

1 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
2 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
3 bills of exchange, bank checks or other commercial paper for safekeeping or for
4 collection, when he or she knows or has good reason to know that such bank, company
5 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~
6 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
7 ~~not more than \$10,000~~ is guilty of a Class F felony.

8 **SECTION 301.** 134.20 (1) (intro.) of the statutes is amended to read:

9 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
10 ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6~~
11 ~~months or both~~ is guilty of a Class H felony:

12 **SECTION 302.** 134.205 (4) of the statutes is amended to read:

13 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
14 without entering the same in a register as required by this section ~~shall be fined not~~
15 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
16 guilty of a Class H felony.

17 **SECTION 303.** 134.58 of the statutes is amended to read:

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

25 **SECTION 304.** Chapter 137 (title) of the statutes is amended to read:

1 The department of electronic government and the secretary of state shall jointly
2 promulgate rules establishing requirements that a notary public must satisfy in
3 order to use an electronic signature for any attestation other than an attestation
4 under s. 137.19. All joint rules promulgated under this paragraph shall be numbered
5 as rules of each agency in the Wisconsin Administrative Code.

6 **SECTION 308.** 137.01 (4) (b) of the statutes is amended to read:

7 137.01 (4) (b) All Except as authorized par. (a) and in s. 137.19, all certificates
8 of acknowledgments of deeds and other conveyances, or any written instrument
9 required or authorized by law to be acknowledged or sworn to before any notary
10 public, within this state, shall be attested by a clear impression of the official seal or
11 imprint of the rubber stamp of said officer, and in addition thereto shall be written
12 or stamped either the day, month and year when the commission of said notary public
13 will expire, or that such commission is permanent.

14 **SECTION 309.** Subchapter II (title) of chapter 137 [precedes 137.04] of the
15 statutes is amended to read:

16 **CHAPTER 137**

17 **SUBCHAPTER II**

18 **ELECTRONIC SIGNATURES**

19 **TRANSACTIONS AND RECORDS;**

20 **ELECTRONIC NOTARIZATION**

21 **AND ACKNOWLEDGEMENT**

22 **SECTION 310.** 137.04 of the statutes is repealed.

23 **SECTION 311.** 137.05 (title) of the statutes is renumbered 137.25 (title) and
24 amended to read:

1 **137.25** (title) **Submission of ~~written documents~~ records to**
2 **governmental units; interoperability.**

3 **SECTION 312.** 137.05 of the statutes is renumbered 137.25 (1) and amended to
4 read:

5 137.25 (1) Unless otherwise ~~prohibited~~ provided by law, with the consent of a
6 governmental unit of this state that is to receive a record, any document record that
7 is required by law to be submitted in writing to a that governmental unit and that
8 requires a written signature may be submitted by ~~transforming the document into~~
9 as an electronic format, but only with the consent of the governmental unit that is
10 to receive the document record, and if submitted as an electronic record may
11 incorporate an electronic signature.

12 **SECTION 313.** 137.06 of the statutes is repealed.

13 **SECTION 314.** 137.11 to 137.24 of the statutes are created to read:

14 **137.11 Definitions.** In this subchapter:

15 (1) “Agreement” means the bargain of the parties in fact, as found in their
16 language or inferred from other circumstances and from rules, regulations, and
17 procedures given the effect of agreements under laws otherwise applicable to a
18 particular transaction.

19 (2) “Automated transaction” means a transaction conducted or performed, in
20 whole or in part, by electronic means or by the use of electronic records, in which the
21 acts or records of one or both parties are not reviewed by an individual in the ordinary
22 course in forming a contract, performing under an existing contract, or fulfilling an
23 obligation required by the transaction.

1 (3) “Computer program” means a set of statements or instructions to be used
2 directly or indirectly in an information processing system in order to bring about a
3 certain result.

4 (4) “Contract” means the total legal obligation resulting from the parties’
5 agreement as affected by this subchapter and other applicable law.

6 (5) “Electronic” means relating to technology having electrical, digital,
7 magnetic, wireless, optical, electromagnetic, or similar capabilities.

8 (6) “Electronic agent” means a computer program or an electronic or other
9 automated means used independently to initiate an action or respond to electronic
10 records or performances in whole or in part, without review or action by an
11 individual.

12 (7) “Electronic record” means a record that is created, generated, sent,
13 communicated, received, or stored by electronic means.

14 (8) “Electronic signature” means an electronic sound, symbol, or process
15 attached to or logically associated with a record and executed or adopted by a person
16 with the intent to sign the record.

17 (9) “Governmental unit” means:

18 (a) An agency, department, board, commission, office, authority, institution, or
19 instrumentality of the federal government or of a state or of a political subdivision
20 of a state or special purpose district within a state, regardless of the branch or
21 branches of government in which it is located.

22 (b) A political subdivision of a state or special purpose district within a state.

23 (c) An association or society to which appropriations are made by law.

1 (d) Any body within one or more of the entities specified in pars. (a) to (c) that
2 is created or authorized to be created by the constitution, by law, or by action of one
3 or more of the entities specified in pars. (a) to (c).

4 (e) Any combination of any of the entities specified in pars. (a) to (d).

5 (10) "Information" means data, text, images, sounds, codes, computer
6 programs, software, databases, or the like.

7 (11) "Information processing system" means an electronic system for creating,
8 generating, sending, receiving, storing, displaying, or processing information.

9 (12) "Record" means information that is inscribed on a tangible medium or that
10 is stored in an electronic or other medium and is retrievable in perceivable form.

11 (13) "Security procedure" means a procedure employed for the purpose of
12 verifying that an electronic signature, record, or performance is that of a specific
13 person or for detecting changes or errors in the information in an electronic record.
14 The term includes a procedure that requires the use of algorithms or other codes,
15 identifying words or numbers, encryption, callback, or other acknowledgment
16 procedures.

17 (14) "State" means a state of the United States, the District of Columbia,
18 Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject
19 to the jurisdiction of the United States. The term includes an Indian tribe or band,
20 or Alaskan native village, which is recognized by federal law or formally
21 acknowledged by a state.

22 (15) "Transaction" means an action or set of actions occurring between 2 or
23 more persons relating to the conduct of business, commercial, or governmental
24 affairs.

1 **137.115 Relation to federal law.** For the purpose of satisfying 15 USC 7002
2 (a) (2) (B) as that statute relates to this subchapter, this state acknowledges the
3 existence of the Electronic Signatures in Global and National Commerce Act, 15 USC
4 7001 to 7031.

5 **137.12 Application.** (1) Except as otherwise provided in subs. (2) and (2m)
6 and except in s. 137.25, this subchapter applies to electronic records and electronic
7 signatures relating to a transaction.

8 (2) Except as otherwise provided in sub. (3), this subchapter does not apply to
9 a transaction to the extent it is governed by:

10 (a) Any law governing the execution of wills or the creation of testamentary
11 trusts; or

12 (b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

13 **(2m)** This subchapter does not apply to any of the following records or any
14 transaction evidenced by any of the following records:

15 (a) Deeds.

16 (b) Records governed by any law relating to adoption, divorce, or other matters
17 of family law.

18 (c) Notices provided by a court.

19 (d) Court orders or judgements.

20 (e) Official court documents, including, but not limited to, briefs, pleadings,
21 affidavits, memorandum decisions, and other writings, required to be executed in
22 connection with court proceedings.

23 (f) Records required by law to accompany any transportation or handling of
24 hazardous materials, pesticides, or other toxic or dangerous materials.

1 (g) Notices of cancelation or termination of utility services, including heat,
2 water, basic local telecommunications services, and power.

3 (h) Notices of default, acceleration, repossession, foreclosure, or eviction, or the
4 right to cure, under a credit agreement secured by, or a rental agreement for, a
5 primary residence of an individual.

6 (i) Notices of the cancellation or termination of health insurance or benefits or
7 life insurance benefits other than annuities.

8 (j) Notices of the recall of a product, or the material failure of a product, that
9 risks endangering health or safety.

10 (3) This subchapter applies to an electronic record or electronic signature
11 otherwise excluded from the application of this subchapter under sub. (2) to the
12 extent it is governed by a law other than those specified in sub. (2).

13 (4) A transaction subject to this subchapter is also subject to other applicable
14 substantive law.

15 (5) This subchapter applies to the state of Wisconsin, unless otherwise
16 expressly provided.

17 **137.13 Use of electronic records and electronic signatures; variation**
18 **by agreement.** (1) This subchapter does not require a record or signature to be
19 created, generated, sent, communicated, received, stored, or otherwise processed or
20 used by electronic means or in electronic form.

21 (2) This subchapter applies only to transactions between parties each of which
22 has agreed to conduct transactions by electronic means. Whether the parties agree
23 to conduct a transaction by electronic means is determined from the context and
24 surrounding circumstances, including the parties' conduct.

1 (3) A party that agrees to conduct a transaction by electronic means may refuse
2 to conduct other transactions by electronic means. The right granted by this
3 subsection may not be waived by agreement.

4 (4) Except as otherwise provided in this subchapter, the effect of any provision
5 of this subchapter may be varied by agreement. Use of the words “unless otherwise
6 agreed,” or words of similar import, in this subchapter shall not be interpreted to
7 preclude other provisions of this subchapter from being varied by agreement.

