



2011 SENATE BILL 350

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

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 939.621 of the statutes is renumbered 939.621 (2) and amended to
5 read:
6 939.621 **(2)** If a person commits an act of domestic abuse, as defined in s.
7 968.075 (1) (a) and the act constitutes the commission of a crime, the maximum term
8 of imprisonment for that crime may be increased by not more than 2 years if the crime
9 is committed during the 72 hours immediately following an arrest for a domestic
10 abuse incident, as set forth in s. 968.075 (5). The 72-hour period applies whether or

SENATE BILL 350**SECTION 1**

1 ~~not there has been a waiver by the victim under s. 968.075 (5) (c) person is a domestic~~
2 ~~abuse repeater.~~ The victim of the domestic abuse crime does not have to be the same
3 as the victim of the domestic abuse incident that resulted in the prior arrest or
4 conviction. The penalty increase under this section changes the status of a
5 misdemeanor to a felony.

6 **SECTION 2.** 939.621 (1) of the statutes is created to read:

7 939.621 (1) In this section, “domestic abuse repeater” means either of the
8 following:

9 (a) A person who commits, during the 72 hours immediately following an arrest
10 for a domestic abuse incident as set forth in s. 968.075 (5), an act of domestic abuse,
11 as defined in s. 968.075 (1) (a) that constitutes the commission of a crime. For the
12 purpose of the definition under this paragraph, the 72-hour period applies whether
13 or not there has been a waiver by the victim under s. 968.075 (5) (c).

14 (b) A person who was convicted, on 2 separate occasions, of a felony or a
15 misdemeanor for which a court imposed a domestic abuse surcharge under s. 973.055
16 (1) or waived a domestic abuse surcharge pursuant to s. 973.055 (4), during the
17 10-year period immediately prior to the commission of the crime for which the
18 person presently is being sentenced, if the convictions remain of record and
19 unreversed. For the purpose of the definition under this paragraph, it is immaterial
20 that sentence was stayed, withheld or suspended, or that the person was pardoned,
21 unless such pardon was granted on the ground of innocence. In computing the
22 preceding 10-year period, time that the person spent in actual confinement serving
23 a criminal sentence shall be excluded.

24 **SECTION 3. Initial applicability.**

