is amended to read:

8 941.31 (1) Whoever makes, buys, transports, possesses, or transfers any
9 explosive compound or offers to do the same, either with intent to use such explosive
10 to commit a crime or knowing that another intends to use it to commit a crime, is
11 guilty of a Class C F felony.

12 **SECTION 373.** 941.31 (2) (b) of the statutes is amended to read:

13 941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or
14 transfers any improvised explosive device, or possesses materials or components
15 with intent to assemble any improvised explosive device, is guilty of a Class E H
16 felony.

17 **SECTION 374.** 941.315 (3) (intro.) of the statutes is amended to read:

18 941.315 (3) (intro.) Whoever does any of the following is guilty of a Class D H
19 felony:

20 **SECTION 375.** 941.32 of the statutes is amended to read:

21 **941.32 Administering dangerous or stupefying drug.** Whoever
22 administers to another or causes another to take any poisonous, stupefying,
23 overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the
24 commission of a crime is guilty of a Class C F felony.

25 **SECTION 376.** 941.325 of the statutes is amended to read:

ASSEMBLY BILL 465

1 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs
2 or other substances in candy or other liquid or solid edibles with the intent to cause
3 bodily harm to another person is guilty of a Class ~~E~~ I felony.

4 **SECTION 377.** 941.327 (2) (b) 1. of the statutes is amended to read:

5 941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par.
6 (a) is guilty of a Class ~~E~~ I felony.

7 **SECTION 378.** 941.327 (2) (b) 2. of the statutes is amended to read:

8 941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great
9 bodily harm to another, a person violating par. (a) is guilty of a Class ~~D~~ H felony.

10 **SECTION 379.** 941.327 (2) (b) 3. of the statutes is amended to read:

11 941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another,
12 a person violating par. (a) is guilty of a Class ~~C~~ F felony.

13 **SECTION 380.** 941.327 (2) (b) 4. of the statutes is amended to read:

14 941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is
15 guilty of a Class ~~A~~ C felony.

16 **SECTION 381.** 941.327 (3) of the statutes is amended to read:

17 941.327 (3) Whoever intentionally imparts or conveys false information,
18 knowing the information to be false, concerning an act or attempted act which, if
19 true, would constitute a violation of sub. (2) is guilty of a Class ~~E~~ I felony.

20 **SECTION 382.** 941.37 (3) of the statutes is amended to read:

21 941.37 (3) Any person who intentionally interferes with any emergency
22 medical personnel in the performance of duties relating to an emergency or rescue
23 and who has reasonable grounds to believe that the interference may endanger
24 another's safety is guilty of a Class ~~E~~ I felony.

25 **SECTION 383.** 941.37 (4) of the statutes is amended to read:

ASSEMBLY BILL 465

1 941.37 (4) Any person who violates sub. (3) and thereby contributes to the
2 death of another is guilty of a Class ~~C~~ E felony.

3 **SECTION 384.** 941.38 (1) (b) 4. of the statutes is amended to read:

4 941.38 (1) (b) 4. Battery, ~~substantial battery or aggravated battery~~, as
5 prohibited in s. 940.19 or 940.195.

6 **SECTION 385.** 941.38 (2) of the statutes is amended to read:

7 941.38 (2) Whoever intentionally solicits a child to participate in criminal gang
8 activity is guilty of a Class ~~E~~ I felony.

9 **SECTION 386.** 943.01 (2) (intro.) of the statutes is amended to read:

10 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
11 circumstances is guilty of a Class ~~D~~ I felony:

12 **SECTION 387.** 943.01 (2) (d) of the statutes is amended to read:

13 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
14 in value by more than ~~\$1,000~~ \$2,000. For the purposes of this paragraph, property
15 is reduced in value by the amount which it would cost either to repair or replace it,
16 whichever is less.

17 **SECTION 388.** 943.01 (2g) of the statutes is repealed.

18 **SECTION 389.** 943.011 (2) (intro.) of the statutes is amended to read:

19 943.011 (2) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ I
20 felony:

21 **SECTION 390.** 943.012 (intro.) of the statutes is amended to read:

22 **943.012 Criminal damage to or graffiti on religious and other property.**
23 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or
24 writes with ink or another substance on or intentionally etches into any physical
25 property of another, without the person's consent and with knowledge of the

ASSEMBLY BILL 465**SECTION 390**

1 character of the property, is guilty of a Class ~~E~~ I felony if the property consists of one
2 or more of the following:

3 **SECTION 391.** 943.013 (2) (intro.) of the statutes is amended to read:

4 943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage
5 to any physical property that belongs to a judge or his or her family member under
6 all of the following circumstances is guilty of a Class ~~D~~ I felony:

7 **SECTION 392.** 943.014 (2) of the statutes is amended to read:

8 943.014 (2) Whoever intentionally demolishes a historic building without a
9 permit issued by a city, village, town or county or without an order issued under s.
10 66.05 ~~shall be fined an amount equal to 2 times the fair market value of the historic~~
11 ~~building and the land upon which the building is located immediately prior to~~
12 ~~demolition and may be imprisoned for not more than 9 months~~ is guilty of a Class A
13 misdemeanor.

14 **SECTION 393.** 943.015 (2) (intro.) of the statutes is amended to read:

15 943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage
16 to any physical property which belongs to a department of revenue official, employe
17 or agent or his or her family member under all of the following circumstances is guilty
18 of a Class ~~D~~ I felony:

19 **SECTION 394.** 943.017 (2) (intro.) of the statutes is amended to read:

20 943.017 (2) (intro.) Any person violating sub. (1) under any of the following
21 circumstances is guilty of a Class ~~D~~ I felony:

22 **SECTION 395.** 943.017 (2) (d) of the statutes is amended to read:

23 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
24 in value by more than ~~\$1,000~~ \$2,000. For the purposes of this paragraph, property

ASSEMBLY BILL 465

1 is reduced in value by the amount which it would cost to repair or replace it or to
2 remove the marking, drawing, writing or etching, whichever is less.

3 **SECTION 396.** 943.017 (2m) (b) (intro.) of the statutes is amended to read:

4 943.017 **(2m)** (b) (intro.) Whoever does any of the following is guilty of a Class ~~D~~
5 I felony:

6 **SECTION 397.** 943.02 (1) (intro.) of the statutes is amended to read:

7 943.02 **(1)** (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C
8 felony:

9 **SECTION 398.** 943.03 of the statutes is amended to read:

10 **943.03 Arson of property other than building.** Whoever, by means of fire,
11 intentionally damages any property (other than a building) of another without the
12 person's consent, if the property is of the value of \$100 or more, is guilty of a Class
13 ~~E~~ I felony.

14 **SECTION 399.** 943.04 of the statutes is amended to read:

15 **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages
16 any property (other than a building) with intent to defraud an insurer of that
17 property is guilty of a Class ~~D~~ H felony. Proof that the actor recovered or attempted
18 to recover on a policy of insurance by reason of the fire is relevant but not essential
19 to establish the actor's intent to defraud the insurer.

20 **SECTION 400.** 943.06 (2) of the statutes is amended to read:

21 943.06 **(2)** Whoever possesses, manufactures, sells, offers for sale, gives or
22 transfers a fire bomb is guilty of a Class ~~E~~ H felony.

23 **SECTION 401.** 943.07 (1) of the statutes is amended to read:

24 943.07 **(1)** Whoever intentionally causes damage or who causes another person
25 to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,

ASSEMBLY BILL 465**SECTION 401**

1 tunnel or signal or any railroad property used in providing rail services, which could
2 cause an injury, accident or derailment is guilty of a Class A misdemeanor I felony.

3 **SECTION 402.** 943.07 (2) of the statutes is amended to read:

4 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
5 train, car, caboose or engine is guilty of a Class A misdemeanor I felony.

6 **SECTION 403.** 943.10 (1) (intro.) of the statutes is amended to read:

7 943.10 (1) (intro.) Whoever intentionally enters any of the following places
8 without the consent of the person in lawful possession and with intent to steal or
9 commit a felony in such place is guilty of a Class C F felony:

10 **SECTION 404.** 943.10 (2) (intro.) of the statutes is amended to read:

11 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
12 circumstances is guilty of a Class B E felony:

13 **SECTION 405.** 943.12 of the statutes is amended to read:

14 **943.12 Possession of burglarious tools.** Whoever has in personal
15 possession any device or instrumentality intended, designed or adapted for use in
16 breaking into any depository designed for the safekeeping of any valuables or into
17 any building or room, with intent to use such device or instrumentality to break into
18 a depository, building or room, and to steal therefrom, is guilty of a Class E I felony.

19 **SECTION 406.** 943.20 (3) (a) of the statutes is amended to read:

20 943.20 (3) (a) If the value of the property does not exceed \$1,000 \$2,000, is
21 guilty of a Class A misdemeanor.

22 **SECTION 407.** 943.20 (3) (b) of the statutes is amended to read:

23 943.20 (3) (b) If the value of the property exceeds \$1,000 \$2,000 but does not
24 \$2,500 exceed \$5,000, is guilty of a Class E I felony.

25 **SECTION 408.** 943.20 (3) (bm) of the statutes is created to read:

ASSEMBLY BILL 465

1 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
2 \$10,000, is guilty of a Class H felony.

3 **SECTION 409.** 943.20 (3) (c) of the statutes is amended to read:

4 943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of
5 a Class ~~C~~ G felony.

6 **SECTION 410.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

7 943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and~~
8 any of the following circumstances ~~exist~~ exists, is guilty of a Class ~~D~~ H felony:

9 **SECTION 411.** 943.20 (3) (d) 1. of the statutes is amended to read:

10 943.20 (3) (d) 1. The property is a domestic animal; ~~or.~~

11 **SECTION 412.** 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and
12 amended to read:

13 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
14 a corpse; ~~or,~~ is guilty of a Class G felony.

15 **SECTION 413.** 943.20 (3) (d) 3. of the statutes is amended to read:

16 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
17 or left unoccupied because of physical disaster, riot, bombing or the proximity of
18 battle; ~~or.~~

19 **SECTION 414.** 943.20 (3) (d) 4. of the statutes is amended to read:

20 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
21 the proximity of battle has necessitated its removal from a building; ~~or.~~

22 **SECTION 415.** 943.201 (2) of the statutes is amended to read:

23 943.201 (2) Whoever intentionally uses or attempts to use any personal
24 identifying information or personal identification document of an individual to
25 obtain credit, money, goods, services or anything else of value without the

ASSEMBLY BILL 465

1 authorization or consent of the individual and by representing that he or she is the
2 individual or is acting with the authorization or consent of the individual is guilty
3 of a Class D H felony.

4 **SECTION 416.** 943.205 (3) of the statutes is amended to read:

5 943.205 (3) Anyone who violates this section is guilty of a Class E I felony.

6 **SECTION 417.** 943.21 (3) (a) of the statutes is amended to read:

7 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
8 beverage, food, lodging, accommodation, transportation or other service is \$1,000
9 \$2,000 or less.

10 **SECTION 418.** 943.21 (3) (b) of the statutes is amended to read:

11 943.21 (3) (b) Is guilty of a Class E I felony when the value of any beverage,
12 food, lodging, accommodation, transportation or other service exceeds \$1,000 \$2,000.

13 **SECTION 419.** 943.23 (1g) of the statutes is amended to read:

14 943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of,
15 or the threat of the use of, force or the weapon against another, intentionally takes
16 any vehicle without the consent of the owner is guilty of a Class B C felony.

17 **SECTION 420.** 943.23 (1m) of the statutes is repealed.

18 **SECTION 421.** 943.23 (1r) of the statutes is repealed.

19 **SECTION 422.** 943.23 (2) of the statutes is amended to read:

20 943.23 (2) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
21 takes and drives any vehicle without the consent of the owner is guilty of a Class D
22 H felony.

23 **SECTION 423.** 943.23 (3) of the statutes is amended to read:

ASSEMBLY BILL 465

1 943.23 (3) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
2 drives or operates any vehicle without the consent of the owner is guilty of a Class
3 E I felony.

4 **SECTION 424.** 943.23 (3m) of the statutes is created to read:

5 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
6 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
7 after the vehicle was taken from the possession of the owner. An affirmative defense
8 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
9 who raises this affirmative defense has the burden of proving the defense by a
10 preponderance of the evidence.

11 **SECTION 425.** 943.23 (4m) of the statutes is amended to read:

12 943.23 (4m) Whoever knows that the owner does not consent to the driving or
13 operation of a vehicle and intentionally accompanies, as a passenger in the vehicle,
14 a person while he or she violates sub. (1g), ~~(1m), (1r)~~, (2) ~~or~~, (3) or (3m) is guilty of a
15 Class A misdemeanor.

16 **SECTION 426.** 943.23 (5) of the statutes is amended to read:

17 943.23 (5) Whoever intentionally removes a major part of a vehicle without the
18 consent of the owner is guilty of a Class E I felony. Whoever intentionally removes
19 any other part or component of a vehicle without the consent of the owner is guilty
20 of a Class A misdemeanor.

21 **SECTION 427.** 943.24 (1) of the statutes is amended to read:

22 943.24 (1) Whoever issues any check or other order for the payment of not more
23 than \$1,000 \$2,000 which, at the time of issuance, he or she intends shall not be paid
24 is guilty of a Class A misdemeanor.

25 **SECTION 428.** 943.24 (2) of the statutes is amended to read:

ASSEMBLY BILL 465

1 943.24 (2) Whoever issues any single check or other order for the payment of
2 more than \$1,000 \$2,000 or whoever within a 15-day period issues more than one
3 check or other order amounting in the aggregate to more than \$1,000 \$2,000 which,
4 at the time of issuance, the person intends shall not be paid is guilty of a Class E I
5 felony.

6 **SECTION 429.** 943.25 (1) of the statutes is amended to read:

7 943.25 (1) Whoever, with intent to defraud, conveys real property which he or
8 she knows is encumbered, without informing the grantee of the existence of the
9 encumbrance is guilty of a Class E I felony.

10 **SECTION 430.** 943.25 (2) (intro.) of the statutes is amended to read:

11 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
12 is guilty of a Class E I felony:

13 **SECTION 431.** 943.26 (2) of the statutes is amended to read:

14 943.26 (2) If the security is impaired by more than \$1,000 \$2,000, the
15 mortgagor or vendee is guilty of a Class E I felony.

16 **SECTION 432.** 943.27 of the statutes is amended to read:

17 **943.27 Possession of records of certain usurious loans.** Any person who
18 knowingly possesses any writing representing or constituting a record of a charge of,
19 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
20 upon \$100 for one year computed upon the declining principal balance of the loan,
21 use or forbearance of money, goods or things in action or upon the loan, use or sale
22 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
23 E I felony.

24 **SECTION 433.** 943.28 (2) of the statutes is amended to read:

ASSEMBLY BILL 465

1 943.28 (2) Whoever makes any extortionate extension of credit, or conspires to
2 do so, if one or more of the parties to the conspiracy does an act to effect its object,
3 is guilty of a Class C F felony.