8 (5) Whether an electronic record or electronic signature has legal consequences
9 is determined by this subchapter and other applicable law.

10 **137.14 Construction.** This subchapter shall be construed and applied:

11 (1) To facilitate electronic transactions consistent with other applicable law;

12 (2) To be consistent with reasonable practices concerning electronic
13 transactions and with the continued expansion of those practices; and

14 (3) To effectuate its general purpose to make uniform the law with respect to
15 the subject of this subchapter among states enacting laws substantially similar to
16 the Uniform Electronic Transactions Act as approved and recommended by the
17 National Conference of Commissioners on Uniform State Laws in 1999.

18 **137.15 Legal recognition of electronic records, electronic signatures,
19 and electronic contracts.** (1) A record or signature may not be denied legal effect
20 or enforceability solely because it is in electronic form.

21 (2) A contract may not be denied legal effect or enforceability solely because an
22 electronic record was used in its formation.

23 (3) If a law requires a record to be in writing, an electronic record satisfies that
24 requirement in that law.

1 (4) If a law requires a signature, an electronic signature satisfies that
2 requirement in that law.

3 **137.16 Provision of information in writing; presentation of records.**

4 (1) If parties have agreed to conduct a transaction by electronic means and a law
5 requires a person to provide, send, or deliver information in writing to another
6 person, a party may satisfy the requirement with respect to that transaction if the
7 information is provided, sent, or delivered, as the case may be, in an electronic record
8 capable of retention by the recipient at the time of receipt. An electronic record is not
9 capable of retention by the recipient if the sender or its information processing
10 system inhibits the ability of the recipient to print or store the electronic record.

11 (2) If a law other than this subchapter requires a record to be posted or
12 displayed in a certain manner, to be sent, communicated, or transmitted by a
13 specified method, or to contain information that is formatted in a certain manner,
14 then:

15 (a) The record shall be posted or displayed in the manner specified in the other
16 law.

17 (b) Except as otherwise provided in sub. (4) (b), the record shall be sent,
18 communicated, or transmitted by the method specified in the other law.

19 (c) The record shall contain the information formatted in the manner specified
20 in the other law.

21 (3) If a sender inhibits the ability of a recipient to store or print an electronic
22 record, the electronic record is not enforceable against the recipient.

23 (4) The requirements of this section may not be varied by agreement, but:

24 (a) To the extent a law other than this subchapter requires information to be
25 provided, sent, or delivered in writing but permits that requirement to be varied by

1 agreement, the requirement under sub. (1) that the information be in the form of an
2 electronic record capable of retention may also be varied by agreement; and

3 (b) A requirement under a law other than this subchapter to send,
4 communicate, or transmit a record by 1st-class or regular mail or with postage
5 prepaid may be varied by agreement to the extent permitted by the other law.

6 **137.17 Attribution and effect of electronic records and electronic**
7 **signatures.** (1) An electronic record or electronic signature is attributable to a
8 person if the electronic record or electronic signature was created by the act of the
9 person. The act of the person may be shown in any manner, including a showing of
10 the efficacy of any security procedure applied to determine the person to which the
11 electronic record or electronic signature was attributable.

12 (2) The effect of an electronic record or electronic signature that is attributed
13 to a person under sub. (1) is determined from the context and surrounding
14 circumstances at the time of its creation, execution, or adoption, including the
15 parties' agreement, if any, and otherwise as provided by law.

16 **137.18 Effect of change or error.** (1) If a change or error in an electronic
17 record occurs in a transmission between parties to a transaction, then:

18 (a) If the parties have agreed to use a security procedure to detect changes or
19 errors and one party has conformed to the procedure, but the other party has not, and
20 the nonconforming party would have detected the change or error had that party also
21 conformed, the conforming party may avoid the effect of the changed or erroneous
22 electronic record.

23 (b) In an automated transaction involving an individual, the individual may
24 avoid the effect of an electronic record that resulted from an error made by the
25 individual in dealing with the electronic agent of another person if the electronic

1 agent did not provide an opportunity for the prevention or correction of the error and,
2 at the time the individual learns of the error, the individual:

3 1. Promptly notifies the other person of the error and that the individual did
4 not intend to be bound by the electronic record received by the other person;

5 2. Takes reasonable steps, including steps that conform to the other person's
6 reasonable instructions, to return to the other person or, if instructed by the other
7 person, to destroy the consideration received, if any, as a result of the erroneous
8 electronic record; and

9 3. Has not used or received any benefit or value from the consideration, if any,
10 received from the other person.

11 (2) If neither sub. (1) (a) nor (b) applies, the change or error has the effect
12 provided by other law, including the law of mistake, and the parties' contract, if any.

13 (3) Subsections (1) (b) and (2) may not be varied by agreement.

14 **137.19 Notarization and acknowledgement.** If a law requires a signature
15 or record to be notarized, acknowledged, verified, or made under oath, the
16 requirement is satisfied if, consistent with any applicable rules promulgated under
17 s. 137.01 (4) (a), the electronic signature of the person authorized to administer the
18 oath or to make the notarization, acknowledgment, or verification, together with all
19 other information required to be included by other applicable law, is attached to or
20 logically associated with the signature or record.

21 **137.20 Retention of electronic records; originals.** (1) Except as provided
22 in sub. (6), if a law requires that a record be retained, the requirement is satisfied
23 by retaining the information set forth in the record as an electronic record which:

24 (a) Accurately reflects the information set forth in the record after it was first
25 generated in its final form as an electronic record or otherwise; and

1 (b) Remains accessible for later reference.

2 (2) A requirement to retain a record in accordance with sub. (1) does not apply
3 to any information the sole purpose of which is to enable the record to be sent,
4 communicated, or received.

5 (3) A person may comply with sub. (1) by using the services of another person
6 if the requirements of that subsection are satisfied.

7 (4) Except as provided in sub. (6), if a law requires a record to be presented or
8 retained in its original form, or provides consequences if the record is not presented
9 or retained in its original form, a person may comply with that law by using an
10 electronic record that is retained in accordance with sub. (1).

11 (5) Except as provided in sub. (6), if a law requires retention of a check, that
12 requirement is satisfied by retention of an electronic record containing the
13 information on the front and back of the check in accordance with sub. (1).

14 (6) (a) Except as provided in par. (b), a record retained as an electronic record
15 in accordance with sub. (1) satisfies a law requiring a person to retain a record for
16 evidentiary, audit, or like purposes, unless a law enacted after the effective date of
17 this paragraph [revisor inserts date], specifically prohibits the use of an electronic
18 record for the specified purpose.

19 (b) A governmental unit that has custody of a record is also further subject to
20 the retention requirements for public records of state agencies and the records of the
21 University of Wisconsin Hospitals and Clinics Authority established under ss. 16.61
22 and 16.611 and the retention requirements for documents of local governmental
23 units established under s. 16.612.

24 (7) The public records board may promulgate rules prescribing standards
25 consistent with this subchapter for retention of records by state agencies, the

1 University of Wisconsin Hospitals and Clinics Authority and local governmental
2 units.

3 (8) This section does not preclude the public records board, the department of
4 electronic government, or any other governmental unit of this state from specifying
5 additional requirements for the retention of any record of another governmental unit
6 subject to its jurisdiction.

7 **137.21 Admissibility in evidence.** In a proceeding, a record or signature
8 may not be excluded as evidence solely because it is in electronic form.

9 **137.22 Automated transactions.** In an automated transaction:

10 (1) A contract may be formed by the interaction of electronic agents of the
11 parties, even if no individual was aware of or reviewed the electronic agent's actions
12 or the resulting terms and agreements.

13 (2) A contract may be formed by the interaction of an electronic agent and an
14 individual, acting on the individual's own behalf or for another person, including by
15 an interaction in which the individual performs actions that the individual is free to
16 refuse to perform and which the individual knows or has reason to know will cause
17 the electronic agent to complete the transaction or performance.

18 (3) The terms of a contract under sub. (1) or (2) are governed by the substantive
19 law applicable to the contract.

20 **137.23 Time and place of sending and receipt.** (1) Unless otherwise
21 agreed between the sender and the recipient, an electronic record is sent when it:

22 (a) Is addressed properly or otherwise directed properly to an information
23 processing system that the recipient has designated or uses for the purpose of
24 receiving electronic records or information of the type sent and from which the
25 recipient is able to retrieve the electronic record;

1 (b) Is in a form capable of being processed by that system; and

2 (c) Enters an information processing system outside the control of the sender
3 or of a person that sent the electronic record on behalf of the sender or enters a region
4 of the information processing system designated or used by the recipient which is
5 under the control of the recipient.

6 (2) Unless otherwise agreed between a sender and the recipient, an electronic
7 record is received when:

8 (a) It enters an information processing system that the recipient has
9 designated or uses for the purpose of receiving electronic records or information of
10 the type sent and from which the recipient is able to retrieve the electronic record;
11 and

12 (b) It is in a form capable of being processed by that system.

13 (3) Subsection (2) applies even if the place where the information processing
14 system is located is different from the place where the electronic record is deemed
15 to be received under sub. (4).

