

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AA122-ASA1-AB75)**

Received: **06/12/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Joe Parisi (608) 266-5342**

By/Representing:

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: **Rep.Parisi@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Sentencing modifications

**Instructions:**

See attached

**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>
/P1	chanaman 06/12/2009	wjackson 06/12/2009	chanaman 06/12/2009	_____	cduerst 06/13/2009		
			jfrantze 06/13/2009	_____			
/1	phurley 06/13/2009	nnatzke 06/13/2009	jfrantze 06/13/2009	_____	cduerst 06/13/2009	cduerst 06/13/2009	

FE Sent For:

<END>

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/P1	chanaman 06/12/2009	wjackson 06/12/2009 <i>1 mwn 6/13</i>	chanaman 06/12/2009 jfrantze 06/13/2009 <i>Jb 6/13</i>	_____	cduerst 06/13/2009		

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<END>

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Addl. Drafters:

Subject: **Criminal Law - sentencing**

Extra Copies:

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Requester's email: **Rep.Parisi@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

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**Topic:**

Sentencing modifications

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**Instructions:**

See attached

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**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>
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/P1	chanaman 06/12/2009	lrb_editor	chanaman 06/12/2009				
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*/plwlj 6/13*

*plwlj 6/13* *phurley 6/13*

<END>

FE Sent For:

**2009 DRAFTING REQUEST**

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Received: **06/12/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Joe Parisi (608) 266-5342**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies: **scott adrian  
glenn wavrunek  
ben nerad**

Submit via email: **YES**

Requester's email: **Rep.Parisi@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Exceptions to the positive adjustment time

---

**Instructions:**

27 school safety amendment except drop out the child left in vehicle; 28, *to keep in* except drop out section 6; 32; 33; 34; 35; 36; 38; 39; 41; 42; 44; 48; on 29, ONLY keep physical harm 692 6186

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**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			_____			
				_____			

FE Sent For:

<END>



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT ,  
TO ASSEMBLY AMENDMENT 122,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 75**

# Page 73<sup>Δ</sup> line 20 after that insert (1)

1 At the locations indicated, amend the amendment as follows:

2 <sup>302b</sup> 1. Page 1423, line 4: after that line insert:

Frozen  
No B

3 "10. A person who is serving a sentence for a violation of s. 940.32 (3)."

4 2. Page 1423, line 4: after that line insert:

5 "10. A person who is serving a sentence for a violation of s. 940.11 (1)."

6 <sup>302d</sup> 3. Page 1423, line 4: after that line insert:

7 "10. A person who is serving a sentence for a violation of s. 940.235 (1)."

8 4. Page 1423, line 4: after that line insert:

9 "10. A person who is serving a sentence for a violation of s. 941.21."

10 5. Page 1423, line 4: after that line insert:

15  
10

1 "10. A person who is serving a sentence for a violation of s. 946.465."

2 6. Page 1423, line 4: after that line insert:

10

3 "10. A person who is serving a sentence for a felony murder under s. 940.03."

4 7. Page 1423, line 4: after that line insert:

10  
6

5 "10. A person who is serving a sentence for an offense against an elderly or  
6 vulnerable person, as defined in s. 939.22 (20<sup>d</sup>)." <sup>d</sup>

7 8. Page 1423, line 4: after that line insert:

17

8 "10. A person who is serving a sentence for an offense related to ethical  
9 government, as defined in s. 939.22 (20m)."

10 9. Page 1423, line 4: after that line insert:

18

11 "10. A person who is serving a sentence for an offense related to school safety,  
12 as defined in s. 939.22 (20<sup>m</sup>)." <sup>s</sup>

302c.

13 10. Page 1440, line 11: after that line insert:

Frozen  
No B

14 "g. A person who is serving a sentence for a violation of s. 940.32 (3)."

15 11. Page 1440, line 11: after that line insert:

11

16 "g. A person who is serving a sentence for a violation of s. 940.11 (1)." ✓

17 12. Page 1440, line 11: after that line insert:

11

18 "g. A person who is serving a sentence for a violation of s. 940.235 (1)."

19 13. Page 1440, line 11: after that line insert:

11

20 "g. A person who is serving a sentence for a violation of s. 941.21."

21 14. Page 1440, line 11: after that line insert:

11

22 "g. A person who is serving a sentence for a violation of s. 946.465."

23 15. Page 1440, line 11: after that line insert:

1 g. A person who is serving a sentence for a felony murder under s. 940.03.”

2 **16.** Page 1440, line 11: after that line insert:

3 “g. A person who is serving a sentence for an offense against an elderly or  
4 vulnerable person, as defined in s. 939.22 (20m).”