4 **SECTION 434.** 943.28 (3) of the statutes is amended to read:

5 943.28 (3) Whoever advances money or property, whether as a gift, as a loan,
6 as an investment, pursuant to a partnership or profit-sharing agreement, or
7 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
8 Class C F felony.

9 **SECTION 435.** 943.28 (4) of the statutes is amended to read:

10 943.28 (4) Whoever knowingly participates in any way in the use of any
11 extortionate means to collect or attempt to collect any extension of credit, or to punish
12 any person for the nonrepayment thereof, is guilty of a Class C F felony.

13 **SECTION 436.** 943.30 (1) of the statutes is amended to read:

14 943.30 (1) Whoever, either verbally or by any written or printed
15 communication, maliciously threatens to accuse or accuses another of any crime or
16 offense, or threatens or commits any injury to the person, property, business,
17 profession, calling or trade, or the profits and income of any business, profession,
18 calling or trade of another, with intent thereby to extort money or any pecuniary
19 advantage whatever, or with intent to compel the person so threatened to do any act
20 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

21 **SECTION 437.** 943.30 (2) of the statutes is amended to read:

22 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
23 commerce or business or the movement of any article or commodity in commerce or
24 business is guilty of a Class D H felony.

25 **SECTION 438.** 943.30 (3) of the statutes is amended to read:

ASSEMBLY BILL 465

1 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
2 grand juror, in the performance of his or her functions as such, is guilty of a Class D
3 H felony.

4 **SECTION 439.** 943.30 (4) of the statutes is amended to read:

5 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
6 action of any public officer is guilty of a Class D H felony.

7 **SECTION 440.** 943.30 (5) (b) of the statutes is amended to read:

8 943.30 (5) (b) Whoever, orally or by any written or printed communication,
9 maliciously uses, or threatens to use, the patient health care records of another
10 person, with intent thereby to extort money or any pecuniary advantage, or with
11 intent to compel the person so threatened to do any act against the person's will or
12 omit to do any lawful act, is guilty of a Class D H felony.

13 **SECTION 441.** 943.31 of the statutes is amended to read:

14 **943.31 Threats to communicate derogatory information.** Whoever
15 threatens to communicate to anyone information, whether true or false, which would
16 injure the reputation of the threatened person or another unless the threatened
17 person transfers property to a person known not to be entitled to it is guilty of a Class
18 E I felony.

19 **SECTION 442.** 943.32 (1) (intro.) of the statutes is amended to read:

20 943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person
21 or presence of the owner by either of the following means is guilty of a Class C E
22 felony:

23 **SECTION 443.** 943.32 (2) of the statutes is amended to read:

24 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
25 weapon, a device or container described under s. 941.26 (4) (a) or any article used or

ASSEMBLY BILL 465

1 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
2 weapon or such a device or container is guilty of a Class B C felony.

3 **SECTION 444.** 943.34 (1) (a) of the statutes is amended to read:

4 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
5 exceed ~~\$1,000~~ \$2,000.

6 **SECTION 445.** 943.34 (1) (b) of the statutes is amended to read:

7 943.34 (1) (b) A Class ~~E~~ I felony, if the value of the property exceeds \$1,000
8 \$2,000 but does not more than \$2,500 exceed \$5,000.

9 **SECTION 446.** 943.34 (1) (bm) of the statutes is created to read:

10 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
11 does not exceed \$10,000.

12 **SECTION 447.** 943.34 (1) (c) of the statutes is amended to read:

13 943.34 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
14 \$10,000.

15 **SECTION 448.** 943.38 (1) (intro.) of the statutes is amended to read:

16 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
17 writing or object of any of the following kinds so that it purports to have been made
18 by another, or at another time, or with different provisions, or by authority of one who
19 did not give such authority, is guilty of a Class ~~C~~ H felony:

20 **SECTION 449.** 943.38 (2) of the statutes is amended to read:

21 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
22 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have
23 been thus falsely made or altered, is guilty of a Class ~~C~~ H felony.

24 **SECTION 450.** 943.39 (intro.) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 450**

1 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
2 defraud, does any of the following is guilty of a Class **D H** felony:

3 **SECTION 451.** 943.395 (2) (a) of the statutes is amended to read:

4 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
5 benefit does not exceed \$1,000 \$2,000.

6 **SECTION 452.** 943.395 (2) (b) of the statutes is amended to read:

7 943.395 (2) (b) Is guilty of a Class **E I** felony if the value of the claim or benefit
8 exceeds \$1,000 \$2,000.

9 **SECTION 453.** 943.40 (intro.) of the statutes is amended to read:

10 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
11 intent to defraud does either of the following is guilty of a Class **D H** felony:

12 **SECTION 454.** 943.41 (8) (b) of the statutes is amended to read:

13 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
14 or (6m) is guilty of a Class **E I** felony.

15 **SECTION 455.** 943.41 (8) (c) of the statutes is amended to read:

16 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
17 if the value of the money, goods, services or property illegally obtained does not
18 exceed \$1,000 \$2,000 is guilty of a Class A misdemeanor; if the value of the money,
19 goods, services or property exceeds \$1,000 \$2,000 but does not exceed \$2,500 \$5,000,
20 in a single transaction or in separate transactions within a period not exceeding 6
21 months, the person is guilty of a Class **E I** felony; if the value of the money, goods,
22 services or property exceeds \$5,000 but does not exceed \$10,000, in a single
23 transaction or in separate transactions within a period not exceeding 6 months, the
24 person is guilty of a Class H felony; or if the value of the money, goods, services or

ASSEMBLY BILL 465

1 property exceeds ~~\$2,500~~ \$10,000, in a single transaction or in separate transactions
2 within a period not exceeding 6 months, the person is guilty of a Class ~~C~~ G felony.

3 **SECTION 456.** 943.45 (3) (c) of the statutes is amended to read:

4 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
5 for direct or indirect commercial advantage or private financial gain is guilty of a
6 Class ~~E~~ felony A misdemeanor.

7 **SECTION 457.** 943.45 (3) (d) of the statutes is amended to read:

8 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
9 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
10 ~~D~~ I felony.

11 **SECTION 458.** 943.455 (4) (c) of the statutes is amended to read:

12 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
13 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
14 of a Class ~~E~~ felony A misdemeanor.

15 **SECTION 459.** 943.455 (4) (d) of the statutes is amended to read:

16 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
17 commercial advantage or private financial gain as a 2nd or subsequent offense is
18 guilty of a Class ~~D~~ I felony.

19 **SECTION 460.** 943.46 (4) (c) of the statutes is amended to read:

20 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
21 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
22 of a Class ~~E~~ felony A misdemeanor.

23 **SECTION 461.** 943.46 (4) (d) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 461**

1 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
2 commercial advantage or private financial gain as a 2nd or subsequent offense is
3 guilty of a Class ~~D~~ I felony.

4 **SECTION 462.** 943.47 (3) (c) of the statutes is amended to read:

5 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
6 for direct or indirect commercial advantage or private financial gain is guilty of a
7 Class ~~E~~ felony A misdemeanor.

8 **SECTION 463.** 943.47 (3) (d) of the statutes is amended to read:

9 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
10 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
11 ~~D~~ I felony.

12 **SECTION 464.** 943.50 (4) (a) of the statutes is amended to read:

13 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
14 exceed ~~\$1,000~~ \$2,000.

15 **SECTION 465.** 943.50 (4) (b) of the statutes is amended to read:

16 943.50 (4) (b) A Class ~~E~~ I felony, if the value of the merchandise exceeds ~~\$1,000~~
17 \$2,000 but ~~does not~~ exceed ~~\$2,500~~ \$5,000.

18 **SECTION 466.** 943.50 (4) (bm) of the statutes is created to read:

19 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
20 but does not exceed \$10,000.

21 **SECTION 467.** 943.50 (4) (c) of the statutes is amended to read:

22 943.50 (4) (c) A Class ~~C~~ G felony, if the value of the merchandise exceeds ~~\$2,500~~
23 \$10,000.

24 **SECTION 468.** 943.60 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 943.60 (1) Any person who submits for filing, entering or recording any lien,
2 claim of lien, lis pendens, writ of attachment, financing statement or any other
3 instrument relating to a security interest in or title to real or personal property, and
4 who knows or should have known that the contents or any part of the contents of the
5 instrument are false, a sham or frivolous, is guilty of a Class D H felony.

6 **SECTION 469.** 943.61 (5) (b) of the statutes is amended to read:

7 943.61 (5) (b) A Class E I felony, if the value of the library materials exceeds
8 \$1,000 but does not exceed \$2,500.

9 **SECTION 470.** 943.61 (5) (c) of the statutes is amended to read:

10 943.61 (5) (c) A Class C H felony, if the value of the library materials exceeds
11 \$2,500.

12 **SECTION 471.** 943.62 (4) (b) of the statutes is amended to read:

13 943.62 (4) (b) A Class E I felony, if the value of the advance payment or required
14 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

15 **SECTION 472.** 943.62 (4) (c) of the statutes is amended to read:

16 943.62 (4) (c) A Class C F felony, if the value of the advance payment or required
17 refund, as applicable, exceeds \$2,500.

18 **SECTION 473.** 943.70 (2) (b) 2. of the statutes is amended to read:

19 943.70 (2) (b) 2. A Class E I felony if the offense is committed to defraud or to
20 obtain property.

21 **SECTION 474.** 943.70 (2) (b) 3. of the statutes is amended to read:

22 943.70 (2) (b) 3. A Class D H felony if the damage is greater than ~~\$2,500~~ \$5,000
23 or if it causes an interruption or impairment of governmental operations or public
24 communication, of transportation or of a supply of water, gas or other public service.

25 **SECTION 475.** 943.70 (2) (b) 4. of the statutes is amended to read:

ASSEMBLY BILL 465

1 943.70 (2) (b) 4. A Class C F felony if the offense creates a substantial and
2 unreasonable risk of death or great bodily harm to another.

3 **SECTION 476.** 943.70 (3) (b) 2. of the statutes is amended to read:

4 943.70 (3) (b) 2. A Class E I felony if the offense is committed to defraud or
5 obtain property.

6 **SECTION 477.** 943.70 (3) (b) 3. of the statutes is amended to read:

7 943.70 (3) (b) 3. A Class D H felony if the damage to the computer, computer
8 system, computer network, equipment or supplies is greater than ~~\$2,500~~ \$5,000.

9 **SECTION 478.** 943.70 (3) (b) 4. of the statutes is amended to read:

10 943.70 (3) (b) 4. A Class C F felony if the offense creates a substantial and
11 unreasonable risk of death or great bodily harm to another.

12 **SECTION 479.** 943.75 (2) of the statutes is amended to read:

13 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
14 for scientific, farming, companionship or protection of persons or property,
15 recreation, restocking, research, exhibition, commercial or educational purposes,
16 acting without the consent of the owner or custodian of the animal, is guilty of a Class
17 C misdemeanor. A 2nd violation of this section by a person is a Class A misdemeanor.
18 A 3rd or subsequent violation of this section by a person is a Class E I felony.

19 **SECTION 480.** 944.05 (1) (intro.) of the statutes is amended to read:

20 944.05 (1) (intro.) Whoever does any of the following is guilty of a Class E I
21 felony:

22 **SECTION 481.** 944.06 of the statutes is amended to read:

23 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
24 a person he or she knows is a blood relative and such relative is in fact related in a

ASSEMBLY BILL 465

1 degree within which the marriage of the parties is prohibited by the law of this state
2 is guilty of a Class C F felony.

3 **SECTION 482.** 944.15 (title) of the statutes is repealed and recreated to read:

4 **944.15 (title) Public fornication.**

5 **SECTION 483.** 944.16 (intro.) of the statutes is amended to read:

6 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
7 Class E I felony:

8 **SECTION 484.** 944.205 (2) (intro.) of the statutes is amended to read:

9 944.205 (2) (intro.) Whoever does any of the following is guilty of a Class E I
10 felony:

11 **SECTION 485.** 944.21 (5) (c) of the statutes is amended to read:

12 944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior
13 convictions under this section, the person is guilty of a Class D H felony.

14 **SECTION 486.** 944.21 (5) (e) of the statutes is amended to read:

15 944.21 (5) (e) Regardless of the number of prior convictions, if the violation
16 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
17 the person is guilty of a Class D H felony.

18 **SECTION 487.** 944.32 of the statutes is amended to read:

19 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
20 intentionally solicits or causes any person to practice prostitution or establishes any
21 person in a place of prostitution is guilty of a Class D H felony.

22 **SECTION 488.** 944.33 (2) of the statutes is amended to read:

23 944.33 (2) If the person received compensation from the earnings of the
24 prostitute, such person is guilty of a Class C F felony.

25 **SECTION 489.** 944.34 (intro.) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 489**

1 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
2 any of the following is guilty of a Class **D H** felony:

3 **SECTION 490.** 945.03 (intro.) of the statutes is amended to read:

4 **945.03 Commercial gambling.** (intro.) Whoever intentionally does any of
5 the following is engaged in commercial gambling and is guilty of a Class **E I** felony:

6 **SECTION 491.** 945.05 (1) (intro.) of the statutes is amended to read:

7 **945.05 (1)** (intro.) Whoever manufactures, transfers commercially or possesses
8 with intent to transfer commercially either of the following is guilty of a Class **E I**
9 felony:

10 **SECTION 492.** 945.08 (1) of the statutes is amended to read:

11 **945.08 (1)** Any person who, with intent to influence any participant to refrain
12 from exerting full skill, speed, strength or endurance, transfers or promises any
13 property or any personal advantage to or on behalf of any participant in a contest of
14 skill, speed, strength or endurance is guilty of a Class **D H** felony.

15 **SECTION 493.** 946.02 (1) (intro.) of the statutes is amended to read:

16 **946.02 (1)** (intro.) Whoever does any of the following is guilty of a Class **E F**
17 felony:

18 **SECTION 494.** 946.03 (1) (intro.) of the statutes is amended to read:

19 **946.03 (1)** (intro.) Whoever does any of the following is guilty of a Class **E F**
20 felony:

21 **SECTION 495.** 946.03 (2) of the statutes is amended to read:

22 **946.03 (2)** Whoever permits any premises under his or her care, control or
23 supervision to be used by an assembly with knowledge that the purpose of the
24 assembly is to advocate or teach the duty, necessity, desirability or propriety of
25 overthrowing the government of the United States or this state by the use or threat

ASSEMBLY BILL 465

1 of physical violence with intent that such government be overthrown or, after
2 learning that the premises are being so used, permits such use to be continued is
3 guilty of a Class E I felony.

4 **SECTION 496.** 946.05 (1) of the statutes is amended to read:

5 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
6 contempt upon the flag is guilty of a Class E I felony.