16 (4) Unless otherwise expressly provided in the electronic record or agreed
17 between the sender and the recipient, an electronic record is deemed to be sent from
18 the sender's place of business and to be received at the recipient's place of business.

19 For purposes of this subsection:

20 (a) If the sender or recipient has more than one place of business, the place of
21 business of that person is the place having the closest relationship to the underlying
22 transaction.

23 (b) If the sender or the recipient does not have a place of business, the place of
24 business is the sender's or recipient's residence, as the case may be.

1 (5) An electronic record is received under sub. (2) even if no individual is aware
2 of its receipt.

3 (6) Receipt of an electronic acknowledgment from an information processing
4 system described in sub. (2) establishes that a record was received but, by itself, does
5 not establish that the content sent corresponds to the content received.

6 (7) If a person is aware that an electronic record purportedly sent under sub.
7 (1), or purportedly received under sub. (2), was not actually sent or received, the legal
8 effect of the sending or receipt is determined by other applicable law. Except to the
9 extent permitted by the other law, the requirements of this subsection may not be
10 varied by agreement.

11 **137.24 Transferable records.** (1) In this section, “transferable record”
12 means an electronic record that would be a note under ch. 403 or a document under
13 ch. 407 if the electronic record were in writing.

14 (1m) An electronic record qualifies as a transferable record under this section
15 only if the issuer of the electronic record expressly has agreed that the electronic
16 record is a transferable record.

17 (2) A person has control of a transferable record if a system employed for
18 evidencing the transfer of interests in the transferable record reliably establishes
19 that person as the person to which the transferable record was issued or transferred.

20 (3) A system satisfies the requirements of sub. (2), and a person is deemed to
21 have control of a transferable record, if the transferable record is created, stored, and
22 assigned in such a manner that:

23 (a) A single authoritative copy of the transferable record exists which is unique,
24 identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

1 (b) The authoritative copy identifies the person asserting control as the person
2 to which the transferable record was issued or, if the authoritative copy indicates
3 that the transferable record has been transferred, the person to which the
4 transferable record was most recently transferred;

5 (c) The authoritative copy is communicated to and maintained by the person
6 asserting control or its designated custodian;

7 (d) Copies or revisions that add or change an identified assignee of the
8 authoritative copy can be made only with the consent of the person asserting control;

9 (e) Each copy of the authoritative copy and any copy of a copy is readily
10 identifiable as a copy that is not the authoritative copy; and

11 (f) Any revision of the authoritative copy is readily identifiable as authorized
12 or unauthorized.

13 (4) Except as otherwise agreed, a person having control of a transferable record
14 is the holder, as defined in s. 401.201 (20), of the transferable record and has the same
15 rights and defenses as a holder of an equivalent record or writing under chs. 401 to
16 411, including, if the applicable statutory requirements under s. 403.302 (1),
17 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course,
18 a holder to which a negotiable record of title has been duly negotiated, or a purchaser,
19 respectively. Delivery, possession, and endorsement are not required to obtain or
20 exercise any of the rights under this subsection.

21 (5) Except as otherwise agreed, an obligor under a transferable record has the
22 same rights and defenses as an equivalent obligor under equivalent records or
23 writings under chs. 401 to 411.

24 (6) If requested by a person against which enforcement is sought, the person
25 seeking to enforce the transferable record shall provide reasonable proof that the

1 person is in control of the transferable record. Proof may include access to the
2 authoritative copy of the transferable record and related business records sufficient
3 to review the terms of the transferable record and to establish the identity of the
4 person having control of the transferable record.

5 **SECTION 315.** 137.25 (2) of the statutes is created to read:

6 137.25 (2) The department of electronic government shall promulgate rules
7 concerning the use of electronic records and electronic signatures by governmental
8 units, which shall govern the use of electronic records or signatures by governmental
9 units, unless otherwise provided by law. The rules shall include standards regarding
10 the receipt of electronic records or electronic signatures that promote consistency
11 and interoperability with other standards adopted by other governmental units of
12 this state and other states and the federal government and nongovernmental
13 persons interacting with governmental units of this state. The standards may
14 include alternative provisions if warranted to meet particular applications.

15 **SECTION 316.** 139.44 (1) of the statutes is amended to read:

16 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
17 any stamp or procures or causes the same to be done, or who knowingly utters,
18 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
19 affixes the same to any package or container of cigarettes, or who possesses with the
20 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
21 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
22 years is guilty of a Class G felony.

23 **SECTION 317.** 139.44 (1m) of the statutes is amended to read:

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

4 **SECTION 318.** 139.44 (2) of the statutes is amended to read:

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

10 **SECTION 319.** 139.44 (8) (c) of the statutes is amended to read:

11 139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than~~
12 ~~\$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a
13 Class I felony.

14 **SECTION 320.** 139.85 (1) of the statutes is amended to read:

15 139.85 (1) The interest and penalties under s. 139.44 (2) to (7) and (9) to (12)
16 apply to this subchapter. In addition, a person who violates s. 139.82 (8) ~~shall~~ may
17 be fined not less than \$1,000 nor more than \$5,000 \$10,000 or imprisoned for not less
18 than 90 days nor more than one year 9 months or both.

19 **SECTION 321.** 139.95 (2) of the statutes is amended to read:

20 139.95 (2) A dealer who possesses a schedule I controlled substance, a schedule
21 II controlled substance or ketamine or flunitrazepam that does not bear evidence
22 that the tax under s. 139.88 has been paid ~~may be fined not more than \$10,000 or~~
23 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
24 felony.

25 **SECTION 322.** 139.95 (3) of the statutes is amended to read:

1 (3) “Electronic mail solicitation” means an electronic mail message that a
2 person sends for personal gain or compensation, or in the expectation of personal
3 gain or compensation, to encourage another person to purchase property, goods or
4 services or to visit a Web site.

5 (4) “Home page” means the first page of a Web site that is displayed when a
6 person visits the computer address of the Web site.

7 (5) “Internet domain name” means a name identifying the Internet address of
8 a person on the Internet that the person has registered with an organization that
9 assigns and maintains names for Internet addresses, including the Internet
10 Network Information Center, the U.S. Domain Name Registration Services, or any
11 successor organization.

12 (6) “Internet user” means a person that maintains an electronic mail address
13 with an electronic mail service provider.

14 (7) “Public Web site” means a Web site that is accessible at no charge to a person
15 who visits the Web site.

16 (8) “Resident” means an individual who is a resident of this state.

17 (9) “Send” means to initiate the transmission of an electronic mail message, but
18 does not include any transmission of the message by an electronic mail service
19 provider.

20 (10) “Solicitation or chain letter policy” means the policy of an electronic mail
21 service provider regarding the sending of electronic mail solicitations or electronic
22 chain letters by or to the provider’s Internet users.

23 (11) “Web site” means a collection of related computer files on the Internet that
24 is located at an Internet address.

1 **141.02 Electronic mail. (1) SOLICITATION OR CHAIN LETTER POLICY VIOLATIONS.**

2 (a) Subject to par. (b):

3 1. No Internet user of an electronic mail service provider may send an electronic
4 mail solicitation or electronic chain letter that uses the equipment of the provider in
5 a manner that violates the provider's solicitation or chain letter policy.

6 2. No person may send an electronic mail solicitation or electronic chain letter
7 to an Internet user that uses the equipment of the Internet user's electronic mail
8 service provider in a manner that violates the provider's solicitation or chain letter
9 policy.

10 (b) The prohibitions under par. (a) apply only to a solicitation or chain letter
11 policy that an electronic mail service provider displays on the home page of the
12 provider's Web site and makes available in printed form at no charge upon request.

13 (c) An electronic mail service provider who is injured by a violation of par. (a)
14 that occurs more than 30 days after the solicitation or chain letter policy is displayed
15 on the provider's home page may bring an action against the person who violated par.

16 (a) and is entitled to each of the following:

17 1. The greater of the amount of actual damages, \$15,000 or an amount equal
18 to \$50 for each electronic mail solicitation or electronic chain letter that uses the
19 provider's equipment in a manner that violates the provider's solicitation or chain
20 letter policy.

21 2. Notwithstanding s. 814.04, costs, disbursements, and reasonable attorney
22 fees.

23 **(1m) ELECTRONIC MAIL SOLICITATIONS.** (a) No person may send an electronic mail
24 solicitation unless the person includes with the solicitation a return electronic mail
25 address or notice of a toll-free telephone number that the recipient of the solicitation

1 may use to notify the person that the recipient does not want to receive electronic
2 mail solicitations.

3 (b) If a recipient of an electronic mail solicitation uses a return electronic mail
4 address or toll-free telephone number specified in par. (a) to notify the person that
5 sent the electronic mail solicitation that the recipient does not want to receive an
6 electronic mail solicitation, the person may not send another electronic mail
7 solicitation to the recipient. A recipient who receives an electronic mail solicitation
8 that violates this paragraph may complain to the department.

9 (c) The department shall investigate each complaint concerning a violation of
10 par. (b). The department or any district attorney may on behalf of the state bring an
11 action for temporary or permanent injunctive or other relief for any violation of par.
12 (b), or for the penalties specified in par. (d), or for both.