5 **17.** Page 1440, line 11: after that line insert:

6 “g. A person who is serving a sentence for an offense related to ethical  
7 government, as defined in s. 939.22 (20m).”

8 **18.** Page 1440, line 11: after that line insert:

9 “g. A person who is serving a sentence for an offense related to school safety,  
10 as defined in s. 939.22 (20m).”

Frozen  
+ NB

11 ~~19.~~ <sup>302n</sup> Page 1441, line 4: after that line insert:

12 “f. A person who is serving a sentence for an offense related to ethical  
13 government, as defined in s. 939.22 (20m).”

14 **20.** Page 1441, line 4: after that line insert:

15 “f. A person who is serving a sentence for a violation of s. 940.31 (1).”

16 **21.** Page 1441, line 4: after that line insert:

17 “f. A person who is serving a sentence for a violation of s. 948.03 (2) (a).”

18 **22.** Page 1441, line 4: after that line insert:

19 “f. A person who is serving a sentence for a violation of s. 940.06.”

20 **23.** Page 1441, line 4: after that line insert:

21 “f. A person who is serving a sentence for a violation of s. 940.302.”

22 **24.** Page 1441, line 4: after that line insert:

23 “f. A person who is serving a sentence for a violation of s. 948.40 (4) (a).”

# Page 77, line 10: after that line insert:

25. Page 1441, line 4: after that line insert:

"f. A person who is serving a sentence for a felony murder under s. 940.03."

26. Page 1441, line 4: after that line insert:

"f. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20m)."

27. Page 1441, line 4: after that line insert:

"f. A person who is serving a sentence for an offense related to school safety, as defined in s. 939.22 (20m)."

28. Page 1699, line 22: after that line insert:

"SECTION 3339m. 939.22 (20m) of the statutes is created to read:  
939.22 (20m) "Offense against an elderly or vulnerable person" means a violation of s. 49.688 (9) (b), 940.285 (2), 940.295 (3) (b) 2. or 3., or 943.201."

that caused death, great bodily harm, or bodily harm to the victim.

29. Page 1699, line 22: after that line insert:

"SECTION 3339m. 939.22 (20m) of the statutes is created to read:  
939.22 (20m) "Offense related to ethical government" means a violation of s. 13.69 (6m), 19.58 (1) (b), or 946.12."

30. Page 1699, line 22: after that line insert:

"SECTION 3339m. 939.22 (20m) of the statutes is created to read:  
939.22 (20m) "Offense related to school safety" means a violation of s. 948.53 (2) (b), 948.605 (2), or 948.61 (2) (b)."

31. Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 940.31 (1)."

940.03, 940.06, 940.11(1), 940.235(1), 940.302, 940.31(1), 940.32(3), 941.21, 946.465, 948.03(2), 948.404(1)(a), or

# Page 77, line 11: after that line insert:

for

~~32.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 948.03 (2) (a).".

~~33.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 940.06".

~~34.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 940.302".

~~35.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 948.40 (4) (a).".

~~36.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 940.32 (3).".

~~37.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 940.11 (1).".

~~38.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 940.235 (1).".

~~39.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 941.21".

~~40.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply if the court sentences a person for a violation of s. 946.465".

~~41.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply to a person who is sentenced for a felony murder under s. 940.03".

~~42.~~ Page 1709, line 18: after "justice." insert "This subsection does not apply to a person who is sentenced for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20~~m~~);

#Page 77, line 13, after that insert:

1 **43.** Page 1709, line 18: after "justice." insert "This subsection does not apply  
2 to a person who is sentenced for an offense related to ethical government, as defined  
3 in s. 939.22 (20m).", or

4 **44.** Page 1709, line 18: after "justice." insert "This subsection does not apply  
5 to a person who is sentenced for an offense related to school safety, as defined in s.  
6 939.22 (20<sup>s</sup>).".

7 **45.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
8 sentences a person for a violation of s. 940.31 (1)."  
*338f* *940.03, 940.06, 940.11(1), 940.235(1), 940.302, 940.31(1), 940.32(2), 941.21, 946.465, 948.03(2)(a), 948.40(4)(a)*

9 **46.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
10 sentences a person for a violation of s. 948.03 (2) (a)."  
*or*

11 **47.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
12 sentences a person for a violation of s. 940.06."

13 **48.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
14 sentences a person for a violation of s. 940.302."

15 **49.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
16 sentences a person for a violation of s. 948.40 (4) (a)."

17 **50.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
18 sentences a person for a violation of s. 940.32 (3)."

19 **51.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
20 sentences a person for a violation of s. 940.11 (1)."