7 **SECTION 497.** 946.10 (intro.) of the statutes is amended to read:

8 **946.10 Bribery of public officers and employes.** (intro.) Whoever does
9 either of the following is guilty of a Class D H felony:

10 **SECTION 498.** 946.11 (1) (intro.) of the statutes is amended to read:

11 946.11 (1) (intro.) Whoever does the following is guilty of a Class E I felony:

12 **SECTION 499.** 946.12 (intro.) of the statutes is amended to read:

13 **946.12 Misconduct in public office.** (intro.) Any public officer or public
14 employe who does any of the following is guilty of a Class E I felony:

15 **SECTION 500.** 946.13 (1) (intro.) of the statutes is amended to read:

16 946.13 (1) (intro.) Any public officer or public employe who does any of the
17 following is guilty of a Class E I felony:

18 **SECTION 501.** 946.14 of the statutes is amended to read:

19 **946.14 Purchasing claims at less than full value.** Any public officer or
20 public employe who in a private capacity directly or indirectly intentionally
21 purchases for less than full value or discounts any claim held by another against the
22 state or a political subdivision thereof or against any public fund is guilty of a Class
23 E I felony.

24 **SECTION 502.** 946.15 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 946.15 (1) Any employer, or any agent or employe of an employer, who induces
2 any person who seeks to be or is employed pursuant to a public contract as defined
3 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
4 wage rate determination has been issued by the department of workforce
5 development under s. 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental
6 unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to give up, waive or return any
7 part of the compensation to which that person is entitled under his or her contract
8 of employment or under the prevailing wage rate determination issued by the
9 department or local governmental unit, or who reduces the hourly basic rate of pay
10 normally paid to an employe for work on a project on which a prevailing wage rate
11 determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or 103.50 (3)
12 during a week in which the employe works both on a project on which a prevailing
13 wage rate determination has been issued and on a project on which a prevailing wage
14 rate determination has not been issued, is guilty of a Class E I felony.

15 **SECTION 503.** 946.15 (3) of the statutes is amended to read:

16 946.15 (3) Any employer or labor organization, or any agent or employe of an
17 employer or labor organization, who induces any person who seeks to be or is
18 employed on a project on which a prevailing wage rate determination has been issued
19 by the department of workforce development under s. 66.293 (3), 103.49 (3) or 103.50
20 (3) or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6)
21 to permit any part of the wages to which that person is entitled under the prevailing
22 wage rate determination issued by the department or local governmental unit to be
23 deducted from the person's pay is guilty of a Class E I felony, unless the deduction
24 would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project
25 that is subject to 40 USC 276c.

ASSEMBLY BILL 465

1 **SECTION 504.** 946.31 (1) (intro.) of the statutes is amended to read:

2 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
3 material statement which the person does not believe to be true, in any matter, cause,
4 action or proceeding, before any of the following, whether legally constituted or
5 exercising powers as if legally constituted, is guilty of a Class D H felony:

6 **SECTION 505.** 946.32 (1) (intro.) of the statutes is amended to read:

7 946.32 (1) (intro.) Whoever does either of the following is guilty of a Class D
8 H felony:

9 **SECTION 506.** 946.41 (2m) (intro.) of the statutes is amended to read:

10 946.41 (2m) (intro.) Whoever violates sub. (1) under all of the following
11 circumstances is guilty of a Class D H felony:

12 **SECTION 507.** 946.415 (2) (intro.) of the statutes is amended to read:

13 946.415 (2) (intro.) Whoever intentionally does all of the following is guilty of
14 a Class E I felony:

15 **SECTION 508.** 946.42 (3) (intro.) of the statutes is amended to read:

16 946.42 (3) (intro.) A person in custody who intentionally escapes from custody
17 under any of the following circumstances is guilty of a Class D H felony:

18 **SECTION 509.** 946.42 (4) of the statutes is repealed.

19 **SECTION 510.** 946.425 (1) of the statutes is amended to read:

20 946.425 (1) Any person who is subject to a series of periods of imprisonment
21 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
22 required under the sentence is guilty of a Class D H felony.

23 **SECTION 511.** 946.425 (1m) (b) of the statutes is amended to read:

24 946.425 (1m) (b) Any person who receives a stay of execution of a sentence of
25 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who

ASSEMBLY BILL 465**SECTION 511**

1 intentionally fails to report to the county jail as required under the sentence is guilty
2 of a Class D H felony.

3 **SECTION 512.** 946.425 (1r) (b) of the statutes is amended to read:

4 946.425 (1r) (b) Any person who is subject to a confinement order under s.
5 973.09 (4) as the result of a conviction for a felony and who intentionally fails to
6 report to the county jail or house of correction as required under the order is guilty
7 of a Class D H felony.

8 **SECTION 513.** 946.425 (2) of the statutes is repealed.

9 **SECTION 514.** 946.43 (intro.) of the statutes is amended to read:

10 **946.43 Assaults by prisoners.** (intro.) Any prisoner confined to a state
11 prison or other state, county or municipal detention facility who intentionally does
12 any of the following is guilty of a Class C F felony:

13 **SECTION 515.** 946.44 (1) (intro.) of the statutes is amended to read:

14 946.44 (1) (intro.) Whoever does the following is guilty of a Class D H felony:

15 **SECTION 516.** 946.44 (1g) of the statutes is amended to read:

16 946.44 (1g) Any public officer or public employe who violates sub. (1) (a) or (b)
17 is guilty of a Class C F felony.

18 **SECTION 517.** 946.44 (1m) of the statutes is amended to read:

19 946.44 (1m) Whoever intentionally introduces into an institution where
20 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
21 unloaded, or any article used or fashioned in a manner to lead another person to
22 believe it is a firearm, is guilty of a Class C F felony.

23 **SECTION 518.** 946.47 (1) (intro.) of the statutes is amended to read:

24 946.47 (1) (intro.) Whoever does either of the following is guilty of a Class E I
25 felony:

ASSEMBLY BILL 465

1 **SECTION 519.** 946.48 (1) of the statutes is amended to read:

2 946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any
3 written or oral communication with intent to induce a false belief that the sender has
4 knowledge of the whereabouts, physical condition, or terms imposed upon the return
5 of a kidnapped or missing person is guilty of a Class D H felony.

6 **SECTION 520.** 946.49 (1) (b) of the statutes is amended to read:

7 946.49 (1) (b) If the offense with which the person is charged is a felony, guilty
8 of a Class D H felony.

9 **SECTION 521.** 946.49 (2) of the statutes is amended to read:

10 946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is
11 guilty of a Class E I felony for failure to appear as provided.

12 **SECTION 522.** 946.50 (5d) of the statutes is created to read:

13 946.50 (5d) A Class F felony, if the person was adjudicated delinquent for
14 committing an act that would be a Class F felony if committed by an adult.

15 **SECTION 523.** 946.50 (5h) of the statutes is created to read:

16 946.50 (5h) A Class G felony, if the person was adjudicated delinquent for
17 committing an act that would be a Class G felony if committed by an adult.

18 **SECTION 524.** 946.50 (5p) of the statutes is created to read:

19 946.50 (5p) A Class H felony, if the person was adjudicated delinquent for
20 committing an act that would be a Class H felony if committed by an adult.

21 **SECTION 525.** 946.50 (5t) of the statutes is created to read:

22 946.50 (5t) A Class I felony, if the person was adjudicated delinquent for
23 committing an act that would be a Class I felony if committed by an adult.

24 **SECTION 526.** 946.60 (1) of the statutes is amended to read:

ASSEMBLY BILL 465

1 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
2 removes, withholds or transfers possession of a document, knowing that the
3 document has been subpoenaed by a court or by or at the request of a district attorney
4 or the attorney general, is guilty of a Class E I felony.

5 **SECTION 527.** 946.60 (2) of the statutes is amended to read:

6 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
7 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
8 withhold or transfer possession of a subpoenaed document, knowing that the
9 document has been subpoenaed by a court or by or at the request of a district attorney
10 or the attorney general, is guilty of a Class E I felony.

11 **SECTION 528.** 946.61 (1) (intro.) of the statutes is amended to read:

12 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class D H
13 felony:

14 **SECTION 529.** 946.64 of the statutes is amended to read:

15 **946.64 Communicating with jurors.** Whoever, with intent to influence any
16 person, summoned or serving as a juror, in relation to any matter which is before that
17 person or which may be brought before that person, communicates with him or her
18 otherwise than in the regular course of proceedings in the trial or hearing of that
19 matter is guilty of a Class E I felony.

20 **SECTION 530.** 946.65 (1) of the statutes is amended to read:

21 946.65 (1) Whoever for a consideration knowingly gives false information to
22 any officer of any court with intent to influence the officer in the performance of
23 official functions is guilty of a Class E I felony.

24 **SECTION 531.** 946.68 (1r) (a) of the statutes is amended to read:

ASSEMBLY BILL 465

1 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
2 to another any document which simulates legal process is guilty of a Class E I felony.

3 **SECTION 532.** 946.68 (1r) (b) of the statutes is amended to read:

4 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
5 to induce payment of a claim, the person is guilty of a Class D H felony.

6 **SECTION 533.** 946.68 (1r) (c) of the statutes is amended to read:

7 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
8 the person is guilty of a Class D H felony.

9 **SECTION 534.** 946.69 (2) (intro.) of the statutes is amended to read:

10 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I
11 felony:

12 **SECTION 535.** 946.70 (2) of the statutes is amended to read:

13 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
14 the commission of a crime other than the crime under this section is guilty of a Class
15 D H felony.

16 **SECTION 536.** 946.72 (1) of the statutes is amended to read:

17 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
18 removes or conceals any public record is guilty of a Class D H felony.

19 **SECTION 537.** 946.74 (2) of the statutes is amended to read:

20 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
21 sexual morality with or upon the inmate of the institution is guilty of a Class D H
22 felony.

23 **SECTION 538.** 946.76 of the statutes is amended to read:

ASSEMBLY BILL 465

1 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
2 to its execution that a search warrant has been applied for or issued, except so far
3 as may be necessary to its execution, is guilty of a Class E I felony.

4 **SECTION 539.** 946.82 (4) of the statutes is amended to read:

5 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
6 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
7 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
8 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
9 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
10 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
11 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) ~~or (2g)~~, 943.011,
12 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to ~~(d)~~
13 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
14 943.30, 943.32, 943.34 (1) (b), (bm) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
15 (c), 943.50 (4) (b), (bm) and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
16 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13,
17 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015,
18 948.05, 948.08, 948.12 and 948.30.

19 **SECTION 540.** 946.84 (1) of the statutes is amended to read:

20 946.84 (1) Any person convicted of engaging in racketeering activity in
21 violation of s. 946.83 is guilty of a Class C E felony.

22 **SECTION 541.** 946.85 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is amended to read:

24 946.85 (1) Any person who engages in a continuing criminal enterprise shall
25 be imprisoned for ~~not less than 10 years nor more than 30 years~~, and fined not more

ASSEMBLY BILL 465

1 ~~than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than~~
2 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
3 ~~record is guilty of a Class E felony.~~

4 **SECTION 542.** 947.013 (1t) of the statutes is amended to read:

5 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
6 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
7 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
8 occurs within 7 years of the prior conviction.

9 **SECTION 543.** 947.013 (1v) of the statutes is amended to read:

10 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
11 she intentionally gains access to a record in electronic format that contains
12 personally identifiable information regarding the victim in order to facilitate the
13 violation under sub. (1r).

14 **SECTION 544.** 947.013 (1x) (intro.) of the statutes is amended to read:

15 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
16 circumstances is guilty of a Class ~~D~~ H felony:

17 **SECTION 545.** 947.015 of the statutes is amended to read:

18 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
19 conveyed any threat or false information, knowing such to be false, concerning an
20 attempt or alleged attempt being made or to be made to destroy any property by the
21 means of explosives is guilty of a Class ~~E~~ I felony.

22 **SECTION 546.** 948.02 (2) of the statutes is amended to read:

23 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
24 sexual intercourse with a person who has not attained the age of 16 years is guilty
25 of a Class ~~B~~ C felony.

ASSEMBLY BILL 465**SECTION 547**

1 **SECTION 547.** 948.02 (3) of the statutes is amended to read:

2 948.02 (3) FAILURE TO ACT. A person responsible for the welfare of a child who
3 has not attained the age of 16 years is guilty of a Class C F felony if that person has
4 knowledge that another person intends to have, is having or has had sexual
5 intercourse or sexual contact with the child, is physically and emotionally capable
6 of taking action which will prevent the intercourse or contact from taking place or
7 being repeated, fails to take that action and the failure to act exposes the child to an
8 unreasonable risk that intercourse or contact may occur between the child and the
9 other person or facilitates the intercourse or contact that does occur between the
10 child and the other person.

11 **SECTION 548.** 948.02 (3m) of the statutes is repealed.

12 **SECTION 549.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
13 amended to read:

14 948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1)
15 or (2) within a specified period of time involving the same child is guilty of a:

16 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

17 **SECTION 550.** 948.025 (1) (b) of the statutes is created to read:

18 948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations
19 of s. 948.02 (1).

20 **SECTION 551.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
21 amended to read:

22 948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find
23 the defendant guilty the members of the jury must unanimously agree that at least
24 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
25 ~~under sub. (1)~~ of time but need not agree on which acts constitute the requisite

ASSEMBLY BILL 465

1 number and need not agree on whether a particular violation was a violation of s.
2 948.02 (1) or (2).

3 **SECTION 552.** 948.025 (2) (a) of the statutes is created to read:

4 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
5 the defendant guilty the members of the jury must unanimously agree that at least
6 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
7 agree on which acts constitute the requisite number.

8 **SECTION 553.** 948.025 (2m) of the statutes is repealed.

9 **SECTION 554.** 948.03 (2) (a) of the statutes is amended to read:

10 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
11 guilty of a Class C E felony.

12 **SECTION 555.** 948.03 (2) (b) of the statutes is amended to read:

13 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
14 a Class D H felony.

15 **SECTION 556.** 948.03 (2) (c) of the statutes is amended to read:

16 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
17 which creates a high probability of great bodily harm is guilty of a Class C F felony.

18 **SECTION 557.** 948.03 (3) (a) of the statutes is amended to read:

19 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
20 of a Class D G felony.

21 **SECTION 558.** 948.03 (3) (b) of the statutes is amended to read:

22 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
23 Class E I felony.

24 **SECTION 559.** 948.03 (3) (c) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 559**

1 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
2 which creates a high probability of great bodily harm is guilty of a Class D H felony.

3 **SECTION 560.** 948.03 (4) (a) of the statutes is amended to read:

4 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
5 C F felony if that person has knowledge that another person intends to cause, is
6 causing or has intentionally or recklessly caused great bodily harm to the child and
7 is physically and emotionally capable of taking action which will prevent the bodily
8 harm from occurring or being repeated, fails to take that action and the failure to act
9 exposes the child to an unreasonable risk of great bodily harm by the other person
10 or facilitates the great bodily harm to the child that is caused by the other person.