13 (d) Any person who violates par. (b) may be required to forfeit not more than
14 \$10 for each electronic mail solicitation that violates par. (b), subject to a maximum
15 forfeiture of \$1,000 for each day in which a violation occurs.

16 (2) PROHIBITED REPRESENTATIONS. (a) No person may knowingly send an
17 electronic mail message that represents the message is from another person without
18 the consent of that person, or that represents the message is from an Internet domain
19 name without the consent of the person who has registered the name.

20 (b) 1. Whoever violates par. (a) is guilty of a Class I felony.

21 2. Whoever violates par. (a) after having been convicted under this subsection
22 is guilty of a Class H Felony.

23 **141.03 Internet privacy. (1) CONSENT REQUIRED.** (a) A person that maintains
24 a Web site for the purpose of doing business in this state may not disclose to another
25 person, for money or anything else of value, any information about a resident that

1 is obtained from the resident's use of the Internet, including from an electronic mail
2 message sent by the resident, without the consent of the resident.

3 (b) A person that maintains a Web site for the purpose of doing business in this
4 state may not request a child to provide information through the Internet to the
5 person that includes personal information about the child without making a
6 reasonable effort to obtain the consent of the child's parent or legal guardian. For
7 purposes of this paragraph, a "reasonable effort to obtain consent" includes requiring
8 a child's parent or guardian to mail or send a facsimile consent form to the person,
9 provide a credit card number to the person, or provide an electronic signature, as
10 defined in s. ~~137.11(8)~~, to the person. 137.11(8)

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11 (c) A person who violates par. (a) or (b) may be required to forfeit not more than
12 \$10,000 for each violation. Each disclosure of or request for information about one
13 resident or child constitutes a separate violation.

14 (d) The department of justice may commence an action in circuit court in the
15 name of the state to restrain by temporary or permanent injunction any act or
16 practice constituting a violation of par. (a) or (b).

17 (2) WEB SITE ACCESS. (a) A person that maintains a Web site for the purpose
18 of doing business in this state shall do each of the following:

19 1. Display a notice on the home page of the Web site that states whether the
20 person collects any information about visitors to the Web site and that describes any
21 information that is collected and the purposes for which it is collected, including a
22 description of any information that is sold or provided to 3rd parties. A notice
23 required under this paragraph shall be in an easily comprehensible format.

24 2. If the person sells or provides information about visitors to the Web site to
25 3rd parties, allow a visitor to notify the person, at the time that the visitor visits the

1 Web site, whether or not the visitor consents to the sale or provision of such
2 information.

3 (b) If a visitor notifies a person under par. (a) that the visitor does not consent
4 to the sale or provision of information specified in par. (a), the person may not sell
5 or provide the information to 3rd parties.

6 (c) For purposes of par. (a), a person does not maintain a Web site for the
7 purpose of doing business in this state if the person's involvement with the Web site
8 is limited only to providing access to the Internet for another person that maintains
9 the Web site for the purpose of doing business in this state.

10 (d) A person who violates par. (a) or (b) may be required to forfeit not more than
11 \$10,000 for each violation.

12 SECTION 324. 146.345 (3) of the statutes 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 325. 146.35 (5) of the statutes is amended to read:

18 146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~
19 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
20 felony.

21 SECTION 326. 146.50 (1) (a) of the statutes is renumbered 146.50 (1) (am).

22 SECTION 327. 146.50 (1) (ag) of the statutes is created to read:

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23 146.50 (1) (ag) "Acts of terrorism" means felonies that satisfy s. 939.648 (2) (a)
24 and (b) and that are committed with intent to terrorize.

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25 SECTION 328. 146.50 (1) (ig) of the statutes is created to read:

1 146.50 (1) (ig) "Intent to terrorize" means intent to influence the policy of a
2 governmental unit by intimidation or coercion, to punish a governmental unit for a
3 prior policy decision, to affect the conduct of a governmental unit by homicide or
4 kidnapping, or to intimidate or coerce a civilian population.

5 **SECTION 329.** 146.50 (6) (a) 2. of the statutes is amended to read:

6 146.50 (6) (a) 2. Have satisfactorily completed a course of instruction and
7 training, including training for response to acts of terrorism, prescribed by the
8 department or have presented evidence satisfactory to the department of sufficient
9 education and training in the field of emergency care.

10 **SECTION 330.** 146.50 (6) (b) 2. of the statutes is amended to read:

11 146.50 (6) (b) 2. The department, in conjunction with the technical college
12 system board, shall promulgate rules specifying training, education, or examination
13 requirements, including requirements for training for response to acts of terrorism,
14 for license renewals for emergency medical technicians.

15 **SECTION 331.** 146.50 (8) (b) 3. of the statutes is amended to read:

16 146.50 (8) (b) 3. The individual satisfactorily completes a first responder course
17 that meets or exceeds the guidelines issued by the National Highway Traffic Safety
18 Administration under 23 CFR 1205.3 (a) (5), that includes training for response to
19 acts of terrorism, and that is approved by the department.

20 **SECTION 332.** 146.50 (8) (c) of the statutes is amended to read:

21 146.50 (8) (c) To be eligible for a renewal of a certificate as a first responder,
22 except as provided in ss. 146.51 and 146.52, the holder of the certificate shall
23 satisfactorily complete a first responder refresher course that meets or exceeds the
24 guidelines issued by the National Highway Traffic Safety Administration under 23

1 CFR 1205.3 (a) (5), that includes training for response to acts of terrorism, and that
2 is approved by the department.

3 **SECTION 333.** 146.55 (1) (a) of the statutes is amended to read:

4 146.55 (1) (a) “Ambulance service” means the business of transporting sick,
5 disabled, or injured individuals by ambulance, as defined in s. 146.50 (1) (a) (am), to
6 or from facilities or institutions providing health services.

7 **SECTION 334.** 146.60 (9) (am) of the statutes is amended to read:

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

11 **SECTION 335.** 146.70 (10) (a) of the statutes is amended to read:

12 146.70 (10) (a) Any person who intentionally dials the telephone number “911”
13 to report an emergency, knowing that the fact situation which he or she reports does
14 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
15 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~
16 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
17 felony for any other offense committed within 4 years after the first offense.

18 **SECTION 336.** 154.15 (2) of the statutes is amended to read:

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

1 **SECTION 337.** 154.29 (2) of the statutes is amended to read:

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

9 **SECTION 338.** 165.85 (4) (b) 1. of the statutes, as affected by 2001 Wisconsin Act
10 16, is amended to read:

11 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
12 enforcement officer, except on a temporary or probationary basis, unless the person
13 has satisfactorily completed a preparatory program of law enforcement training
14 approved by the board and has been certified by the board as being qualified to be
15 a law enforcement or tribal law enforcement officer. The program shall include 400
16 hours of training, except the program for law enforcement officers who serve as
17 rangers for the department of natural resources includes 240 hours of training. The
18 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
19 400-hour conventional program and a 240-hour ranger program. ~~The rule shall~~
20 ~~ensure that there is an adequate amount of training for each program to enable the~~
21 ~~person to deal effectively with domestic abuse incidents, including training that~~
22 ~~addresses the emotional and psychological effect that domestic abuse has on victims.~~
23 ~~The training under this subdivision shall include training on emergency detention~~
24 ~~standards and procedures under s. 51.15, emergency protective placement~~
25 ~~standards and procedures under s. 55.06 (11) and information on mental health and~~

1 ~~developmental disabilities agencies and other resources that may be available to~~
2 ~~assist the officer in interpreting the emergency detention and emergency protective~~
3 ~~placement standards, making emergency detentions and emergency protective~~
4 ~~placements and locating appropriate facilities for the emergency detentions and~~
5 ~~emergency protective placements of persons. The training under this subdivision~~
6 ~~shall include at least one hour of instruction on recognizing the symptoms of~~
7 ~~Alzheimer's disease or other related dementias and interacting with and assisting~~
8 ~~persons who have Alzheimer's disease or other related dementias. The training~~
9 ~~under this subdivision shall include training on police pursuit standards, guidelines~~
10 ~~and driving techniques established under par. (cm) 2. b. The period of temporary or~~
11 ~~probationary employment established at the time of initial employment shall not be~~
12 ~~extended by more than one year for an officer lacking the training qualifications~~
13 ~~required by the board. The total period during which a person may serve as a law~~
14 ~~enforcement and tribal law enforcement officer on a temporary or probationary basis~~
15 ~~without completing a preparatory program of law enforcement training approved by~~
16 ~~the board shall not exceed 2 years, except that the board shall permit part-time law~~
17 ~~enforcement and tribal law enforcement officers to serve on a temporary or~~
18 ~~probationary basis without completing a program of law enforcement training~~
19 ~~approved by the board to a period not exceeding 3 years. For purposes of this section,~~
20 ~~a part-time law enforcement or tribal law enforcement officer is a law enforcement~~
21 ~~or tribal law enforcement officer who routinely works not more than one-half the~~
22 ~~normal annual work hours of a full-time employee of the employing agency or unit~~
23 ~~of government. Law enforcement training programs including municipal, county~~
24 ~~and state programs meeting standards of the board are acceptable as meeting these~~
25 ~~training requirements.~~

1 **SECTION 339.** 165.85 (4) (b) 1d. of the statutes is created to read:

2 165.85 (4) (b) 1d. Any training program developed under subd. 1. shall include
3 all of the following:

4 a. An adequate amount of training to enable the person being trained to deal
5 effectively with domestic abuse incidents, including training that addresses the
6 emotional and psychological effect that domestic abuse has on victims.

