

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 169**

May 17, 1999 – Offered by Representative KELSO.

1 **AN ACT** *to renumber and amend* 939.621; and *to create* 939.621 (2) of the
2 statutes; **relating to:** domestic abuse and providing a penalty.

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

3 **SECTION 1.** 939.621 of the statutes is renumbered 939.621 (1) and amended to
4 read:

5 939.621 (1) OFFENSES COMMITTED DURING NO-CONTACT PERIOD. If a person
6 commits an act of domestic abuse, as defined in s. 968.075 (1) (a) and the act
7 constitutes the commission of a crime, the maximum term of imprisonment for that
8 crime may be increased by not more than 2 years if the crime is committed during
9 the 72 hours immediately following an arrest for a domestic abuse incident, as set
10 forth in s. 968.075 (5). The 72-hour period applies whether or not there has been a
11 waiver by the victim under s. 968.075 (5) (c). The victim of the domestic abuse crime
12 does not have to be the same as the victim of the domestic abuse incident that

1 resulted in the arrest. The penalty increase under this ~~section~~ subsection changes
2 the status of a misdemeanor to a felony.

3 **SECTION 2.** 939.621 (2) of the statutes is created to read:

4 939.621 (2) COMMITTING BATTERY IN THE PRESENCE OF A CHILD. (a) If an adult
5 person is convicted of a crime specified in s. 940.19 (2) to (6), 940.20 (1m) or 940.201,
6 the maximum term of imprisonment for the crime may be increased by not more than
7 5 years if all of the following apply:

8 1. The conduct constituting the crime involved an act by the adult person
9 against his or her spouse or former spouse, against an adult with whom the adult
10 person resides or formerly resided or against an adult with whom the adult person
11 has a child in common.

12 2. The conduct constituting the crime was committed in the presence of or was
13 seen or heard by a minor who is a natural child, adopted child, foster child, treatment
14 foster child or stepchild of the adult person or the victim.

15 (b) This subsection provides for the enhancement of the penalties applicable
16 for the underlying crime. The court shall direct that the trier of fact find a special
17 verdict as to all of the issues specified in par. (a).

18 **SECTION 3. Initial applicability.**

19 (1) This act first applies to offenses committed on the effective date of this
20 subsection.

21 (END)