11 **SECTION 561.** 948.03 (4) (b) of the statutes is amended to read:

12 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
13 D H felony if that person has knowledge that another person intends to cause, is
14 causing or has intentionally or recklessly caused bodily harm to the child and is
15 physically and emotionally capable of taking action which will prevent the bodily
16 harm from occurring or being repeated, fails to take that action and the failure to act
17 exposes the child to an unreasonable risk of bodily harm by the other person or
18 facilitates the bodily harm to the child that is caused by the other person.

19 **SECTION 562.** 948.03 (5) of the statutes is repealed.

20 **SECTION 563.** 948.04 (1) of the statutes is amended to read:

21 948.04 (1) Whoever is exercising temporary or permanent control of a child and
22 causes mental harm to that child by conduct which demonstrates substantial
23 disregard for the mental well-being of the child is guilty of a Class C F felony.

24 **SECTION 564.** 948.04 (2) of the statutes is amended to read:

ASSEMBLY BILL 465

1 948.04 (2) A person responsible for the child's welfare is guilty of a Class C F
2 felony if that person has knowledge that another person has caused, is causing or will
3 cause mental harm to that child, is physically and emotionally capable of taking
4 action which will prevent the harm, fails to take that action and the failure to act
5 exposes the child to an unreasonable risk of mental harm by the other person or
6 facilitates the mental harm to the child that is caused by the other person.

7 **SECTION 565.** 948.05 (1) (intro.) of the statutes is amended to read:

8 948.05 (1) (intro.) Whoever does any of the following with knowledge of the
9 character and content of the sexually explicit conduct involving the child is guilty of
10 a Class C F felony:

11 **SECTION 566.** 948.05 (1m) of the statutes, as affected by 1999 Wisconsin Act 3,
12 is amended to read:

13 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
14 into the state, reproduces, advertises, sells, distributes or possesses with intent to
15 sell or distribute, any undeveloped film, photographic negative, photograph, motion
16 picture, videotape, sound recording or other reproduction of a child engaging in
17 sexually explicit conduct is guilty of a Class C F felony if the person knows the
18 character and content of the sexually explicit conduct involving the child and if the
19 person knows or reasonably should know that the child engaging in the sexually
20 explicit conduct has not attained the age of 18 years.

21 **SECTION 567.** 948.05 (2) of the statutes, as affected by 1999 Wisconsin Act 3,
22 is amended to read:

23 948.05 (2) A person responsible for a child's welfare who knowingly permits,
24 allows or encourages the child to engage in sexually explicit conduct for a purpose
25 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

ASSEMBLY BILL 465

1 **SECTION 568.** 948.055 (2) (a) of the statutes is amended to read:

2 948.055 (2) (a) A Class C F felony if the child has not attained the age of 13
3 years.

4 **SECTION 569.** 948.055 (2) (b) of the statutes is amended to read:

5 948.055 (2) (b) A Class D H felony if the child has attained the age of 13 years
6 but has not attained the age of 18 years.

7 **SECTION 570.** 948.06 (intro.) of the statutes is amended to read:

8 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
9 guilty of a Class BC C felony:

10 **SECTION 571.** 948.07 (intro.) of the statutes is amended to read:

11 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
12 following acts, causes or attempts to cause any child who has not attained the age
13 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
14 BC D felony:

15 **SECTION 572.** 948.08 of the statutes is amended to read:

16 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
17 or causes any child to practice prostitution or establishes any child in a place of
18 prostitution is guilty of a Class BC D felony.

19 **SECTION 573.** 948.095 (2) (intro.) of the statutes is amended to read:

20 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
21 child who has attained the age of 16 years and who is not the defendant's spouse is
22 guilty of a Class D H felony if all of the following apply:

23 **SECTION 574.** 948.11 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 465

1 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
2 rents, exhibits, transfers or loans to a child any harmful material, with or without
3 monetary consideration, is guilty of a Class E I felony.

4 **SECTION 575.** 948.11 (2) (am) of the statutes is amended to read:

5 948.11 (2) (am) Any person who has attained the age of 17 and who, with
6 knowledge of the nature of the description or narrative account, verbally
7 communicates, by any means, a harmful description or narrative account to a child,
8 with or without monetary consideration, is guilty of a Class E I felony.

9 **SECTION 576.** 948.12 (intro.) of the statutes is amended to read:

10 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
11 undeveloped film, photographic negative, photograph, motion picture, videotape or
12 other pictorial reproduction or audio recording of a child engaged in sexually explicit
13 conduct under all of the following circumstances is guilty of a Class E I felony:

14 **SECTION 577.** 948.13 (2) of the statutes is amended to read:

15 948.13 (2) Whoever has been convicted of a serious child sex offense and
16 subsequently engages in an occupation or participates in a volunteer position that
17 requires him or her to work or interact primarily and directly with children under
18 16 years of age is guilty of a Class C F felony. This subsection does not apply to a
19 person who is exempt under a court order issued under sub. (2m).

20 **SECTION 578.** 948.20 of the statutes is amended to read:

21 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
22 leaves any child in a place where the child may suffer because of neglect is guilty of
23 a Class D G felony.

24 **SECTION 579.** 948.21 (1) of the statutes is amended to read:

ASSEMBLY BILL 465**SECTION 579**

1 948.21 (1) Any person who is responsible for a child's welfare who, through his
2 or her actions or failure to take action, intentionally contributes to the neglect of the
3 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
4 felony.

5 **SECTION 580.** 948.22 (2) of the statutes is amended to read:

6 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
7 to provide spousal, grandchild or child support which the person knows or reasonably
8 should know the person is legally obligated to provide is guilty of a Class E I felony.
9 A prosecutor may charge a person with multiple counts for a violation under this
10 subsection if each count covers a period of at least 120 consecutive days and there is
11 no overlap between periods.

12 **SECTION 581.** 948.23 of the statutes is amended to read:

13 **948.23 Concealing death of child.** Any person who conceals the corpse of
14 any issue of a woman's body with intent to prevent a determination of whether it was
15 born dead or alive is guilty of a Class E I felony.

16 **SECTION 582.** 948.24 (1) (intro.) of the statutes is amended to read:

17 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
18 felony:

19 **SECTION 583.** 948.30 (1) (intro.) of the statutes is amended to read:

20 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
21 following is guilty of a Class C E felony:

22 **SECTION 584.** 948.30 (2) (intro.) of the statutes is amended to read:

23 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
24 following is guilty of a Class B C felony:

25 **SECTION 585.** 948.31 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 465

1 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
2 causes a child to leave, takes a child away or withholds a child for more than 12 hours
3 beyond the court-approved period of physical placement or visitation period from a
4 legal custodian with intent to deprive the custodian of his or her custody rights
5 without the consent of the custodian is guilty of a Class C F felony. This paragraph
6 is not applicable if the court has entered an order authorizing the person to so take
7 or withhold the child. The fact that joint legal custody has been awarded to both
8 parents by a court does not preclude a court from finding that one parent has
9 committed a violation of this paragraph.

10 **SECTION 586.** 948.31 (2) of the statutes is amended to read:

11 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
12 child for more than 12 hours from the child's parents or, in the case of a nonmarital
13 child whose parents do not subsequently intermarry under s. 767.60, from the child's
14 mother or, if he has been granted legal custody, the child's father, without the consent
15 of the parents, the mother or the father with legal custody, is guilty of a Class E I
16 felony. This subsection is not applicable if legal custody has been granted by court
17 order to the person taking or withholding the child.

18 **SECTION 587.** 948.31 (3) (intro.) of the statutes is amended to read:

19 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
20 the parent, who does any of the following is guilty of a Class C F felony:

21 **SECTION 588.** 948.35 of the statutes is repealed.

22 **SECTION 589.** 948.36 of the statutes is repealed.

23 **SECTION 590.** 948.40 (4) (a) of the statutes is amended to read:

24 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
25 felony; or

ASSEMBLY BILL 465**SECTION 591**

1 **SECTION 591.** 948.40 (4) (b) of the statutes is amended to read:

2 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
3 violation of a state or federal criminal law which is punishable as a felony, the person
4 is guilty of a Class ~~D~~ H felony.

5 **SECTION 592.** 948.51 (3) (b) of the statutes is amended to read:

6 948.51 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~
7 to another.

8 **SECTION 593.** 948.51 (3) (c) of the statutes is created to read:

9 948.51 (3) (c) A Class G felony if the act results in the death of another.

10 **SECTION 594.** 948.60 (2) (b) of the statutes is amended to read:

11 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
12 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
13 Class ~~E~~ I felony.

14 **SECTION 595.** 948.60 (2) (c) of the statutes is amended to read:

15 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
16 person under 18 years of age under par. (b) discharges the firearm and the discharge
17 causes death to himself, herself or another.

18 **SECTION 596.** 948.605 (2) (a) of the statutes is amended to read:

19 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
20 that the individual knows, or has reasonable cause to believe, is a school zone is
21 guilty of a Class A misdemeanor I felony.

22 **SECTION 597.** 948.605 (3) (a) of the statutes is amended to read:

23 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
24 the safety of another, discharges or attempts to discharge a firearm at a place the
25 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

ASSEMBLY BILL 465

1 **SECTION 598.** 948.605 (4) of the statutes is repealed.

2 **SECTION 599.** 948.61 (2) (b) of the statutes is amended to read:

3 948.61 **(2)** (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
4 subsequent violation of this section within a 5-year period, as measured from the
5 dates the violations occurred.

6 **SECTION 600.** 948.62 (1) (a) of the statutes is amended to read:

7 948.62 **(1)** (a) A Class ~~E~~ A misdemeanor, if the value of the property does
8 not exceed \$500.

9 **SECTION 601.** 948.62 (1) (b) of the statutes is amended to read:

10 948.62 **(1)** (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
11 does not exceed ~~\$2,500~~ \$2,000.

12 **SECTION 602.** 948.62 (1) (bm) of the statutes is created to read:

13 948.62 **(1)** (bm) A Class H felony, if the value of the property exceeds \$2,000 but
14 does not exceed \$5,000.

15 **SECTION 603.** 948.62 (1) (c) of the statutes is amended to read:

16 948.62 **(1)** (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
17 \$5,000.

18 **SECTION 604.** 949.03 (1) (b) of the statutes is amended to read:

19 949.03 **(1)** (b) The commission or the attempt to commit any crime specified in
20 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
21 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
22 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
23 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
24 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

25 **SECTION 605.** 950.04 (1v) (g) of the statutes is amended to read:

ASSEMBLY BILL 465

1 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
2 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
3 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

4 **SECTION 606.** 950.04 (1v) (nt) of the statutes is created to read:

5 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
6 bifurcated sentence and provide a statement concerning modification of the
7 bifurcated sentence, as provided under s. 302.113 (9g) (d).

8 **SECTION 607.** 951.18 (1) of the statutes, as affected by 1997 Wisconsin Act 192,
9 is amended to read:

10 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
11 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
12 Class C forfeiture. Any person who violates any of these provisions within 3 years
13 after a humane officer issues an abatement order under s. 173.11 prohibiting the
14 violation of that provision is subject to a Class A forfeiture. Any person who
15 intentionally or negligently violates any of those sections is guilty of a Class A
16 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
17 mutilation, disfigurement or death of an animal, is guilty of a Class ~~E~~ I felony. Any
18 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
19 is the victim is used by a law enforcement agency to perform agency functions or
20 duties and causing injury to the animal, is guilty of a Class ~~E~~ I felony.

21 **SECTION 608.** 951.18 (2) of the statutes is amended to read:

22 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
23 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class ~~E~~ I
24 felony for the first violation and is guilty of a Class ~~D~~ H felony for the 2nd or
25 subsequent violation.

ASSEMBLY BILL 465

1 **SECTION 609.** 951.18 (2m) of the statutes is amended to read:

2 951.18 **(2m)** Any person who violates s. 951.095 is subject to a Class B
3 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
4 that the animal that is the victim is used by a law enforcement agency or fire
5 department to perform agency or department functions or duties, is guilty of a Class
6 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
7 animal that is the victim is used by a law enforcement agency or fire department to
8 perform agency or department functions or duties and causing injury to the animal,
9 is guilty of a Class ~~E~~ I felony. Any person who intentionally violates s. 951.095,
10 knowing that the animal that is the victim is used by a law enforcement agency or
11 fire department to perform agency or department functions or duties and causing
12 death to the animal, is guilty of a Class ~~D~~ H felony.

13 **SECTION 610.** 961.41 (1) (intro.) of the statutes is amended to read:

14 961.41 **(1)** MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
15 authorized by this chapter, it is unlawful for any person to manufacture, distribute
16 or deliver a controlled substance or controlled substance analog. Any person who
17 violates this subsection ~~with respect to~~ is subject to the following penalties:

18 **SECTION 611.** 961.41 (1) (a) of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 961.41 **(1)** (a) Schedule I and II narcotic drugs generally. Except as provided
21 in par. (d), if a person violates this subsection with respect to a controlled substance
22 included in schedule I or II which is a narcotic drug, or a controlled substance analog
23 of a controlled substance included in schedule I or II which is a narcotic drug, may
24 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
25 months or both the person is guilty of a Class E felony.

ASSEMBLY BILL 465**SECTION 612**

1 **SECTION 612.** 961.41 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 961.41 (1) (b) Schedule I, II and III nonnarcotic drugs generally. Except as
4 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
5 to any other controlled substance included in schedule I, II or III, or a controlled
6 substance analog of any other controlled substance included in schedule I or II, may
7 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
8 or both the person is guilty of a Class H felony.

9 **SECTION 613.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

10 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
11 this subsection with respect to cocaine or cocaine base, or a controlled substance
12 analog of cocaine or cocaine base, is subject to the following penalties if and the
13 amount manufactured, distributed or delivered is:

14 **SECTION 614.** 961.41 (1) (cm) 1. of the statutes, as affected by 1997 Wisconsin
15 Act 283, is renumbered 961.41 (1) (cm) 1r. and amended to read:

16 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
17 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
18 for not more than 15 years is guilty of a Class F felony.

19 **SECTION 615.** 961.41 (1) (cm) 1g. of the statutes is created to read:

20 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

21 **SECTION 616.** 961.41 (1) (cm) 2. of the statutes, as affected by 1997 Wisconsin
22 Act 283, is amended to read:

23 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
24 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
25 year ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

ASSEMBLY BILL 465

1 **SECTION 617.** 961.41 (1) (cm) 3. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

3 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
4 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than 3~~
5 ~~years nor more than 30 years~~ is guilty of a Class D felony.

6 **SECTION 618.** 961.41 (1) (cm) 4. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is amended to read:

8 961.41 (1) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the person
9 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than 5~~
10 ~~years nor more than 45 years~~ is guilty of a Class C felony.

11 **SECTION 619.** 961.41 (1) (cm) 5. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed.