7 b. Training on emergency detention standards and procedures under s. 51.15,
8 emergency protective placement standards and procedures under s. 55.06 (11), and
9 information on mental health and developmental disabilities agencies and other
10 resources that may be available to assist the officer in interpreting the emergency
11 detention and emergency protective placement standards, making emergency
12 detentions and emergency protective placements, and locating appropriate facilities
13 for the emergency detentions and emergency protective placements of persons.

14 c. At least one hour of instruction on recognizing the symptoms of Alzheimer's
15 disease or other related dementias and interacting with and assisting persons who
16 have Alzheimer's disease or other related dementias.

17 d. Training on police pursuit standards, guidelines, and driving techniques
18 established under par. (cm) 2. b.

19 e. Training on responding to ^{an} acts of terrorism, as defined in s. 146.50 (1) (ag).

20 **SECTION 340.** 166.20 (11) (b) of the statutes is amended to read:

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

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

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

9 **SECTION 341.** 167.10 (9) (g) of the statutes is amended to read:

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

13 **SECTION 342.** 175.20 (3) of the statutes is amended to read:

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

19 **SECTION 343.** 180.0129 (2) of the statutes is amended to read:

20 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
21 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

22 **SECTION 344.** 181.0129 (2) of the statutes is amended to read:

23 181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more~~
24 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
25 felony.

1 **SECTION 345.** 185.825 of the statutes is amended to read:

2 **185.825 Penalty for false document.** Whoever causes a document to be
3 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
4 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
5 Class I felony.

6 **SECTION 346.** 201.09 (2) of the statutes is amended to read:

7 **201.09 (2)** Every director, president, secretary or other official or agent of any
8 public service corporation, who shall practice fraud or knowingly make any false
9 statement to secure a certificate of authority to issue any security, or issue under a
10 certificate so obtained and with knowledge of such fraud, or false statement, or
11 negotiate, or cause to be negotiated, any security, in violation of this chapter, ~~shall~~
12 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
13 ~~15 years or both~~ is guilty of a Class I felony.

14 **SECTION 347.** 214.93 of the statutes is amended to read:

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

20 **SECTION 348.** 215.02 (6) (b) of the statutes is amended to read:

21 **215.02 (6) (b)** If any person mentioned in par. (a) discloses the name of any
22 debtor of any association or any information about the private account or
23 transactions of such association, discloses any fact obtained in the course of any
24 examination of any association, or discloses examination or other confidential
25 information obtained from any state or federal regulatory authority, including an

1 authority of this state or another state, for financial institutions, mortgage bankers,
2 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
3 I felony and shall forfeit his or her office or position and may be fined not less than
4 \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than
5 3 years or both.

6 **SECTION 349.** 215.12 of the statutes is amended to read:

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

18 **SECTION 350.** 215.21 (21) of the statutes is amended to read:

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

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

5 **SECTION 351.** 218.21 (7) of the statutes is amended to read:

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

10 **SECTION 352.** 220.06 (2) of the statutes is amended to read:

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

19 **SECTION 353.** 221.0625 (2) (intro.) of the statutes is amended to read:

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

23 **SECTION 354.** 221.0636 (2) of the statutes 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.

1 **SECTION 355.** 221.0637 (2) of the statutes is amended to read:

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

5 **SECTION 356.** 221.1004 (2) of the statutes is amended to read:

6 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
7 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
8 ~~than 15 years or both~~ is guilty of a Class F felony.

9 **SECTION 357.** 224.30 (2) of the statutes is repealed.

10 **SECTION 358.** 227.01 (13) (sm) of the statutes is created to read:

11 227.01 (13) (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

12 **SECTION 359.** 227.118 of the statutes is created to read:

13 **227.118 Economic impact of administrative rules.** (1) When an agency
14 proposes a rule that may have an economic impact on a private person or a political
15 subdivision of the state, the department of administration shall prepare an economic
16 impact assessment of the proposed rule before the rule is submitted to the legislative
17 council staff under s. 227.15. The economic impact assessment shall evaluate the
18 costs and benefits of complying with the proposed rule and the potential impact of
19 the proposed rule on the policy decisions of private persons and political subdivisions
20 of the state. The economic impact assessment shall describe alternatives to the
21 proposed rule that will reduce any negative impact on private persons and political
22 subdivisions of the state. The preparation of an economic impact assessment under
23 this section does not eliminate the responsibility to comply with other sections of this
24 chapter, including ss. 227.114 and 227.115.

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(2) The ~~Army~~ shall submit a copy of any economic impact assessment prepared under sub. (1) to the agency that prepared the proposed rule and to the legislative council staff at the same time that the agency submits the proposed rule to the legislative council staff under s. 227.15.

SECTION 360. 227.19 (3) (intro.) of the statutes is amended to read:

227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be in writing and shall include the proposed rule in the form specified in s. 227.14 (1), the material specified in s. 227.14 (2) to (4), a copy of the economic impact assessment received under s. 227.118 (2), a copy of any recommendations of the legislative council staff and an analysis. The analysis shall include:

SECTION 361. 227.19 (3) (f) of the statutes is created to read:

227.19 (3) (f) If an economic impact assessment regarding the proposed rule was submitted with the report, an explanation of what changes, if any, that were made in the proposed rule in response to that assessment.

SECTION 362. 230.08 (2) (L) 6. of the statutes is created to read:

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

SECTION 363. 230.08 (2) (of) of the statutes is created to read:

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

SECTION 364. 230.08 (2) (qm) of the statutes is created to read:

230.08 (2) (qm) The grants management specialist in the department of commerce.

SECTION 365. 234.165 (2) (c) (intro.) of the statutes is amended to read:

234.165 (2) (c) (intro.) Surplus Except as provided in sub. (3), surplus may be expended or encumbered only in accordance with the plan approved under par. (b), except that the authority may transfer from one plan category to another:

1 **SECTION 366.** 234.165 (3) of the statutes is created to read:

2 234.165 (3) For the purpose of housing grants and loans under s. 16.33 and
3 housing organization grants under s. 16.336, in fiscal year 2001–02 the authority
4 shall transfer to the department of administration \$1,500,000 of its surplus and in
5 fiscal year 2002–03 and every fiscal year thereafter the authority shall transfer to
6 the department of administration \$3,300,300 of its surplus. The department of
7 administration shall credit all moneys transferred under this subsection to the
8 appropriation account under s. 20.505 (7) (j).

9 **SECTION 367.** 250.15 of the statutes is repealed.

10 **SECTION 368.** 253.06 (4) (b) of the statutes is amended to read:

11 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
12 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both, is guilty~~
13 of a Class I felony for the first offense and ~~may be fined not more than \$10,000 or~~
14 ~~imprisoned for not more than 7 years and 6 months, or both, is guilty of a Class H~~
15 felony for the 2nd or subsequent offense.

16 **SECTION 369.** 285.87 (2) (b) of the statutes is amended to read:

17 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
18 another conviction under par. (a), the person ~~shall is guilty of a Class I felony, except~~
19 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may
20 be fined not more than \$50,000 per day of violation or imprisoned for not more than
21 3 years or both.

22 **SECTION 370.** 291.97 (2) (b) (intro.) of the statutes is amended to read:

23 291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall
24 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified

1 ~~in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than~~
2 ~~\$100,000 or imprisoned for not more than 7 years and 6 months or both:~~

3 **SECTION 371.** 291.97 (2) (c) 1. and 2. of the statutes are amended to read:

4 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall
5 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
6 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000
7 or imprisoned for not more than 2 years or both.

8 2. For a 2nd or subsequent violation under par. (b), a person shall is guilty of
9 a Class F felony, except that, notwithstanding the maximum fine specified in s.
10 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000
11 or imprisoned for not more than 15 years or both.

12 **SECTION 372.** 299.53 (4) (c) 2. of the statutes is amended to read:

13 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
14 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
15 or imprisoned for not more than one year in the county jail or both. For a 2nd or
16 subsequent violation, the person shall is guilty of a Class I felony, except that,
17 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
18 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

19 **SECTION 373.** 301.03 (11) of the statutes is repealed.

20 **SECTION 374.** 301.035 (2) of the statutes is amended to read:

21 301.035 (2) Assign hearing examiners from the division to preside over
22 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
23 (2) and ch. 304.

24 **SECTION 375.** 301.035 (4) of the statutes is amended to read:

1 301.035 (4) Supervise employees in the conduct of the activities of the division
2 and be the administrative reviewing authority for decisions of the division under ss.
3 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
4 ch. 304.

5 **SECTION 376.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

6 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
7 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
8 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195
9 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2)
10 (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45
11 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013,
12 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.30, 943.32, 946.43,
13 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or
14 948.30.

