

2009 DRAFTING REQUEST

Bill

Received: 12/30/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Silver

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - sentencing

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Silver, BB0322 -

Topic:

Expungement of certain misdemeanors and nonviolent felonies

Instructions:

Raise from 21 to 25, expand to include nonviolent H-I felonies

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley	chanaman		_____			
	01/07/2009	01/07/2009		_____			
/P1	phurley	kfollett		_____			
	01/07/2009	01/08/2009		_____			
/P1	phurley	kfollett	jfrantze	_____		cduerst	
	01/08/2009	01/08/2009	01/08/2009	_____		01/08/2009	
/P2			jfrantze	_____		sbasford	
			01/09/2009	_____		01/09/2009	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

**<END>**

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/?	phurley 01/07/2009	chanaman 01/07/2009		_____			
	phurley 01/07/2009	kfollett 01/08/2009		_____			
/P1	phurley	<i>1P2KF</i> <i>1/8</i>	jfrantze 01/08/2009	_____	cduerst 01/08/2009		

FE Sent For:

*Self*  
*1/9*

<END>

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/?	phurley	1/15/09 1/18/09	[Signature] 1/18	[Signature] 1/18			

FE Sent For:

<END>

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Record Expunction
- Tracking Code: BB0322
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Karina Silver
  - Phone: 266-2213
  - Email: [Karina.Silver@wi.gov](mailto:Karina.Silver@wi.gov)
- Agency acronym: DOC
- Agency number: 410
- Priority (Low, Medium, High): Medium

Intent: Change s. 973.015 to expand the eligible offender age from 21 to 25 and allow record expunction for non-violent offenses.

Desired effective date: Upon passage of the bill.

12-30: X/c: violent = 301.048(2)(b) 1.  
Karina says she thinks gov wants to add in "nonviolent," but maybe he just wants to ↑ age. She'll discuss & get back to me next week.

1/7- want nonviolent added in, as well as H-I felonies

**Hurley, Peggy**

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**From:** Frantzen, Jean  
**Sent:** Thursday, January 08, 2009 12:04 PM  
**To:** Hurley, Peggy  
**Subject:** LRB Draft: 09-1283/P1 Expungement of certain misdemeanors

*Hi Peggy*

*I did this little draft and emailed a copy of it over to DOA a little while ago.*

*I just received this message back which should obviously be directed to you rather than me.*

*Jean*

---

**From:** Silver, Karina B - DOA [mailto:karina.silver@wisconsin.gov]  
**Sent:** Thursday, January 08, 2009 11:40 AM  
**To:** Frantzen, Jean  
**Cc:** Steinmetz, Jana D - DOA; Hanaman, Cathlene; Beadles, Kathleen - DOA  
**Subject:** RE: LRB Draft: 09-1283/P1 Expungement of certain misdemeanors

Hi, I have a few corrections to this draft.

First, our intent is to include ALL misdemeanors, not just nonviolent misdemeanors. The nonviolent part should apply only to the eligible (Class H to I) felony offenses.

Also, the current title of the draft, Expungement of certain misdemeanors, is somewhat misleading; perhaps it could be called something like Juvenile record expunction?

Please feel free to email or call me if you have any questions.

Thanks,

Karina Silver  
(608) 266-2213

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**From:** Frantzen, Jean [mailto:Jean.Frantzen@legis.wisconsin.gov]  
**Sent:** Thursday, January 08, 2009 11:25 AM  
**To:** Silver, Karina B - DOA  
**Cc:** Steinmetz, Jana D - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1283/P1 Expungement of certain misdemeanors

*Following is the PDF version of draft 09-1283/P1.*



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1283/?

PJH...

pl  
GF

DOA:.....Silver, BB0322 - Expungement of certain misdemeanors

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1-7-09

1

AN ACT ...; relating to: the budget

*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE**

commits

**CIRCUIT COURTS**

Under current law, when a person is found guilty of a misdemeanor that the person committed before he or she was 21, the sentencing court may order that the record of the conviction be expunged when the person completes his or her sentence. The court must find that expungement would benefit the person and not harm society and the person may not commit another crime or have his or her probation revoked in order to be eligible for expungement.

Under this bill, a person is eligible to have his or her record of a conviction expunged if the conviction is for a non-violent misdemeanor or a non-violent Class H or Class I felony that was committed before the person reached the age of 25 and the other current requirements for expungement are met.

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

2

SECTION 1. 973.015 (title) of the statutes is amended to read:

3

973.015 (title) **Misdemeanors, special Special disposition.**



DOA:.....Silver, BB0322 - Expungement of certain misdemeanors and nonviolent felonies

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1-8-09

Don't Gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

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State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1283/P2

PJH:kjf:jf

DOA:.....Silver, BB0322 - Expungement of certain misdemeanors and nonviolent felonies

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

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