13 **SECTION 620.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

14 961.41 (1) (d) Heroin. (intro.) ~~Heroin~~ If the person violates this subsection with
15 respect to heroin or a controlled substance analog of heroin is subject to the following
16 ~~penalties if~~ and the amount manufactured, distributed or delivered is:

17 **SECTION 621.** 961.41 (1) (d) 1. of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 961.41 (1) (d) 1. Three grams or less, the person ~~shall be fined not less than~~
20 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years~~
21 ~~and 6 months~~ is guilty of a Class F felony.

22 **SECTION 622.** 961.41 (1) (d) 2. of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

24 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
25 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~

ASSEMBLY BILL 465

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 623.** 961.41 (1) (d) 3. of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 961.41 (1) (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 624.** 961.41 (1) (d) 4. of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 961.41 (1) (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 625.** 961.41 (1) (d) 5. of the statutes, as affected by 1997 Wisconsin Act
16 283, is repealed.

17 **SECTION 626.** 961.41 (1) (d) 6. of the statutes, as affected by 1997 Wisconsin Act
18 283, is repealed.

19 **SECTION 627.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

20 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine and
21 methcathinone. (intro.) Phencyclidine If the 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
25 manufactured, distributed or delivered is:

ASSEMBLY BILL 465

1 **SECTION 628.** 961.41 (1) (e) 1. of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 961.41 (1) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
4 ~~\$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and~~
5 ~~6 months~~ is guilty of a Class F felony.

6 **SECTION 629.** 961.41 (1) (e) 2. of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 961.41 (1) (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 \$250,000 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 630.** 961.41 (1) (e) 3. of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 961.41 (1) (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 631.** 961.41 (1) (e) 4. of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 961.41 (1) (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 632.** 961.41 (1) (e) 5. of the statutes, as affected by 1997 Wisconsin Act
25 283, is repealed.

ASSEMBLY BILL 465**SECTION 633**

1 **SECTION 633.** 961.41 (1) (e) 6. of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed.

3 **SECTION 634.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

4 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the 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 manufactured, distributed or delivered is:

8 **SECTION 635.** 961.41 (1) (f) 1. of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 961.41 (1) (f) 1. One gram or less, the person ~~shall be fined not less than \$1,000~~
11 ~~nor more than \$200,000 and may be imprisoned for not more than 7 years and 6~~
12 ~~months~~ is guilty of a Class G felony.

13 **SECTION 636.** 961.41 (1) (f) 2. of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

15 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall
16 ~~be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not~~
17 ~~less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class F felony.

18 **SECTION 637.** 961.41 (1) (f) 3. of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 961.41 (1) (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
21 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
22 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

23 **SECTION 638.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

24 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psiloecin If the person violates
25 this subsection with respect to psilocin or psilocybin, or a controlled substance analog

ASSEMBLY BILL 465

1 of psilocin or psilocybin, is ~~subject to the following penalties if~~ and the amount
2 manufactured, distributed or delivered is:

3 **SECTION 639.** 961.41 (1) (g) 1. of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 961.41 (1) (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
6 ~~than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7~~
7 ~~years and 6 months~~ is guilty of a Class G felony.

8 **SECTION 640.** 961.41 (1) (g) 2. of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
11 ~~shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned~~
12 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
13 F felony.

14 **SECTION 641.** 961.41 (1) (g) 3. of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 961.41 (1) (g) 3. More than 500 grams, the person ~~shall be fined not less than~~
17 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
18 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

19 **SECTION 642.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

20 961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the
21 person violates this subsection with respect to tetrahydrocannabinols, included
22 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
23 subject to the following penalties if and the amount manufactured, distributed or
24 delivered is:

ASSEMBLY BILL 465

1 **SECTION 643.** 961.41 (1) (h) 1. of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
4 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
5 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
6 is guilty of a Class I felony.

7 **SECTION 644.** 961.41 (1) (h) 2. of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
10 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
11 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
12 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
13 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

14 **SECTION 645.** 961.41 (1) (h) 3. of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
17 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
18 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
19 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
20 ~~nor more than 15 years~~ is guilty of a Class G felony.

21 **SECTION 646.** 961.41 (1) (h) 4. of the statutes is created to read:

22 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
23 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
24 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

25 **SECTION 647.** 961.41 (1) (h) 5. of the statutes is created to read:

ASSEMBLY BILL 465

1 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
2 tetrahydrocannabinols, the person is guilty of a Class E felony.

3 **SECTION 648.** 961.41 (1) (i) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 961.41 (1) (i) Schedule IV drugs. ~~A~~ If a person violates this subsection with
6 respect to a substance included in schedule IV, may be fined not more than \$10,000
7 or imprisoned for not more than 4 years and 6 months or both the person is guilty
8 of a Class H felony.

9 **SECTION 649.** 961.41 (1) (j) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
12 respect to a substance included in schedule V, may be fined not more than \$5,000 or
13 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

14 **SECTION 650.** 961.41 (1m) (intro.) of the statutes is amended to read:

15 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
16 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
17 with intent to manufacture, distribute or deliver, a controlled substance or a
18 controlled substance analog. Intent under this subsection may be demonstrated by,
19 without limitation because of enumeration, evidence of the quantity and monetary
20 value of the substances possessed, the possession of manufacturing implements or
21 paraphernalia, and the activities or statements of the person in possession of the
22 controlled substance or a controlled substance analog prior to and after the alleged
23 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
24 following penalties:

ASSEMBLY BILL 465**SECTION 651**

1 **SECTION 651.** 961.41 (1m) (a) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
4 in par. (d), if a person violates this subsection with respect to a controlled substance
5 included in schedule I or II which is a narcotic drug or a controlled substance analog
6 of a controlled substance included in schedule I or II which is a narcotic drug, may
7 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
8 months or both the person is guilty of a Class E felony.

9 **SECTION 652.** 961.41 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act
10 283, is amended to read:

11 961.41 (1m) (b) Schedule I, II and III nonnarcotic drugs generally. Except as
12 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
13 to any other controlled substance included in schedule I, II or III, or a controlled
14 substance analog of any other controlled substance included in schedule I or II, may
15 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
16 or both the person is guilty of a Class H felony.

17 **SECTION 653.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

18 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) Cocaine If a person violates
19 this subsection with respect to cocaine or cocaine base, or a controlled substance
20 analog of cocaine or cocaine base, is subject to the following penalties if and the
21 amount possessed, with intent to manufacture, distribute or deliver, is:

22 **SECTION 654.** 961.41 (1m) (cm) 1. of the statutes, as affected by 1997 Wisconsin
23 Act 283, is renumbered 961.41 (1m) (cm) 1r. and amended to read:

ASSEMBLY BILL 465

1 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
2 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
3 ~~for not more than 15 years~~ is guilty of a Class F felony.

4 **SECTION 655.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

5 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

6 **SECTION 656.** 961.41 (1m) (cm) 2. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is amended to read:

8 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
9 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~
10 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

11 **SECTION 657.** 961.41 (1m) (cm) 3. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is amended to read:

13 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
14 ~~person shall be fined not more than \$500,000 and shall be imprisoned for not less~~
15 ~~than 3 years nor more than 30 years~~ is guilty of a Class D felony.

16 **SECTION 658.** 961.41 (1m) (cm) 4. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is amended to read:

18 961.41 (1m) (cm) 4. More than 40 grams but ~~not more than 100 grams~~, the
19 ~~person shall be fined not more than \$500,000 and shall be imprisoned for not less~~
20 ~~than 5 years nor more than 45 years~~ is guilty of a Class C felony.

21 **SECTION 659.** 961.41 (1m) (cm) 5. of the statutes, as affected by 1997 Wisconsin
22 Act 283, is repealed.

23 **SECTION 660.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

24 961.41 (1m) (d) Heroin. (intro.) ~~Heroin~~ If a person violates this subsection with
25 respect to heroin or a controlled substance analog of heroin is subject to the following

ASSEMBLY BILL 465**SECTION 660**

1 penalties if and the amount possessed, with intent to manufacture, distribute or
2 deliver, is:

3 **SECTION 661.** 961.41 (1m) (d) 1. of the statutes, as affected by 1997 Wisconsin
4 Act 283, is amended to read:

5 961.41 **(1m)** (d) 1. Three grams or less, the person ~~shall be fined not less than~~
6 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years~~
7 ~~and 6 months~~ is guilty of a Class F felony.

8 **SECTION 662.** 961.41 (1m) (d) 2. of the statutes, as affected by 1997 Wisconsin
9 Act 283, is amended to read:

10 961.41 **(1m)** (d) 2. More than 3 grams but not more than 10 grams, the person
11 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
12 ~~for not less than 6 months nor more than 22 years and 6 months~~ is guilty of a Class
13 E felony.

14 **SECTION 663.** 961.41 (1m) (d) 3. of the statutes, as affected by 1997 Wisconsin
15 Act 283, is amended to read:

16 961.41 **(1m)** (d) 3. More than 10 grams but not more than 50 grams, the person
17 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
18 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
19 D felony.

20 **SECTION 664.** 961.41 (1m) (d) 4. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is amended to read:

22 961.41 **(1m)** (d) 4. More than 50 grams ~~but not more than 200 grams~~, the person
23 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
24 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
25 felony.

ASSEMBLY BILL 465

1 **SECTION 665.** 961.41 (1m) (d) 5. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed.

3 **SECTION 666.** 961.41 (1m) (d) 6. of the statutes, as affected by 1997 Wisconsin
4 Act 283, is repealed.

5 **SECTION 667.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

6 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine and
7 methcathinone. (intro.) Phencyclidine If a person violates this subsection with
8 respect to phencyclidine, amphetamine, methamphetamine or methcathinone, or a
9 controlled substance analog of phencyclidine, amphetamine, methamphetamine or
10 methcathinone, is subject to the following penalties if and the amount possessed,
11 with intent to manufacture, distribute or deliver, is:

12 **SECTION 668.** 961.41 (1m) (e) 1. of the statutes, as affected by 1997 Wisconsin
13 Act 283, is amended to read:

14 961.41 (1m) (e) 1. Three grams or less, the person ~~shall be fined not less than~~
15 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
16 ~~6 months~~ is guilty of a Class F felony.

17 **SECTION 669.** 961.41 (1m) (e) 2. of the statutes, as affected by 1997 Wisconsin
18 Act 283, is amended to read:

19 961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person
20 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
21 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
22 E felony.

23 **SECTION 670.** 961.41 (1m) (e) 3. of the statutes, as affected by 1997 Wisconsin
24 Act 283, is amended to read:

ASSEMBLY BILL 465**SECTION 670**

1 961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
3 for not less than one year nor more than 22 years and 6 months is guilty of a Class
4 D felony.

5 **SECTION 671.** 961.41 (1m) (e) 4. of the statutes, as affected by 1997 Wisconsin
6 Act 283, is amended to read:

7 961.41 (1m) (e) 4. More than 50 grams but not more than 200 grams, the person
8 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
9 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
10 felony.

11 **SECTION 672.** 961.41 (1m) (e) 5. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed.

13 **SECTION 673.** 961.41 (1m) (e) 6. of the statutes, as affected by 1997 Wisconsin
14 Act 283, is repealed.

15 **SECTION 674.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

16 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates
17 this subsection with respect to lysergic acid diethylamide or a controlled substance
18 analog of lysergic acid diethylamide is subject to the following penalties if and the
19 amount possessed, with intent to manufacture, distribute or deliver, is:

20 **SECTION 675.** 961.41 (1m) (f) 1. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is amended to read:

22 961.41 (1m) (f) 1. One gram or less, the person shall be fined not less than
23 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and
24 6 months is guilty of a Class G felony.

ASSEMBLY BILL 465

1 **SECTION 676.** 961.41 (1m) (f) 2. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is amended to read:

3 961.41 **(1m)** (f) 2. More than one gram but not more than 5 grams, the person
4 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
5 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
6 F felony.

7 **SECTION 677.** 961.41 (1m) (f) 3. of the statutes, as affected by 1997 Wisconsin
8 Act 283, is amended to read:

9 961.41 **(1m)** (f) 3. More than 5 grams, the person ~~shall be fined not less than~~
10 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
11 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

12 **SECTION 678.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

13 961.41 **(1m)** (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates
14 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
15 of psilocin or psilocybin, is subject to the following penalties if and the amount
16 possessed, with intent to manufacture, distribute or deliver, is:

17 **SECTION 679.** 961.41 (1m) (g) 1. of the statutes, as affected by 1997 Wisconsin
18 Act 283, is amended to read:

19 961.41 **(1m)** (g) 1. One hundred grams or less, the person ~~shall be fined not less~~
20 ~~than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~
21 ~~years and 6 months~~ is guilty of a Class G felony.

22 **SECTION 680.** 961.41 (1m) (g) 2. of the statutes, as affected by 1997 Wisconsin
23 Act 283, is amended to read:

24 961.41 **(1m)** (g) 2. More than 100 grams but not more than 500 grams, the
25 person ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be~~

ASSEMBLY BILL 465**SECTION 680**

1 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty~~
2 ~~of a Class F felony.~~

3 **SECTION 681.** 961.41 (1m) (g) 3. of the statutes, as affected by 1997 Wisconsin
4 Act 283, is amended to read:

5 961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than
6 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
7 nor more than 22 years and 6 months is guilty of a Class E felony.

8 **SECTION 682.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

9 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a
10 person violates this subsection with respect to tetrahydrocannabinols, included
11 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
12 ~~subject to the following penalties if~~ and the amount possessed, with intent to
13 manufacture, distribute or deliver, is:

14 **SECTION 683.** 961.41 (1m) (h) 1. of the statutes, as affected by 1997 Wisconsin
15 Act 283, is amended to read:

16 961.41 (1m) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants
17 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
18 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
19 is guilty of a Class I felony.

20 **SECTION 684.** 961.41 (1m) (h) 2. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is amended to read:

22 961.41 (1m) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000
23 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
24 ~~50~~ 20 plants containing tetrahydrocannabinols, the person ~~shall be fined not less~~

ASSEMBLY BILL 465

1 ~~than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3~~
2 ~~months nor more than 7 years and 6 months~~ is guilty of a Class H felony.

3 **SECTION 685.** 961.41 (1m) (h) 3. of the statutes, as affected by 1997 Wisconsin
4 Act 283, is amended to read:

5 961.41 **(1m)** (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
6 or more than 50 ~~20~~ plants containing tetrahydrocannabinols but not more than 50
7 plants containing tetrahydrocannabinols, the person shall be fined not less than
8 \$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year
9 nor more than 15 years is guilty of a Class G felony.

10 **SECTION 686.** 961.41 (1m) (h) 4. of the statutes is created to read:

11 961.41 **(1m)** (h) 4. More than 2,500 grams but not more than 10,000 grams, or
12 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
13 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

14 **SECTION 687.** 961.41 (1m) (h) 5. of the statutes is created to read:

15 961.41 **(1m)** (h) 5. More than 10,000 grams, or more than 200 plants containing
16 tetrahydrocannabinols, the person is guilty of a Class E felony.