21 **52.** Page 1712, line 7: after "(1)." insert "This section does not apply if the court  
22 sentences a person for a violation of s. 940.235 (1)."





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT,**  
**TO ASSEMBLY AMENDMENT 122,**  
**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**  
**TO 2009 ASSEMBLY BILL 75**

9 10. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

From 2-1-4 →

1 At the locations indicated, amend the amendment as follows:

2 1. Page 73, line 2: after that line insert:

3 "302b. Page 1423, line 4: after that line insert:

4 13. A person who is serving a sentence for a ~~violation of~~ <sup>felony murder under</sup> s. 940.03.

5 14. ~~14.~~ A person who is serving a sentence for a violation of s. 940.11 (1).

6 15. ~~15.~~ A person who is serving a sentence for a violation of s. 940.235 (1).

7 17. ~~17.~~ A person who is serving a sentence for a violation of s. 941.21. <sup>violation of</sup>

8 16. ~~16.~~ A person who is serving a sentence for a ~~felony murder under~~ s. 940.32 (3).

9 18. ~~18.~~ A person who is serving a sentence for ~~an offense against an elderly or~~ <sup>a violation of</sup>

10 ~~vulnerable person, as defined in~~ s. 946.465. <sup>27</sup>

move to after "10." p. 1

1 ll. ~~W~~ A person who is serving a sentence for an offense related to ethical  
2 government, as defined in s. 939.22 (20m).

3 12. ~~W~~ A person who is serving a sentence for an offense related to school safety,  
4 as defined in s. 939.22 (20s). *le*

5 302c. Page 1440, line 11: after that line insert:

6 j. ~~W~~ A person who is serving a sentence for a felony murder under s. 940.03.

7 k. ~~W~~ A person who is serving a sentence for a violation of s. 940.11 (1).

8 l. ~~W~~ A person who is serving a sentence for a violation of s. 940.235 (1).

9 m. ~~W~~ A person who is serving a sentence for a violation of s. 940.32 (3).

10 n. ~~W~~ A person who is serving a sentence for a violation of s. 941.21.

11 o. ~~W~~ A person who is serving a sentence for a violation of s. 946.465. *22/0*

12 *es/g. W* A person who is serving a sentence for an offense against an elderly or  
13 vulnerable person, as defined in s. 939.22 (<sup>20d</sup>~~20m~~).

14 h. ~~W~~ A person who is serving a sentence for an offense related to ethical  
15 government, as defined in s. 939.22 (20m).

16 i. ~~W~~ A person who is serving a sentence for an offense related to school safety, as  
17 defined in s. 939.22 (<sup>20s</sup>~~20m~~). *le*

18 302n. Page 1441, line 4: after that line insert:

INSERT A p. 3. →  
119 B →

19 i. ~~W~~ A person who is serving a sentence for <sup>a felony murder under</sup> ~~an offense related to ethical~~  
20 government, as defined in s. 940.03.

21 j. ~~W~~ A person who is serving a sentence for a violation of s. 940.06.

22 k. ~~W~~ A person who is serving a sentence for a violation of s. 940.302.

23 l. ~~W~~ A person who is serving a sentence for a violation of s. 940.31 (1).

24 m. ~~W~~ A person who is serving a sentence for a violation of s. 948.03 (2) (a).

25 n. ~~W~~ A person who is serving a sentence for a violation of s. 948.40 (4) (a). *22/21/0*

*(ff)* h. A person who is serving a sentence related to school safety,  
as defined in s. 939.22 (20s).

move to p. 2  
B

an offense related to ethical government, as defined in  
g. A person who is serving a sentence for a felony murder under s. 939.22 (20m).

move to p. 2  
A

f. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

2. Page 77, line 10: after that line insert:

“336m. Page 1699, line 22: after that line insert:

SECTION 3339m. 939.22 (20d) of the statutes is created to read:

939.22 (20d) “Offense against an elderly or vulnerable person” means a violation of s. 940.285 (2) (a) or 940.295 (3) (b) that caused death, great bodily harm, or bodily harm to the victim.

SECTION 3339m. 939.22 (20m) of the statutes is created to read:

939.22 (20m) “Offense related to ethical government” means a violation of s. 13.69 (6m), 19.58 (1) (b), or 946.12.

SECTION 3339s. 939.22 (20s) of the statutes is created to read:

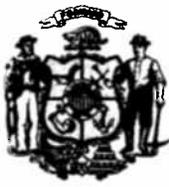
939.22 (20s) “Offense related to school safety” means a violation of s. 948.605 (2) or 948.61 (2) (b).”