15 **SECTION 377.** 301.26 (4) (cm) 1. of the statutes is amended to read:

16 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
17 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
18 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured
19 correctional facilities, secured child caring institutions, alternate care providers,
20 aftercare supervision providers and corrective sanctions supervision providers for
21 costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age
22 or over who has been placed in a secured correctional facility based on a delinquent
23 act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or
24 s. 948.36, 1999 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305,
25 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2),

1 948.02 (1), 948.025, ~~(1), or 948.30 (2), 948.35 (1) (b) or 948.36~~ and for the care of any
2 juvenile 10 years of age or over who has been placed in a secured correctional facility
3 or secured child caring institution for attempting or committing a violation of s.
4 940.01 or for committing a violation of s. 940.02 or 940.05.

5 **SECTION 378.** 301.45 (6) (a) 2. of the statutes is amended to read:

6 301.45 (6) (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not~~
7 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class
8 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense
9 if, prior to committing the offense, the person has at any time been convicted of
10 knowingly failing to comply with any requirement to provide information under
11 subs. (2) to (4).

12 **SECTION 379.** 302.045 (3) of the statutes is amended to read:

13 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department
14 determines that an inmate -serving a sentence other than one imposed under s.
15 973.01 has successfully completed the challenge incarceration program, the parole
16 commission shall parole the inmate for that sentence under s. 304.06, regardless of
17 the time the inmate has served, ~~unless the person is serving a sentence imposed~~
18 ~~under s. 973.01~~. When the parole commission grants parole under this subsection,
19 it must require the parolee to participate in an intensive supervision program for
20 drug abusers as a condition of parole.

21 **SECTION 380.** 302.095 (2) of the statutes is amended to read:

22 302.095 (2) Any officer or other person who delivers or procures to be delivered
23 or has in his or her possession with intent to deliver to any inmate confined in a jail
24 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
25 of a jail or prison, or in any vehicle going into the premises belonging to a jail or

1 prison, any article or thing whatever, with intent that any inmate confined in the jail
2 or prison shall obtain or receive the same, or who receives from any inmate any
3 article or thing whatever with intent to convey the same out of a jail or prison,
4 contrary to the rules or regulations and without the knowledge or permission of the
5 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
6 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~
7 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

8 **SECTION 381.** 302.11 (1g) (a) 2. of the statutes is amended to read:

9 302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m),
10 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.02,
11 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
12 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) or (1m), 943.32 (2),
13 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07,
14 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

15 **SECTION 382.** 302.11 (1g) (b) 2. of the statutes, as affected by 2001 Wisconsin
16 Act 16, is amended to read:

17 302.11 (1g) (b) 2. Refusal by the inmate to participate in counseling or
18 treatment that the social service and clinical staff of the institution determines is
19 necessary for the inmate, ~~including pharmacological treatment using an~~
20 ~~antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious~~
21 ~~child sex offender as defined in s. 304.06 (1q) (a).~~ The parole commission may not
22 deny presumptive mandatory release to an inmate because of the inmate's refusal
23 to participate in a rehabilitation program under s. 301.047.

24 **SECTION 383.** 302.11 (1p) of the statutes is amended to read:

1 302.11 (1p) An inmate serving a term subject to s. 961.49 (2), 1999 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), 1999 stats.

5 **SECTION 384.** 302.11 (1z) of the statutes is amended to read:

6 302.11 (1z) An inmate who is sentenced to a term of confinement in prison
7 under s. 973.01 for a felony that is committed on or after December 31, 1999, is not
8 entitled under this section to mandatory release on parole under this section that
9 sentence.

10 **SECTION 385.** 302.11 (3) of the statutes is amended to read:

11 302.11 (3) All consecutive sentences imposed for crimes committed before
12 December 31, 1999, shall be computed as one continuous sentence.

13 **SECTION 386.** 302.11 (7) (a) of the statutes is renumbered 302.11 (7) (am) and
14 amended to read:

15 302.11 (7) (am) ~~The division of hearings and appeals in the department of~~
16 ~~administration, upon proper notice and hearing, or the department of corrections, if~~
17 ~~the parolee waives a hearing, reviewing authority~~ may return a parolee released
18 under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the
19 remainder of the sentence for a violation of the conditions of parole. The remainder
20 of the sentence is the entire sentence, less time served in custody prior to parole. The
21 revocation order shall provide the parolee with credit in accordance with ss. 304.072
22 and 973.155.

23 **SECTION 387.** 302.11 (7) (ag) of the statutes is created to read:

1 302.11 (7) (ag) In this subsection “reviewing authority” means the division of
2 hearings and appeals in the department of administration, upon proper notice and
3 hearing, or the department of corrections, if the parolee waives a hearing.

4 **SECTION 388.** 302.11 (7) (b) of the statutes is amended to read:

5 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
6 parole shall be incarcerated for the entire period of time determined by the
7 ~~department of corrections in the case of a waiver or the division of hearings and~~
8 ~~appeals in the department of administration in the case of a hearing under par. (a),~~
9 reviewing authority unless paroled earlier under par. (c). The parolee is not subject
10 to mandatory release under sub. (1) or presumptive mandatory release under sub.
11 (1g). The period of time determined under par. (a) (am) may be extended in
12 accordance with subs. (1q) and (2).

13 **SECTION 389.** 302.11 (7) (d) of the statutes is amended to read:

14 302.11 (7) (d) A parolee who is subsequently released either after service of the
15 period of time determined by the ~~department of corrections in the case of a waiver~~
16 ~~or the division of hearings and appeals in the department of administration in the~~
17 ~~case of a hearing under par. (a) reviewing authority or by a grant of parole under par.~~
18 (c) is subject to all conditions and rules of parole until expiration of sentence or
19 discharge by the department.

20 **SECTION 390.** 302.11 (7) (e) of the statutes is created to read:

21 302.11 (7) (e) A reviewing authority may consolidate proceedings before it
22 under par. (am) with other proceedings before that reviewing authority under par.
23 (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the
24 parole or extended supervision of the same person.

25 **SECTION 391.** 302.113 (2) of the statutes is amended to read:

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

6 **SECTION 392.** 302.113 (4) of the statutes is amended to read:

7 302.113 (4) All consecutive sentences imposed for crimes committed on or after
8 December 31, 1999, shall be computed as one continuous sentence. The person shall
9 serve any term of extended supervision after serving all terms of confinement in
10 prison.

11 **SECTION 393.** 302.113 (7) of the statutes, as affected by 2001 Wisconsin Act 16,
12 is amended to read:

13 302.113 (7) Any inmate released to extended supervision under this section is
14 subject to all conditions and rules of extended supervision until the expiration of the
15 term of extended supervision portion of the bifurcated sentence. The department
16 may set conditions of extended supervision in addition to any conditions of extended
17 supervision required under s. 302.116, if applicable, or set by the court under sub.
18 (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the
19 court's conditions.

20 **SECTION 394.** 302.113 (7m) of the statutes is created to read:

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

24 (b) If the department files a petition under this subsection, it shall serve a copy
25 of the petition on the person who is the subject of the petition and, if the person is

1 represented by an attorney, on the person's attorney. If a person who is subject to this
2 section or his or her attorney files a petition under this subsection, the person or his
3 or her attorney shall serve a copy of the petition on the department. The court shall
4 serve a copy of a petition filed under this section on the district attorney. The court
5 may direct the clerk of the court to provide notice of the petition to a victim of a crime
6 committed by the person who is the subject of the petition.

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

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

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

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

24 **SECTION 395.** 302.113 (8m) of the statutes is created to read:

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1 302.113 (8m) (a) Every person released to extended supervision under this
2 section remains in the legal custody of the department. If the department alleges
3 that any condition or rule of extended supervision has been violated by the person,
4 the department may take physical custody of the person for the investigation of the
5 alleged violation.

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

15 **SECTION 396.** 302.113 (9) (a) of the statutes is renumbered 302.113 (9) (am) and
16 amended to read:

17 302.113 (9) (am) If a person released to extended supervision under this section
18 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
19 ~~the department of administration, upon proper notice and hearing, or the~~
20 ~~department of corrections, if the person on extended supervision waives a hearing,~~
21 reviewing authority may revoke the extended supervision of the person and return
22 the person to prison. If the extended supervision of the person is revoked, the person
23 shall be returned to the circuit court for the county in which the person was convicted
24 of the offense for which he or she was on extended supervision, and the court shall
25 order the person to be returned to prison, he or she shall be returned to prison for any

1 specified period of time that does not exceed the time remaining on the bifurcated
2 sentence. The time remaining on the bifurcated sentence is the total length of the
3 bifurcated sentence, less time served by the person in ~~custody~~ confinement under the
4 sentence before release to extended supervision under sub. (2) and less all time
5 served in confinement for previous revocations of extended supervision under the
6 sentence. The ~~revocation~~ court order returning a person to prison under this
7 paragraph shall provide the person ~~on~~ whose extended supervision was revoked with
8 credit in accordance with ss. 304.072 and 973.155.

9 **SECTION 397.** 302.113 (9) (ag) of the statutes is created to read:

10 302.113 (9) (ag) In this subsection “reviewing authority” means the division of
11 hearings and appeals in the department of administration, upon proper notice and
12 hearing, or the department of corrections, if the person on extended supervision
13 waives a hearing.