17 **SECTION 688.** 961.41 (1m) (i) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 961.41 **(1m)** (i) Schedule IV drugs. ~~A~~ If a person violates this subsection with
20 respect to a substance included in schedule IV, may be fined not more than \$10,000
21 or imprisoned for not more than 4 years and 6 months or both the person is guilty
22 of a Class H felony.

23 **SECTION 689.** 961.41 (1m) (j) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

ASSEMBLY BILL 465**SECTION 689**

1 961.41 (1m) (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 690.** 961.41 (1n) (c) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
7 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

8 **SECTION 691.** 961.41 (1q) of the statutes is amended to read:

9 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
10 Under s. 961.49 (2), 1997 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2),~~ if
11 different penalty provisions apply to a person depending on whether the weight of
12 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
13 considered, the greater penalty provision applies.

14 **SECTION 692.** 961.41 (1r) of the statutes is amended to read:

15 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
16 s. 961.49 (2) (b), 1997 stats., and subs. (1) and (1m) ~~and s. 961.49 (2) (b),~~ an amount
17 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
18 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
19 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
20 of these substances together with any compound, mixture, diluent, plant material
21 or other substance mixed or combined with the controlled substance or controlled
22 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)
23 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
24 (4) (t) and includes the weight of any marijuana.

25 **SECTION 693.** 961.41 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 465

1 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
2 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
3 possess with intent to distribute or deliver, a counterfeit substance. Any person who
4 violates this subsection ~~with respect to~~ is subject to the following penalties:

5 **SECTION 694.** 961.41 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person
8 violates this subsection with respect to a counterfeit substance included in schedule
9 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
10 for not more than 22 years and 6 months or both the person is guilty of a Class E
11 felony.

12 **SECTION 695.** 961.41 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 961.41 (2) (b) Counterfeit schedule I, II, III and IV drugs. ~~Any~~ If a person
15 violates this subsection with respect to any other counterfeit substance included in
16 schedule I, II or, III or IV, may be fined not more than \$15,000 or imprisoned for not
17 more than 7 years and 6 months or both the person is guilty of a Class H felony.

18 **SECTION 696.** 961.41 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
19 283, is repealed.

20 **SECTION 697.** 961.41 (2) (d) of the statutes, as affected by 1997 Wisconsin Act
21 283, is amended to read:

22 961.41 (2) (d) Counterfeit schedule V drugs. ~~A~~ If a person violates this
23 subsection with respect to a counterfeit substance included in schedule V, may be
24 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person
25 is guilty of a Class I felony.

ASSEMBLY BILL 465**SECTION 698**

1 **SECTION 698.** 961.41 (3g) (a) 1. of the statutes, as affected by 1999 Wisconsin
2 Act 283, is renumbered 961.41 (3g) (am) and amended to read:

3 961.41 **(3g)** (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
4 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
5 which is a narcotic drug, or possesses a controlled substance analog of a controlled
6 substance included in schedule I or II which is a narcotic drug, the person may, upon
7 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
8 or both, and for a 2nd or subsequent offense, the person may be fined not more than
9 \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.

10 **SECTION 699.** 961.41 (3g) (a) 2. of the statutes, as affected by 1997 Wisconsin
11 Act 283, is repealed.

12 **SECTION 700.** 961.41 (3g) (a) 3. of the statutes is repealed.

13 **SECTION 701.** 961.41 (3g) (b) (title) of the statutes is created to read:

14 961.41 **(3g)** (b) (title) *Other drugs generally.*

15 **SECTION 702.** 961.41 (3g) (c) of the statutes is amended to read:

16 961.41 **(3g)** (c) Cocaine and cocaine base. If a person possess or attempts to
17 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
18 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
19 more than one year in the county jail upon a first conviction and is guilty of a Class
20 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
21 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
22 offense, the offender has at any time been convicted of any felony or misdemeanor
23 under this chapter or under any statute of the United States or of any state relating
24 to controlled substances, controlled substance analogs, narcotic drugs, marijuana or
25 depressant, stimulant or hallucinogenic drugs.

ASSEMBLY BILL 465

1 **SECTION 703.** 961.41 (3g) (d) of the statutes is amended to read:

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

15 **SECTION 704.** 961.41 (3g) (e) of the statutes is amended to read:

16 961.41 **(3g)** (e) Tetrahydrocannabinols. If a person possesses or attempts to
17 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
18 substance analog of tetrahydrocannabinols, the person may be fined not more than
19 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and
20 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
21 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
22 offender's conviction of the offense, the offender has at any time been convicted of any
23 felony or misdemeanor under this chapter or under any statute of the United States
24 or of any state relating to controlled substances, controlled substance analogs,
25 narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

ASSEMBLY BILL 465**SECTION 705**

1 **SECTION 705.** 961.41 (3g) (f) of the statutes is amended to read:

2 961.41 (3g) (f) Gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone,
3 ketamine and flunitrazepam. If a person possesses or attempts to possess
4 gamma-hydroxybutyric acid, gamma-hydroxybutyrolactone, ketamine or
5 flunitrazepam, the person ~~may be fined not more than \$5,000 or imprisoned for not~~
6 ~~more than 2 years or both~~ is guilty of a Class H felony.

7 **SECTION 706.** 961.41 (4) (am) 3. of the statutes, as affected by 1997 Wisconsin
8 Act 283, is amended to read:

9 961.41 (4) (am) 3. A person ~~convicted of violating~~ who violates this paragraph
10 ~~may be fined not more than \$5,000 or imprisoned for not more than 2 years or both~~
11 is guilty of a Class I felony.

12 **SECTION 707.** 961.42 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 961.42 (2) Any person who violates this section ~~may be fined not more than~~
15 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

16 **SECTION 708.** 961.43 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is amended to read:

18 961.43 (2) Any person who violates this section ~~may be fined not more than~~
19 ~~\$30,000 or imprisoned not more than 6 years or both~~ is guilty of a Class H felony.

20 **SECTION 709.** 961.438 of the statutes is repealed.

21 **SECTION 710.** 961.455 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 961.455 (1) Any person who has attained the age of 17 years who knowingly
24 solicits, hires, directs, employs or uses a person who is under the age of 17 years of

ASSEMBLY BILL 465

1 age or under for the purpose of violating s. 961.41 (1) ~~may be fined not more than~~
2 ~~\$50,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

3 **SECTION 711.** 961.455 (3) of the statutes is amended to read:

4 961.455 (3) Solicitation under sub. (1) occurs in the manner described under
5 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
6 939.30 ~~or 948.35.~~

7 **SECTION 712.** 961.46 (1) of the statutes is renumbered 961.46 and amended to
8 read:

9 **961.46 Distribution to persons under age 18.** ~~Except as provided in sub.~~
10 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing
11 or delivering a controlled substance included in schedule I or II which is a narcotic
12 drug or a controlled substance analog of a controlled substance included in schedule
13 I or II which is a narcotic drug to a person 17 years of age or under who is at least
14 3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or
15 a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the
16 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the
17 offense may be increased by not more than 5 years.

18 **SECTION 713.** 961.46 (2) of the statutes is repealed.

19 **SECTION 714.** 961.46 (3) of the statutes is repealed.

20 **SECTION 715.** 961.465 of the statutes is repealed.

21 **SECTION 716.** 961.472 (2) of the statutes is amended to read:

22 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
23 guilty of possession or attempted possession of a controlled substance or controlled
24 substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c) or (d), the court shall order the
25 person to comply with an assessment of the person's use of controlled substances.

ASSEMBLY BILL 465**SECTION 716**

1 The court's order shall designate a facility that is operated by or pursuant to a
2 contract with the county department established under s. 51.42 and that is certified
3 by the department of health and family services to provide assessment services to
4 perform the assessment and, if appropriate, to develop a proposed treatment plan.

5 The court shall notify the person that noncompliance with the order limits the court's
6 ability to determine whether the treatment option under s. 961.475 is appropriate.

7 The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

8 **SECTION 717.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and
9 amended to read:

10 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who
11 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or
12 subsequent offense as provided under this chapter sub. (3) and the person is
13 convicted of that 2nd or subsequent offense may be fined an amount up to twice that
14 otherwise authorized or imprisoned for a term up to twice the term otherwise
15 authorized or both, the maximum term of imprisonment for the offense may be
16 increased as follows:

17 **SECTION 718.** 961.48 (1) (a) and (b) of the statutes are created to read:

18 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

19 (b) By not more than 4 years, if the offense is a Class E, F, G, H or I felony.

20 **SECTION 719.** 961.48 (2) of the statutes is repealed.

21 **SECTION 720.** 961.48 (2m) (a) of the statutes is amended to read:

22 961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this
23 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
24 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
25 convictions are alleged in the complaint, indictment or information or in an amended

ASSEMBLY BILL 465

1 complaint, indictment or information that is filed under par. (b) 1. A person is not
2 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
3 applicable prior convictions is withdrawn by an amended complaint filed under par.
4 (b) 2.

5 **SECTION 721.** 961.48 (3) of the statutes is amended to read:

6 961.48 (3) For purposes of this section, an a felony offense under this chapter
7 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
8 offense, the offender has at any time been convicted of any felony or misdemeanor
9 offense under this chapter or under any statute of the United States or of any state
10 relating to controlled substances or controlled substance analogs, narcotic drugs,
11 marijuana or depressant, stimulant or hallucinogenic drugs.

12 **SECTION 722.** 961.48 (4) of the statutes is repealed.

13 **SECTION 723.** 961.49 (1) of the statutes is renumbered 961.49.

14 **SECTION 724.** 961.49 (2) of the statutes is repealed.

15 **SECTION 725.** 961.49 (3) of the statutes is repealed.

16 **SECTION 726.** 961.492 of the statutes is repealed.

17 **SECTION 727.** 968.255 (1) (a) 2. of the statutes is amended to read:

18 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
19 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a)~~ or 948.61.

20 **SECTION 728.** 968.31 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
21 Act 283, is amended to read:

22 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
23 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
24 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
25 ~~or both~~ is guilty of a Class H felony:

ASSEMBLY BILL 465**SECTION 729**

1 **SECTION 729.** 968.34 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more
4 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

5 **SECTION 730.** 968.43 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

7 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
8 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
9 felony.

10 **SECTION 731.** 969.08 (10) (a) of the statutes is amended to read:

11 969.08 (10) (a) “Commission of a serious crime” includes a solicitation,
12 conspiracy or attempt, under s. 939.30, 939.31, or 939.32 ~~or 948.35~~, to commit a
13 serious crime.

14 **SECTION 732.** 969.08 (10) (b) of the statutes is amended to read:

15 969.08 (10) (b) “Serious crime” means any crime specified in s. 346.62 (4),
16 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
17 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
18 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
19 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
20 943.23 (1g), ~~(1m) or (1r)~~, 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1)
21 or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

22 **SECTION 733.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
23 amended to read:

24 971.17 (1) (a) Felonies committed before December 31, 1999. ~~When~~ Except as
25 provided in par. (c), when a defendant is found not guilty by reason of mental disease

ASSEMBLY BILL 465

1 or mental defect of a felony committed before December 31, 1999, the court shall
2 commit the person to the department of health and family services for a specified
3 period not exceeding two-thirds of the maximum term of imprisonment that could
4 be imposed under s. 973.15 (2) (a) against an offender convicted of the same ~~crime~~
5 ~~or crimes~~ felony or felonies, including imprisonment authorized by ~~ss. 346.65 (2) (f),~~
6 ~~(2j) (d) or (3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09~~
7 ~~(1b), 940.25 (1b) and 961.48 and other~~ any applicable penalty enhancement statutes,
8 as ~~applicable~~, subject to the credit provisions of s. 973.155.

9 (c) Felonies punishable by life imprisonment. ~~If the maximum term of~~
10 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
11 mental defect of a felony that is punishable by life imprisonment, the commitment
12 period specified by the court may be life, subject to termination under sub. (5).

13 **SECTION 734.** 971.17 (1) (b) of the statutes is created to read:

14 971.17 (1) (b) *Felonies committed on or after December 31, 1999.* Except as
15 provided in par. (c), when a defendant is found not guilty by reason of mental disease
16 or mental defect of a felony committed on or after December 31, 1999, the court shall
17 commit the person to the department of health and family services for a specified
18 period not exceeding the maximum term of confinement in prison that could be
19 imposed on an offender convicted of the same felony or felonies under ss. 973.01 (2)
20 (b) and 973.15 (2) (a), plus imprisonment authorized by any applicable penalty
21 enhancement statutes, subject to the credit provisions of s. 973.155.

22 **SECTION 735.** 971.17 (1) (d) of the statutes is created to read:

23 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
24 of mental disease or mental defect of a misdemeanor, the court shall commit the
25 person to the department of health and family services for a specified period not

ASSEMBLY BILL 465

1 exceeding two-thirds of the maximum term of imprisonment that could be imposed
2 under s. 973.15 (2) (a) against an offender convicted of the same misdemeanor or
3 misdemeanors, including imprisonment authorized by any applicable penalty
4 enhancement statutes, subject to the credit provisions of s. 973.155.

5 **SECTION 736.** 971.365 (1) (c) of the statutes is amended to read:

6 971.365 (1) (c) In any case under s. 961.41 (3g) ~~(a) 2.~~ (am), (c), (d) or (e) involving
7 more than one violation, all violations may be prosecuted as a single crime if the
8 violations were pursuant to a single intent and design.

9 **SECTION 737.** 971.365 (2) of the statutes is amended to read:

10 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
11 prosecution for any acts in violation of s. 961.41 (1) (cm), (d), (e), (f), (g) or (h), (1m)
12 (cm), (d), (e), (f), (g) or (h) or (3g) ~~(a) 2.~~ (am), (c), (d) or (e) on which no evidence was
13 received at the trial on the original charge.

14 **SECTION 738.** 973.01 (1) of the statutes is amended to read:

15 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
16 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
17 for a felony crime committed on or after December 31, 1999, the court shall impose
18 a bifurcated sentence ~~that consists of a term of confinement in prison followed by a~~
19 ~~term of extended supervision under s. 302.113~~ this section.

20 **SECTION 739.** 973.01 (2) (intro.) of the statutes is amended to read:

21 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
22 ~~that a~~ A bifurcated sentence is a sentence that consists of a term of confinement in
23 prison followed by a term of extended supervision under s. 302.113. The total length
24 of a bifurcated sentence equals the length of the term of confinement in prison plus

ASSEMBLY BILL 465

1 the length of the term of extended supervision. A bifurcated sentence imposed under
2 sub. (1) complies ~~this section shall comply~~ with all of the following:

3 **SECTION 740.** 973.01 (2) (a) of the statutes is amended to read:

4 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
5 the total length of the bifurcated sentence may not exceed the maximum period of
6 imprisonment ~~for the~~ specified in s. 939.50 (3), if the crime is a classified felony, or
7 the maximum term of imprisonment provided by statute for the crime, if the crime
8 is not a classified felony, plus additional imprisonment authorized by any applicable
9 penalty enhancement statutes.