3. Page 77, line 11: after that line insert:

“337L. Page 1709, line 18: after “justice.” insert “This subsection does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235 (1), 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.404 (4) (a) for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).”

4. Page 77, line 13: after that line insert:





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY AMENDMENT 122,**  
**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**  
**TO 2009 ASSEMBLY BILL 75**

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 73, line 2: after that line insert:

3 "302b. Page 1423, line 4: after that line insert:

4 "10. A person who is serving a sentence for an offense against an elderly or  
5 vulnerable person, as defined in s. 939.22 (20d).

6 11. A person who is serving a sentence for an offense related to ethical  
7 government, as defined in s. 939.22 (20m).

8 12. A person who is serving a sentence for an offense related to school safety,  
9 as defined in s. 939.22 (20s).

10 13. A person who is serving a sentence for a felony murder under of s. 940.03.

1 14. A person who is serving a sentence for a violation of s. 940.11 (1).

2 15. A person who is serving a sentence for a violation of s. 940.235 (1).

3 16. A person who is serving a sentence for a violation of s. 940.32 (3).

4 17. A person who is serving a sentence for a violation of s. 941.21.

5 18. A person who is serving a sentence for a violation of s. 946.465.”.

6 302c. Page 1440, line 11: after that line insert:

7 “g. A person who is serving a sentence for an offense against an elderly or  
8 vulnerable person, as defined in s. 939.22 (20d).

9 h. A person who is serving a sentence for an offense related to ethical  
10 government, as defined in s. 939.22 (20m).

11 i. A person who is serving a sentence for an offense related to school safety, as  
12 defined in s. 939.22 (20s).

13 j. A person who is serving a sentence for a felony murder under s. 940.03.

14 k. A person who is serving a sentence for a violation of s. 940.11 (1).

15 L. A person who is serving a sentence for a violation of s. 940.235 (1).

16 m. A person who is serving a sentence for a violation of s. 940.32 (3).

17 n. A person who is serving a sentence for a violation of s. 941.21.

18 o. A person who is serving a sentence for a violation of s. 946.465.”.

19 302n. Page 1441, line 4: after that line insert:

20 “f. A person who is serving a sentence for an offense against an elderly or  
21 vulnerable person, as defined in s. 939.22 (20d).

22 g. A person who is serving a sentence for an offense related to ethical  
23 government, as defined in s. 939.22 (20m).

24 h. A person who is serving a sentence related school safety, as defined in s.  
25 939.22 (20s).

- 1 i. A person who is serving a sentence for a felony murder under s. 940.03.  
2 j. A person who is serving a sentence for a violation of s. 940.06.  
3 k. A person who is serving a sentence for a violation of s. 940.302.  
4 L. A person who is serving a sentence for a violation of s. 940.31 (1).  
5 m. A person who is serving a sentence for a violation of s. 948.03 (2) (a).  
6 n. A person who is serving a sentence for a violation of s. 948.40 (4) (a).”.”.

7 **2.** Page 77, line 10: after that line insert:

8 “336m. Page 1699, line 22: after that line insert:

9 “**SECTION 3339d.** 939.22 (20d) of the statutes is created to read:

10 939.22 (20d) “Offense against an elderly or vulnerable person” means a  
11 violation of s. 940.285 (2) (a) that caused death, great bodily harm, or bodily harm  
12 to the victim or s. 940.295 (3) (b) that caused death, great bodily harm, or bodily harm  
13 to the victim.

14 **SECTION 3339m.** 939.22 (20m) of the statutes is created to read:

15 939.22 (20m) “Offense related to ethical government” means a violation of s.  
16 13.69 (6m), 19.58 (1) (b), or 946.12.

17 **SECTION 3339s.** 939.22 (20s) of the statutes is created to read:

18 939.22 (20s) “Offense related to school safety” means a violation of s. 948.605  
19 (2) or 948.61 (2) (b).”.”.

20 **3.** Page 77, line 11: after that line insert:

21 “337L. Page 1709, line 18: after “justice.” insert “This subsection does not apply  
22 if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235  
23 (1), 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a)  
24 or for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d),

1 an offense related to ethical government, as defined in s. 939.22 (20m), or an offense  
2 related to school safety, as defined in s. 939.22 (20s).”.”.

3 **4.** Page 77, line 13: after that line insert:

4 “338f. Page 1712, line 7: after “(1).” insert “This section does not apply if the  
5 court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235 (1),  
6 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for  
7 a felony murder under s. 940.03, an offense against an elderly or vulnerable person,  
8 as defined in s. 939.22 (20d), an offense related to ethical government, as defined in  
9 s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).”.”.

10

(END)