14 **SECTION 398.** 302.113 (9) (at) of the statutes is created to read:

15 302.113 (9) (at) When a person is returned to court under par. (am) after
16 revocation of extended supervision, the reviewing authority shall make a
17 recommendation to the court concerning the period of time for which the person
18 should be returned to prison. The recommended time period may not exceed the time
19 remaining on the bifurcated sentence, as calculated under par. (am).

20 **SECTION 399.** 302.113 (9) (b) of the statutes is amended to read:

21 302.113 (9) (b) A person who is returned to prison after revocation of extended
22 supervision shall be incarcerated for the entire period of time specified by the
23 ~~department of corrections in the case of a waiver or by the division of hearings and~~
24 ~~appeals in the department of administration in the case of a hearing court~~ under par.
25 (a) (am). The period of time specified under par. ~~(a) (am)~~ (am) may be extended in

1 accordance with sub. (3). If a person is returned to prison under par. (am) for a period
2 of time that is less than the time remaining on the bifurcated sentence, the person
3 shall be released to extended supervision after he or she has served the period of time
4 specified by the court under par. (am) and any periods of extension imposed in
5 accordance with sub. (3).

6 **SECTION 400.** 302.113 (9) (c) of the statutes is amended to read:

7 302.113 (9) (c) A person who is subsequently released to extended supervision
8 after service of the period of time specified by the department of corrections in the
9 case of a waiver or by the division of hearings and appeals in the department of
10 administration in the case of a hearing court under par. (a) (am) is subject to all
11 conditions and rules under sub. subs. (7) and, if applicable, (7m) until the expiration
12 of the term of remaining extended supervision portion of the bifurcated sentence.
13 The remaining extended supervision portion of the bifurcated sentence is the total
14 length of the bifurcated sentence, less the time served by the person in confinement
15 under the bifurcated sentence before release to extended supervision under sub. (2)
16 and less all time served in confinement for previous revocations of extended
17 supervision under the bifurcated sentence.

18 **SECTION 401.** 302.113 (9) (d) of the statutes is created to read:

19 302.113 (9) (d) For the purposes of pars. (am) and (c), the amount of time a
20 person has served in confinement before release to extended supervision and the
21 amount of time a person has served in confinement for a revocation of extended
22 supervision includes any extensions imposed under sub. (3).

23 **SECTION 402.** 302.113 (9) (e) of the statutes is created to read:

24 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of
25 hearings and appeals in the department of administration, the hearing examiner

1 may order the taking and allow the use of a videotaped deposition under s. 967.04
2 (7) to (10).

3 **SECTION 403.** 302.113 (9) (f) of the statutes is created to read:

4 302.113 (9) (f) A reviewing authority may consolidate proceedings before it
5 under par. (am) with other proceedings before that reviewing authority under par.
6 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
7 parole or extended supervision of the same person.

8 **SECTION 404.** 302.113 (9) (g) of the statutes is created to read:

9 302.113 (9) (g) In any case in which there is a hearing before the division of
10 hearings and appeals in the department of administration concerning whether to
11 revoke a person's extended supervision, the person on extended supervision may
12 seek review of a decision to revoke extended supervision and the department of
13 corrections may seek review of a decision to not revoke extended supervision. Review
14 of a decision under this paragraph may be sought only by an action for certiorari.

15 **SECTION 405.** 302.113 (9g) of the statutes is created to read:

16 302.113 (9g) (a) In this subsection:

17 1. "Program review committee" means the committee at a correctional
18 institution that reviews the security classifications, institution assignments, and
19 correctional programming assignments of inmates confined in the institution.

20 2. "Terminal condition" means an incurable condition afflicting a person,
21 caused by injury, disease, or illness, as a result of which the person has a medical
22 prognosis that his or her life expectancy is 6 months or less, even with available
23 life-sustaining treatment provided in accordance with the prevailing standard of
24 medical care.

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

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

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

8 3. The inmate has a terminal condition.

9 (c) An inmate who meets the criteria under par. (b) may submit a petition to
10 the program review committee at the correctional institution in which the inmate is
11 confined requesting a modification of the inmate's bifurcated sentence in the manner
12 specified in par. (f). If the inmate alleges in the petition that he or she has a terminal
13 condition, the inmate shall attach to the petition affidavits from 2 physicians setting
14 forth a diagnosis that the inmate has a terminal condition.

15 (cm) If, after receiving the petition under par. (c), the program review
16 committee determines that the public interest would be served by a modification of
17 the inmate's bifurcated sentence in the manner provided under par. (f), the
18 committee shall approve the petition for referral to the sentencing court and notify
19 the department of its approval. The department shall then refer the inmate's
20 petition to the sentencing court and request the court to conduct a hearing on the
21 petition. If the program review committee determines that the public interest would
22 not be served by a modification of the inmate's bifurcated sentence in the manner
23 specified in par. (f), the committee shall deny the inmate's petition.

24 (d) When a court is notified by the department that it is referring to the court
25 an inmate's petition for modification of the inmate's bifurcated sentence, the court

1 shall set a hearing to determine whether the public interest would be served by a
2 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
3 The inmate and the district attorney have the right to be present at the hearing, and
4 any victim of the inmate's crime has the right to be present at the hearing and to
5 provide a statement concerning the modification of the inmate's bifurcated sentence.
6 The court shall order such notice of the hearing date as it considers adequate to be
7 given to the department, the inmate, the attorney representing the inmate, if
8 applicable, and the district attorney. Victim notification shall be provided as
9 specified under par. (g).

10 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
11 by the greater weight of the credible evidence that a modification of the bifurcated
12 sentence in the manner specified in par. (f) would serve the public interest. If the
13 inmate proves that a modification of the bifurcated sentence in the manner specified
14 in par. (f) would serve the public interest, the court shall modify the inmate's
15 bifurcated sentence in that manner. If the inmate does not prove that a modification
16 of the bifurcated sentence in the manner specified in par. (f) would serve the public
17 interest, the court shall deny the inmate's petition for modification of the bifurcated
18 sentence.

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

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

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

3 (g) 1. In this paragraph, “victim” has the meaning given in s. 950.02 (4).

4 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
5 shall send a notice of hearing to the victim of the crime committed by the inmate, if
6 the victim has submitted a card under subd. 3. requesting notification. The notice
7 shall inform the victim that he or she may appear at the hearing scheduled under
8 par. (d) and shall inform the victim of the manner in which he or she may provide a
9 statement concerning the modification of the inmate’s bifurcated sentence in the
10 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
11 attempt to send the notice of hearing to the last-known address of the inmate’s
12 victim, postmarked at least 10 days before the date of the hearing.

13 3. The director of state courts shall design and prepare cards for a victim to send
14 to the clerk of the circuit court for the county in which the inmate was convicted and
15 sentenced. The cards shall have space for a victim to provide his or her name and
16 address, the name of the applicable inmate, and any other information that the
17 director of state courts determines is necessary. The director of state courts shall
18 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
19 shall provide the cards, without charge, to victims. Victims may send completed
20 cards to the clerk of the circuit court for the county in which the inmate was convicted
21 and sentenced. All court records or portions of records that relate to mailing
22 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

23 (h) An inmate may appeal a court’s decision to deny the inmate’s petition for
24 modification of his or her bifurcated sentence. The state may appeal a court’s
25 decision to grant an inmate’s petition for a modification of the inmate’s bifurcated

1 sentence. In an appeal under this paragraph, the appellate court may reverse a
2 decision granting or denying a petition for modification of a bifurcated sentence only
3 if it determines that the sentencing court erroneously exercised its discretion in
4 granting or denying the petition.

5 (i) If the program review committee denies an inmate's petition under par. (cm),
6 the inmate may not file another petition within one year after the date of the program
7 review committee's denial. If the program review committee approves an inmate's
8 petition for referral to the sentencing court under par. (cm) but the sentencing court
9 denies the petition, the inmate may not file another petition under par. (cm) within
10 one year after the date of the court's decision.

11 (j) An inmate eligible to seek modification of his or her bifurcated sentence
12 under this subsection has a right to be represented by counsel in proceedings under
13 this subsection. An inmate, or the department on the inmate's behalf, may apply to
14 the state public defender for determination of indigency and appointment of counsel
15 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
16 committee under par. (c). If an inmate whose petition has been referred to the court
17 under par. (cm) is without counsel, the court shall refer the matter to the state public
18 defender for determination of indigency and appointment of counsel under s. 977.05
19 (4) (jm).

20 **SECTION 406.** 302.114 (4) of the statutes is amended to read:

21 302.114 (4) All consecutive sentences imposed for crimes committed on or after
22 December 31, 1999, shall be computed as one continuous sentence. An inmate
23 subject to this section shall serve any term of extended supervision after serving all
24 terms of confinement in prison.

25 **SECTION 407.** 302.114 (5) (f) of the statutes is amended to read:

1 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
2 release to extended supervision. In an appeal under this paragraph, the appellate
3 court may reverse an order denying a petition for release to extended supervision
4 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
5 discretion in denying the petition for release to extended supervision.

6 **SECTION 408.** 302.114 (6) (b) of the statutes is amended to read:

7 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) (~~b~~) (bm) for
8 release to extended supervision under this section, the clerk of the circuit court in
9 which the petition is filed shall send a copy of the petition and, if a hearing is
10 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
11 the victim has submitted a card under par. (e) requesting notification.