10 **SECTION 741.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

11 973.01 (2) (b) *Imprisonment portion of bifurcated sentence.* (intro.) The portion
12 of the bifurcated sentence that imposes a term of confinement in prison may not be
13 less than one year, ~~subject to any minimum sentence prescribed for the felony, and,~~
14 except as provided in par. (c), may not exceed whichever of the following is applicable:

15 **SECTION 742.** 973.01 (2) (b) 2. of the statutes is repealed.

16 **SECTION 743.** 973.01 (2) (b) 3. of the statutes is amended to read:

17 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
18 not exceed ~~10~~ 25 years.

19 **SECTION 744.** 973.01 (2) (b) 4. of the statutes is amended to read:

20 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
21 not exceed ~~5~~ 15 years.

22 **SECTION 745.** 973.01 (2) (b) 5. of the statutes is amended to read:

23 973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may
24 not exceed ~~2~~ 10 years.

ASSEMBLY BILL 465

1 **SECTION 746.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.
2 and amended to read:

3 973.01 (2) (b) 10. For any felony crime other than a felony specified in subds.
4 1. to ~~5.~~ 9., the term of confinement in prison may not exceed 75% of the total length
5 of the bifurcated sentence.

6 **SECTION 747.** 973.01 (2) (b) 6m. of the statutes is created to read:

7 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
8 not exceed 7 years and 6 months.

9 **SECTION 748.** 973.01 (2) (b) 7. of the statutes is created to read:

10 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
11 not exceed 5 years.

12 **SECTION 749.** 973.01 (2) (b) 8. of the statutes is created to read:

13 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
14 not exceed 3 years.

15 **SECTION 750.** 973.01 (2) (b) 9. of the statutes is created to read:

16 973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not
17 exceed one year and 6 months.

18 **SECTION 751.** 973.01 (2) (c) of the statutes is renumbered 973.01 (2) (c) 1. and
19 amended to read:

20 973.01 (2) (c) 1. The Subject to the minimum period of extended supervision
21 required under par. (d), the maximum term of confinement in prison specified in par.
22 (b) may be increased by any applicable penalty enhancement statute. If the
23 maximum term of confinement in prison specified in par. (b) is increased under this
24 paragraph, the total length of the bifurcated sentence that may be imposed is
25 increased by the same amount.

ASSEMBLY BILL 465

1 **SECTION 752.** 973.01 (2) (c) 2. of the statutes is created to read:

2 973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes
3 apply to a crime, the court shall apply them in the order listed in calculating the
4 maximum term of imprisonment for that crime:

5 a. Sections 939.621, 939.632, 939.645, 961.46 and 961.49.

6 b. Section 939.63.

7 c. Section 939.62 or 961.48.

8 **SECTION 753.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)
9 and amended to read:

10 973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)
11 The term of extended supervision that follows the term of confinement in prison may
12 not be less than 25% of the length of the term of confinement in prison imposed under
13 par. (b). and, for a classified felony, may not exceed whichever of the following is
14 applicable:

15 **SECTION 754.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

16 973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not
17 exceed 20 years.

18 2. For a Class C felony, the term of extended supervision may not exceed 15
19 years.

20 3. For a Class D felony, the term of extended supervision may not exceed 10
21 years.

22 4. For a Class E, F or G felony, the term of extended supervision may not exceed
23 5 years.

24 5. For a Class H felony, the term of extended supervision may not exceed 3
25 years.

ASSEMBLY BILL 465**SECTION 754**

1 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

2 **SECTION 755.** 973.01 (4) of the statutes is amended to read:

3 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
4 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
5 confinement in prison portion of the sentence without reduction for good behavior.
6 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
7 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

8 **SECTION 756.** 973.0135 (1) (b) 2. of the statutes is amended to read:

9 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
10 or (1r), 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., s.
11 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
12 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
13 (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
14 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

15 **SECTION 757.** 973.017 of the statutes is created to read:

16 **973.017 Bifurcated sentences; use of guidelines; consideration of**
17 **aggravating and mitigating factors. (1) DEFINITION.** In this section, “sentencing
18 decision” means a decision as to whether to impose a bifurcated sentence under s.
19 973.01 or place a person on probation and a decision as to the length of a bifurcated
20 sentence, including the length of each component of the bifurcated sentence, the
21 amount of a fine and the length of a term of probation.

22 **(2) GENERAL REQUIREMENT.** When a court makes a sentencing decision
23 concerning a person convicted of a criminal offense committed on or after December
24 31, 1999, the court shall consider all of the following:

ASSEMBLY BILL 465

1 (a) If the offense is a felony, the sentencing guidelines adopted by the
2 sentencing commission under s. 973.30 or, if the sentencing commission has not
3 adopted a guideline for the offense, any applicable temporary sentencing guideline
4 adopted by the criminal penalties study committee created under 1997 Wisconsin
5 Act 283.

6 (b) Any applicable mitigating factors and any applicable aggravating factors,
7 including the aggravating factors specified in subs. (3) to (8).

8 **(3) AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for
9 any crime, the court shall consider all of the following as aggravating factors:

10 (a) The fact that the person committed the crime while his or her usual
11 appearance was concealed, disguised or altered, with the intent to make it less likely
12 that he or she would be identified with the crime.

13 (b) The fact that the person committed the crime using information that was
14 disclosed to him or her under s. 301.46.

15 (c) The fact that the person committed the crime for the benefit of, at the
16 direction of or in association with any criminal gang, as defined in s. 939.22 (9), with
17 the specific intent to promote, further or assist in any criminal conduct by criminal
18 gang members, as defined in s. 939.22 (9g).

19 (d) The fact that the person committed the felony while wearing a vest or other
20 garment designed, redesigned or adapted to prevent bullets from penetrating the
21 garment.

22 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the
23 intent to influence the policy of a governmental unit or to punish a governmental unit
24 for a prior policy decision, if any of the following circumstances also applies to the
25 felony committed by the person:

ASSEMBLY BILL 465

1 a. The person caused bodily harm, great bodily harm or death to another.

2 b. The person caused damage to the property of another and the total property
3 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.
4 b., property is reduced in value by the amount that it would cost either to repair or
5 to replace it, whichever is less.

6 c. The person used force or violence or the threat of force or violence.

7 2. a. In this subdivision, “labor dispute” includes any controversy concerning
8 terms, tenure or conditions of employment, or concerning the association or
9 representation of persons in negotiating, fixing, maintaining, changing or seeking
10 to arrange terms or conditions of employment, regardless of whether the disputants
11 stand in the proximate relation of employer and employe.

12 b. Subdivision 1. does not apply to conduct arising out of or in connection with
13 a labor dispute.

14 **(4) AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH**
15 **CERTAIN DISEASES.** (a) In this subsection:

16 1. “HIV” means any strain of human immunodeficiency virus, which causes
17 acquired immunodeficiency syndrome.

18 2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
19 or 948.025.

20 3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B,
21 hepatitis C or chlamydia.

22 4. “Significantly exposed” means sustaining a contact which carries a potential
23 for transmission of a sexually transmitted disease or HIV by one or more of the
24 following:

ASSEMBLY BILL 465

1 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
2 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
3 amniotic fluid; or other body fluid that is visibly contaminated with blood.

4 b. Exchange, during the accidental or intentional infliction of a penetrating
5 wound, including a needle puncture, of blood; semen; vaginal secretions;
6 cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other
7 body fluid that is visibly contaminated with blood.

8 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
9 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
10 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
11 amniotic fluid; or other body fluid that is visibly contaminated with blood.

12 (b) When making a sentencing decision concerning a person convicted of a
13 serious sex crime, the court shall consider as an aggravating factor the fact that the
14 serious sex crime was committed under all of the following circumstances:

15 1. At the time that he or she committed the serious sex crime, the person
16 convicted of committing the serious sex crime had a sexually transmitted disease or
17 acquired immunodeficiency syndrome or had had a positive test for the presence of
18 HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

19 2. At the time that he or she committed the serious sex crime, the person
20 convicted of committing the serious sex crime knew that he or she had a sexually
21 transmitted disease or acquired immunodeficiency syndrome or that he or she had
22 had a positive test for the presence of HIV, antigen or nonantigenic products of HIV
23 or an antibody to HIV.

ASSEMBLY BILL 465

1 3. The victim of the serious sex crime was significantly exposed to HIV or to the
2 sexually transmitted disease, whichever is applicable, by the acts constituting the
3 serious sex crime.

4 **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON.** (a)

5 In this subsection:

6 1. “Elder person” means any individual who is 62 years of age or older.

7 2. “Violent felony” means any felony under s. 940.19 (2), (4), (5) or (6), 940.225
8 (1), (2) or (3), 940.23 or 943.32.

9 (b) When making a sentencing decision concerning a person convicted of a
10 violent felony, the court shall consider as an aggravating factor the fact that the
11 victim of the violent felony was an elder person. This paragraph applies even if the
12 person mistakenly believed that the victim had not attained the age of 62 years.

13 **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**

14 PERSONS. (a) In this subsection, “person responsible for the welfare the child”
15 includes the child’s parent, stepparent, guardian, foster parent or treatment foster
16 parent; an employe of a public or private residential home, institution or agency; any
17 other person legally responsible for the child’s welfare in a residential setting; or a
18 person employed by one who is legally responsible for the child’s welfare to exercise
19 temporary control or care for the child.

20 (b) When making a sentencing decision concerning a person convicted of a
21 violation of s. 948.02 (1) or (2), 948.025 (1) or 948.03 (2) or (3), the court shall consider
22 as an aggravating factor the fact that the person was a person responsible for the
23 welfare of the child who was the victim of the violation.

24 **(7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.**

25 When making a sentencing decision concerning a person convicted of a violation of

ASSEMBLY BILL 465

1 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
2 that, at the time of the violation, there was a minor passenger under 16 years of age
3 or an unborn child in the person's motor vehicle.

4 **(8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES.** (a) *Distribution*
5 *or delivery to prisoners.* 1. In this paragraph, "precinct" means a place where any
6 activity is conducted by a prison, jail or house of correction.

7 2. When making a sentencing decision concerning a person convicted of
8 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
9 fact that the violation involved delivering, distributing or possessing with intent to
10 deliver or distribute a controlled substance or controlled substance analog to a
11 prisoner within the precincts of any prison, jail or house of correction.

12 (b) *Distribution or delivery on public transit vehicles.* When making a
13 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
14 the court shall consider as an aggravating factor the fact that the violation involved
15 delivering, distributing or possessing with intent to deliver or distribute a controlled
16 substance included in schedule I or II or a controlled substance analog of any
17 controlled substance included in schedule I or II and that the person knowingly used
18 a public transit vehicle during the violation.

19 **(9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME.** The aggravating factors
20 listed in this section are not elements of any crime. A prosecutor is not required to
21 charge any aggravating factor or otherwise allege the existence of an aggravating
22 factor in any pleading for a court to consider the aggravating factor when making a
23 sentencing decision.

24 **(10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL.** The requirement
25 under sub. (2) (a) that a court consider sentencing guidelines adopted by the

ASSEMBLY BILL 465

1 sentencing commission or the criminal penalties study committee does not require
2 a court to make a sentencing decision that is within any range or consistent with a
3 recommendation specified in the guidelines, and there is no right to appeal a court's
4 sentencing decision based on the court's decision to depart in any way from any
5 guideline. In any appeal from a court's sentencing decision, the appellate court may
6 reverse the sentencing decision only if it determines that the sentencing court
7 erroneously exercised its discretion in making the sentencing decision.

8 **SECTION 758.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

9 973.03 (3) (e) 1. A crime which is a Class A ~~or~~, B or C felony.

10 2. A crime which is a Class C, D, E, F or G felony listed in s. 969.08 (10) (b), but
11 not including any crime specified in s. 943.10.

12 **SECTION 759.** 973.03 (3) (e) 3. of the statutes is repealed.

13 **SECTION 760.** 973.032 (4) (c) 2. of the statutes is amended to read:

14 973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~
15 to a sentence of imprisonment concurrent with the sentence to the intensive
16 sanctions program.

17 **SECTION 761.** 973.075 (1) (b) 1m. e. of the statutes is amended to read:

18 973.075 (1) (b) 1m. e. To cause more than \$1,000 \$2,000 worth of criminal
19 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

20 **SECTION 762.** 973.075 (2) (d) of the statutes is amended to read:

21 973.075 (2) (d) The officer has probable cause to believe that the property was
22 derived from or realized through a crime or that the property is a vehicle which was
23 used to transport any property or weapon used or to be used or received in the
24 commission of any felony, which was used in the commission of a crime relating to
25 a submerged cultural resource in violation of s. 44.47 or which was used to cause

ASSEMBLY BILL 465

1 more than ~~\$1,000~~ \$2,000 worth of criminal damage to cemetery property in violation
2 of s. 943.01 (2) (d) or 943.012.

3 **SECTION 763.** 973.09 (2) (b) 1. of the statutes is amended to read:

4 973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one
5 year nor more than either the statutory maximum term of imprisonment
6 confinement in prison for the crime, as specified in s. 973.01 (2) (b), or 3 years,
7 whichever is greater.

8 **SECTION 764.** 973.15 (2) (am) of the statutes is created to read:

9 973.15 (2) (am) 1. If a court provides that a bifurcated sentence imposed under
10 s. 973.01 is to run concurrent with or consecutive to a sentence to the Wisconsin state
11 prisons other than another bifurcated sentence imposed under s. 973.01, the court
12 shall do all of the following:

13 a. Order the term of confinement in prison under the bifurcated sentence to be
14 concurrent with or consecutive to the term of confinement in prison required under
15 the nonbifurcated sentence.

16 b. Order the period of parole under the nonbifurcated sentence to be concurrent
17 with or consecutive to the term of extended supervision required under the
18 bifurcated sentence.

19 2. If a court imposes a sentence to the Wisconsin state prisons that is not a
20 bifurcated sentence imposed under s. 973.01 and provides that the nonbifurcated
21 sentence is to run concurrent with or consecutive to a bifurcated sentence under s.
22 973.01, the court shall do all of the following:

23 a. Order the term of confinement in prison under the nonbifurcated sentence
24 to be concurrent with or consecutive to the term of confinement in prison required
25 under the bifurcated sentence.

ASSEMBLY BILL 465**SECTION 764**

1 b. Order the period of parole under the nonbifurcated sentence to be concurrent
2 with or consecutive to the term of extended supervision required under the
3 bifurcated sentence.

4 **SECTION 765.** 973.30 of the statutes is created to read:

5 **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission
6 shall do all of the following:

7 (a) Select an executive director having appropriate training and experience to
8 study sentencing practices and prepare proposed sentencing guidelines.

9 (b) Monitor and compile data regarding sentencing practices in the state.

10 (c) Adopt advisory sentencing guidelines for felonies committed on or after
11 December 31, 1999, to promote public safety, to reflect changes in sentencing
12 practices and to preserve the integrity of the criminal justice and correctional
13 systems.

14 (d) Provide information to the legislature, state agencies and the public
15 regarding the costs to and other needs of the department which result from
16 sentencing practices.

17 (e) Provide information to judges and lawyers about the sentencing guidelines.

18 (f) Publish and distribute to all circuit judges hearing criminal cases an annual
19 report regarding its work, which shall include all sentencing guidelines and all
20 changes in existing sentencing guidelines adopted during the 12 months preceding
21 the report.

22 (g) Study whether race is a basis for imposing sentences in criminal cases and
23 submit a report and recommendations on this issue to the governor, to each house
24 of the legislature under s. 13.172 (2) and to the supreme court.

ASSEMBLY BILL 465

1 (h) Assist the legislature in assessing the cost of enacting new or revising
2 existing statutes affecting criminal sentencing.

3 (i) At least semiannually, submit reports to all circuit judges, and to the chief
4 clerk of each house of the legislature for distribution to the appropriate standing
5 committees under s. 13.172 (3), containing statistics regarding criminal sentences
6 imposed in this state. Each report shall have a different focus and need not contain
7 statistics regarding every crime. Each report shall contain information regarding
8 sentences imposed statewide and in each of the following geographic areas:

9 1. Milwaukee County.

10 2. Dane and Rock counties.

11 3. Brown, Outagamie, Calumet and Winnebago counties.

12 4. Racine and Kenosha counties.

13 5. All other counties.

14 (j) Study how sentencing options affect various types of offenders and offenses.

15 **(2) STAFF.** Subject to authorization under s. 16.505, the sentencing commission
16 may hire staff to assist it in the performance of its duties.

17 **(3) SUNSET.** This section does not apply after December 31, 2004.

18 **SECTION 766.** 977.05 (4) (jm) of the statutes is created to read:

19 977.05 (4) (jm) At the request of an inmate determined by the state public
20 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent
21 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
22 (9g) before a program review committee and the sentencing court, if the state public
23 defender determines the case should be pursued.

24 **SECTION 767.** 977.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

ASSEMBLY BILL 465**SECTION 767**

1 977.06 (2) (b) A person who makes a false representation that he or she does
2 not believe is true for purposes of qualifying for assignment of counsel shall be fined
3 not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both
4 is guilty of a Class I felony.

5 **SECTION 768.** 978.13 (1) (c) of the statutes is amended to read:

6 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
7 fringe benefit costs of clerk positions in the district attorney's office necessary for the
8 prosecution of violent crime cases primarily involving felony violations under s.
9 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
10 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall
11 pay the amount authorized under this paragraph to the county treasurer pursuant
12 to a voucher submitted by the district attorney to the secretary of administration
13 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
14 may not exceed \$88,500 in the 1997–98 fiscal year and \$91,600 in the 1998–99 fiscal
15 year.

16 **SECTION 769.** 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

17 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
18 The committee shall submit a report of its findings and recommendations to the
19 legislature in the manner provided under section 13.172 (2) of the statutes and to the
20 governor. The report shall include any proposed legislation that is necessary to
21 implement the recommendations made by the committee in its report.

22 **SECTION 770.** 1997 Wisconsin Act 283, section 454 (2) is amended to read:

23 [1997 Wisconsin Act 283] Section 454 (2) ATTORNEY PROJECT POSITION. The
24 authorized FTE positions for the department of administration are increased by 1.0
25 GPR attorney project position, to be funded from the appropriation under section

ASSEMBLY BILL 465

1 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal
2 penalties study committee established under subsection (1), for the period ending on
3 ~~April 30, 1999~~ June 30, 2000.

4 **SECTION 771. Nonstatutory provisions.**

5 (1) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (26)
6 (c) 1. of the statutes, as created by this act, the initial members of the sentencing
7 commission shall be appointed for the following terms:

8 (a) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
9 created by this act, one of whom is not employed by any unit of federal, state or local
10 government, one circuit judge and one district attorney, for terms expiring on
11 January 1, 2001.

12 (b) Three members appointed under section 15.105 (26) (a) 3. of the statutes,
13 as created by this act, one of whom is not employed by any unit of federal, state or
14 local government, and one circuit judge, for terms expiring on January 1, 2002.

15 (c) Two members appointed under section 15.105 (26) (a) 3. of the statutes, as
16 created by this act, the member appointed under section 15.105 (26) (a) 5. of the
17 statutes, as created by this act, one representative of crime victims and one attorney
18 in private practice, for terms expiring on January 1, 2003.

19 (2) POSITION AUTHORIZATION. There is authorized for the sentencing commission
20 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position and
21 4.0 FTE GPR other positions to be funded from the appropriation under section
22 20.505 (4) (dr) of the statutes, as created by this act.

23 (3) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing
24 commission created under section 973.30 of the statutes, as created by this act, are

ASSEMBLY BILL 465**SECTION 771**

1 appointed, the criminal penalties study committee shall provide information to
2 lawyers, judges, the legislature and the public regarding this act.

3 **SECTION 772. Appropriation changes.**

4 (1) CRIMINAL PENALTIES STUDY COMMITTEE. In the schedule under section 20.005
5 (3) of the statutes for the appropriation to the department of administration under
6 section 20.505 (3) (c) of the statutes, as affected by the acts of 1999, the dollar amount
7 is increased by \$112,500 for fiscal year 1999–00 to fund the activities of the criminal
8 penalties study committee created under 1997 Wisconsin Act 283, section 454 (1).

9 **SECTION 773. Initial applicability.**

10 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
11 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.623, 939.624,
12 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b),
13 940.19 (3), 940.195 (3), 940.195 (6), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m),
14 941.296 (3), 943.01 (2g), 943.23 (1m), 943.23 (1r), 946.42 (4), 946.425 (2), 948.02 (3m),
15 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d)
16 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1m) (cm) 5., 961.41 (1m)
17 (d) 5., 961.41 (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41
18 (3g) (a) 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
19 961.48 (4), 961.49 (2), 961.49 (3), 961.492 and 973.03 (3) (e) 3. of the statutes; the
20 renumbering of sections 351.07 (2) (a) and 961.49 (1) of the statutes; the renumbering
21 and amendment of sections 49.95 (1), 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025
22 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1)
23 and 961.48 (1) of the statutes; the amendment of sections 11.61 (1) (a), 11.61 (1) (b),
24 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971
25 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d),

ASSEMBLY BILL 465

1 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c),
2 49.141 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b)
3 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12), 55.06
4 (11) (am), 66.4025 (1) (b), 66.4025 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b),
5 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5),
6 100.26 (7), 101.143 (10) (b), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3),
7 108.225 (11), 108.225 (18), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a), 125.085 (3) (a)
8 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1),
9 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1),
10 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5),
11 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g),
12 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6) (b),
13 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2),
14 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97
15 (2) (c) 1. and 2., 299.53 (4) (c) 2., 302.095 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b),
16 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a),
17 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175
18 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2)
19 (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09,
20 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2),
21 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
22 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 768.07, 783.07, 938.208 (1) (a),
23 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b) 3. and (4) (b), 938.78 (3), 939.22
24 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50
25 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b),

ASSEMBLY BILL 465

1 939.62 (1) (c), 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02
2 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2),
3 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1),
4 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5),
5 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.20 (1), 940.20 (1m),
6 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.),
7 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2)
8 (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1)
9 (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2)
10 (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3)
11 (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3.,
12 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b),
13 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43
14 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a)
15 (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f),
16 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1),
17 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2) (b),
18 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2)
19 (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38
20 (2), 943.01 (2) (intro.), 943.01 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2)
21 (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017
22 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2),
23 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3)
24 (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
25 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23

ASSEMBLY BILL 465

1 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25 (2) (intro.), 943.26 (2),
2 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4),
3 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (a), 943.34 (1) (b),
4 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (a), 943.395
5 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d),
6 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3)
7 (d), 943.50 (4) (a), 943.50 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5)
8 (c), 943.62 (4) (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4.,
9 943.70 (3) (b) 2., 943.70 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.),
10 944.06, 944.16 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32,
11 944.33 (2), 944.34 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1)
12 (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.),
13 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.),
14 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425
15 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (intro.), 946.44 (1) (intro.), 946.44 (1g),
16 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (1), 946.60
17 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r) (b), 946.68 (1r)
18 (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82 (4), 946.84 (1),
19 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015, 948.02 (2), 948.02
20 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03
21 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05
22 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.),
23 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2),
24 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2)
25 (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b),

ASSEMBLY BILL 465

1 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2)
2 (b), 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (1), 951.18 (2),
3 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.),
4 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41
5 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e) (intro.),
6 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.),
7 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g)
8 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41
9 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m)
10 (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm)
11 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2.,
12 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41
13 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m)
14 (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1.,
15 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1.,
16 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1n) (c),
17 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (d),
18 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42
19 (2), 961.43 (2), 961.455 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a), 961.48 (3),
20 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10)
21 (b), 971.365 (1) (c), 971.365 (2), 973.03 (3) (e) 1. and 2., 973.075 (1) (b) 1m. e., 973.075
22 (2) (d), 973.09 (2) (b) 1. and 977.06 (2) (b) of the statutes; and the creation of sections
23 49.95 (1) (e) and (f), 125.075 (2) (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm),
24 939.32 (1g), 939.32 (1m), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i),
25 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm),

ASSEMBLY BILL 465

1 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p),
2 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 961.41 (1)
3 (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4.,
4 961.41 (1m) (h) 5., 961.41 (3g) (b) (title) and 961.48 (1) (a) and (b) of the statutes first
5 apply to offenses committed on the effective date of this subsection.

6 (2) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)
7 of the statutes first applies to offenses committed on the effective date of this
8 subsection.

9 **SECTION 774. Effective dates.** This act takes effect on the day after
10 publication, except as follows:

11 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
12 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.623, 939.624,
13 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b),
14 940.19 (3), 940.195 (3), 940.195 (6), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m),
15 941.296 (3), 943.01 (2g), 943.23 (1m), 943.23 (1r), 946.42 (4), 946.425 (2), 948.02 (3m),
16 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d)
17 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1m) (cm) 5., 961.41 (1m)
18 (d) 5., 961.41 (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41
19 (3g) (a) 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
20 961.48 (4), 961.49 (2), 961.49 (3), 961.492 and 973.03 (3) (e) 3. of the statutes; the
21 renumbering of sections 351.07 (2) (a) and 961.49 (1) of the statutes; the renumbering
22 and amendment of sections 49.95 (1), 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025
23 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1)
24 and 961.48 (1) of the statutes; the amendment of sections 6.18, 11.61 (1) (a), 11.61 (1)
25 (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c),

ASSEMBLY BILL 465

1 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80
2 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m) (b) 2.,
3 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (5) (bm) 2., 48.685 (5) (bm) 3., 48.685 (5) (bm)
4 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b), 49.141
5 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49
6 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12), 55.06 (11) (am), 66.4025 (1) (b), 66.4025
7 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2),
8 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.143 (10) (b),
9 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 110.07
10 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a), 125.085 (3) (a) 2., 125.105 (2) (b),
11 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05
12 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2),
13 139.44 (8) (c), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70
14 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2),
15 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21
16 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06
17 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2.,
18 301.26 (4) (cm) 1., 302.095 (2), 302.11 (1g) (a) 2., 302.11 (1p), 304.06 (1) (b), 304.071
19 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3)
20 (a), 342.32 (3), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d),
21 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175
22 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c),
23 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58
24 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3),
25 601.64 (4), 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2)

ASSEMBLY BILL 465

1 (intro.), 768.07, 783.07, 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355
2 (2d) (b) 3. and (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1)
3 (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e),
4 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m. a.
5 and b., 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2)
6 (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2),
7 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1),
8 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5),
9 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.20 (1), 940.20 (1m),
10 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.),
11 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2)
12 (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1)
13 (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2)
14 (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3)
15 (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3.,
16 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b),
17 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43
18 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a)
19 (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f),
20 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1),
21 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2) (b),
22 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2)
23 (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38
24 (2), 943.01 (2) (intro.), 943.01 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2)
25 (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017

ASSEMBLY BILL 465

1 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2),
2 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3)
3 (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
4 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23
5 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25 (2) (intro.), 943.26 (2),
6 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4),
7 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (a), 943.34 (1) (b),
8 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (a), 943.395
9 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d),
10 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3)
11 (d), 943.50 (4) (a), 943.50 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5)
12 (c), 943.62 (4) (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4.,
13 943.70 (3) (b) 2., 943.70 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.),
14 944.06, 944.16 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32,
15 944.33 (2), 944.34 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1)
16 (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.),
17 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.),
18 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425
19 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (intro.), 946.44 (1) (intro.), 946.44 (1g),
20 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (1), 946.60
21 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r) (b), 946.68 (1r)
22 (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82 (4), 946.84 (1),
23 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015, 948.02 (2), 948.02
24 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03
25 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05

ASSEMBLY BILL 465

1 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.),
2 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2),
3 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2)
4 (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b),
5 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2)
6 (b), 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (1), 951.18 (2),
7 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.),
8 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41
9 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e) (intro.),
10 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.),
11 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g)
12 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41
13 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m)
14 (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm)
15 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2.,
16 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41
17 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m)
18 (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1.,
19 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1.,
20 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1n) (c),
21 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (d),
22 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42
23 (2), 961.43 (2), 961.455 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a), 961.48 (3),
24 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10)
25 (b), 971.365 (1) (c), 971.365 (2), 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2., 973.032

ASSEMBLY BILL 465

1 (4) (c) 2., 973.075 (1) (b) 1m. e., 973.075 (2) (d), 973.09 (2) (b) 1., 977.06 (2) (b) and
2 978.13 (1) (c) of the statutes; the creation of sections 49.95 (1) (e) and (f), 125.075 (2)
3 (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32 (1g), 939.32 (1m),
4 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g),
5 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm),
6 943.50 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b),
7 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4.,
8 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.41
9 (3g) (b) (title) and 961.48 (1) (a) and (b) of the statutes; and SECTION 773 (1) of this
10 act take effect on December 31, 1999, or the day after publication, whichever is later.

11 (2) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (b) (intro.)
12 of the statutes and SECTION 773 (2) of this act take effect on whichever of the following
13 dates is later:

14 (a) The day after publication.

15 (b) May 1, 2000, or the date stated in the notice published by the secretary of
16 transportation in the Wisconsin Administrative Register under section 85.515 of the
17 statutes, whichever is earlier.

18 (3) CRIMINAL PENALTIES STUDY COMMITTEE APPROPRIATION. SECTION 772 (1) of this
19 act takes effect on the day after publication of this act or on the 2nd day after
20 publication of the 1999–2001 biennial budget act, whichever is later.

21 (END)