12 **SECTION 409.** 302.114 (6) (c) of the statutes is amended to read:

13 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
14 may appear at the hearing under sub. (5) or (9) (~~b~~) (bm), if a hearing is scheduled,
15 and shall inform the victim of the manner in which he or she may provide written
16 statements concerning the inmate's petition for release to extended supervision.

17 **SECTION 410.** 302.114 (8m) of the statutes is created to read:

18 302.114 (8m) (a) Every person released to extended supervision under this
19 section remains in the legal custody of the department. If the department alleges
20 that any condition or rule of extended supervision has been violated by the person,
21 the department may take physical custody of the person for the investigation of the
22 alleged violation.

23 (b) If a person released to extended supervision under this section signs a
24 statement admitting a violation of a condition or rule of extended supervision, the
25 department may, as a sanction for the violation, confine the person for up to 90 days

1 in a regional detention facility or, with the approval of the sheriff, in a county jail.
2 If the department confines the person in a county jail under this paragraph, the
3 department shall reimburse the county for its actual costs in confining the person
4 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
5 the person is not eligible to earn good time credit on any period of confinement
6 imposed under this subsection.

7 **SECTION 411.** 302.114 (9) (a) of the statutes is renumbered 302.114 (9) (am) and
8 amended to read:

9 302.114 (9) (am) If a person released to extended supervision under this section
10 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
11 ~~the department of administration, upon proper notice and hearing, or the~~
12 ~~department of corrections, if the person on extended supervision waives a hearing,~~
13 reviewing authority may revoke the extended supervision of the person and return
14 the person to prison. If the extended supervision of the person is revoked, the person
15 shall be returned to the circuit court for the county in which the person was convicted
16 of the offense for which he or she was on extended supervision, and the court shall
17 order the person to be returned to prison, he or she shall be returned to prison for a
18 specified period of time, as provided under par. (b) before he or she is eligible for being
19 released again to extended supervision. The period of time specified under this
20 paragraph may not be less than 5 years and may be extended in accordance with sub.
21 (3).

22 **SECTION 412.** 302.114 (9) (ag) of the statutes is created to read:

23 302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given
24 in s. 302.113 (9) (ag).

25 **SECTION 413.** 302.114 (9) (b) of the statutes is amended to read:

1 302.114 (9) (b) ~~If~~ When a person is returned to prison court under par. (a) (am)
2 after revocation of extended supervision, the ~~department of corrections in the case~~
3 ~~of a waiver or the division of hearings and appeals in the department of~~
4 ~~administration in the case of a hearing under par. (a)~~ reviewing authority shall
5 ~~specify a~~ make a recommendation to the court concerning the period of time for
6 which the person ~~shall be incarcerated~~ should be returned to prison before being
7 eligible for release to extended supervision. The period of time ~~specified~~
8 recommended under this paragraph may not be less than 5 years ~~and may be~~
9 ~~extended in accordance with sub. (3).~~

10 **SECTION 414.** 302.114 (9) (bm) of the statutes is amended to read:

11 ~~302.114 (9) (bm)~~ A person who is returned to prison under par. (a) (am) after
12 revocation of extended supervision may, upon petition to the sentencing court, be
13 released to extended supervision after he or she has served the entire period of time
14 ~~specified in~~ by the court under par. (b) (am), including any periods of extension
15 imposed under sub. (3). A person may not file a petition under this paragraph earlier
16 than 90 days before the date on which he or she is eligible to be released to extended
17 supervision. If a person files a petition for release to extended supervision under this
18 paragraph at any time earlier than 90 days before the date on which he or she is
19 eligible to be released to extended supervision, the court shall deny the petition
20 without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition
21 filed under this paragraph.

22 **SECTION 415.** 302.114 (9) (c) of the statutes is amended to read:

23 302.114 (9) (c) A person who is subsequently released to extended supervision
24 under par. (b) (bm) is subject to all conditions and rules under sub. (8) until the
25 expiration of the sentence.

1 **SECTION 416.** 302.114 (9) (d) of the statutes is created to read:

2 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
3 hearings and appeals in the department of administration, the hearing examiner
4 may order the taking and allow the use of a videotaped deposition under s. 967.04
5 (7) to (10).

6 **SECTION 417.** 302.114 (9) (e) of the statutes is created to read:

7 302.114 (9) (e) A reviewing authority may consolidate proceedings before it
8 under par. (am) with other proceedings before that reviewing authority under par.
9 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the
10 parole or extended supervision of the same person.

11 **SECTION 418.** 302.114 (9) (f) of the statutes is created to read:

12 302.114 (9) (f) In any case in which there is a hearing before the division of
13 hearings and appeals in the department of administration concerning whether to
14 revoke a person's extended supervision, the person on extended supervision may
15 seek review of a decision to revoke extended supervision and the department of
16 corrections may seek review of a decision to not revoke extended supervision. Review
17 of a decision under this paragraph may be sought only by an action for certiorari.

18 **SECTION 419.** 302.33 (1) of the statutes is amended to read:

19 302.33 (1) The maintenance of persons who have been sentenced to the state
20 penal institutions; persons in the custody of the department, except as provided in
21 sub. (2) and s. ss. 301.048 (7), 302.113 (8m), and 302.114 (8m); persons accused of
22 crime and committed for trial; persons committed for the nonpayment of fines and
23 expenses; and persons sentenced to imprisonment therein, while in the county jail,
24 shall be paid out of the county treasury. No claim may be allowed to any sheriff for

1 keeping or boarding any person in the county jail unless the person was lawfully
2 detained therein.

3 **SECTION 420.** 303.063 of the statutes is repealed.

4 **SECTION 421.** 303.065 (1) (b) 1. of the statutes is amended to read:

5 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
6 specified in subd. 2., may be considered for work release only after he or she has
7 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
8 is applicable, or he or she has reached his or her extended supervision eligibility date
9 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

10 **SECTION 422.** 303.08 (1) (intro.) of the statutes is amended to read:

11 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
12 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under
13 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
14 necessary and reasonable hours for any of the following purposes:

15 **SECTION 423.** 303.08 (2) of the statutes is amended to read:

16 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
17 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
18 the department, the prisoner person is sentenced to ordinary confinement. The A
19 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)
20 or 302.114 (8m), may petition the court for such privilege at the time of sentence or
21 thereafter, and in the discretion of the court may renew the prisoner's petition. The
22 court may withdraw the privilege at any time by order entered with or without notice.

23 **SECTION 424.** 303.08 (5) (intro.) of the statutes is amended to read:

24 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
25 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the

1 wages, salary and unemployment insurance and employment training benefits
2 received by prisoners shall be disbursed by the sheriff for the following purposes, in
3 the order stated:

4 **SECTION 425.** 303.08 (6) of the statutes is amended to read:

5 303.08 (6) The department, for a person subject to a confinement sanction
6 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may
7 authorize the sheriff to whom the prisoner is committed to arrange with another
8 sheriff for the employment or employment training of the prisoner in the other's
9 county, and while so employed or trained to be in the other's custody but in other
10 respects to be and continue subject to the commitment.

11 **SECTION 426.** 303.08 (12) of the statutes is amended to read:

12 303.08 (12) In counties having a house of correction, any person violating the
13 privilege granted under sub. (1) may be transferred by the county jailer to the house
14 of correction for the remainder of the term of the person's sentence or, if applicable,
15 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
16 (8m).

17 **SECTION 427.** 303.21 (1) (b) of the statutes is amended to read:

18 303.21 (1) (b) Inmates are included under par. (a) if they are participating in
19 a structured work program away from the institution grounds under s. 302.15 ~~or a~~
20 ~~secure work program under s. 303.063.~~ Inmates are not included under par. (a) if
21 they are employed in a prison industry under s. 303.06 (2), participating in a work
22 release program under s. 303.065 (2), participating in employment with a private
23 business under s. 303.01 (2) (em) or participating in the transitional employment
24 program, but they are eligible for worker's compensation benefits under ch. 102.

1 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are
2 eligible for worker's compensation benefits under ch. 102.

3 **SECTION 428.** 304.06 (1) (b) of the statutes is amended to read:

4 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
5 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an
6 inmate of the Wisconsin state prisons or any felon or any person serving at least one
7 year or more in a county house of correction or a county reforestation camp organized
8 under s. 303.07, when he or she has served 25% of the sentence imposed for the
9 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)
10 or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate
11 serving a life term when he or she has served 20 years, as modified by the formula
12 under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable.
13 The person serving the life term shall be given credit for time served prior to
14 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
15 may grant special action parole releases under s. 304.02. The department or the
16 parole commission shall not provide any convicted offender or other person
17 sentenced to the department's custody any parole eligibility or evaluation until the
18 person has been confined at least 60 days following sentencing.

19 **SECTION 429.** 304.06 (1q) of the statutes is repealed.

20 **SECTION 430.** 304.071 (2) of the statutes is amended to read:

21 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1999 stats.,
22 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he
23 or she is not eligible for parole under this section.

24 **SECTION 431.** 304.11 (3) of the statutes is amended to read: