

2

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-0611/1 CMH:klm

## **2017 SENATE BILL 55**

February 21, 2017 – Introduced by Senators VUKMIR, DARLING, NASS and FEYEN, cosponsored by Representatives SANFELIPPO, KLEEFISCH, MURPHY, DUCHOW, TUSLER, GANNON, EDMING, OTT, SPIROS, ALLEN, KREMER, TITTL, SKOWRONSKI and E. BROOKS. Referred to Committee on Judiciary and Public Safety.

1 AN ACT to amend 939.619 (1) and 939.619 (2) of the statutes; relating to: crimes

subject to a mandatory minimum sentence.

## Analysis by the Legislative Reference Bureau

Current law imposes a mandatory minimum sentence for felony murder or second-degree intentional homicide if the person has been previously convicted of felony murder, second-degree intentional homicide, or a crime punishable by life imprisonment. The court must sentence the person to be confined in prison for at least three years and six months. This bill increases the mandatory minimum sentence to five years and adds the following crimes to be subject to the mandatory minimum sentence if the person has been previously convicted of one of the crimes or a crime punishable by life imprisonment: first-degree or second-degree reckless homicide, homicide by intoxicated use of a vehicle or firearm, aggravated battery, mayhem, taking hostages, kidnapping, causing death by tampering with household products, arson of buildings or damage by explosives, carjacking, armed robbery, robbery of a financial institution, physical abuse of a child, child abduction, and child trafficking.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

2017 – 2018 Legislature

## **SENATE BILL 55**

<ul> <li>940.02, 940.03 or, 940.05, 940.06, 940.09, 940.19 (5), 940.21, 940.305, 940.3</li> <li>941.327 (2) (b) 2., 3., or 4., 943.02, 943.23 (1g), 943.32 (2), 943.87, 948.03 (2) (a) or (5</li> <li>948.051, or 948.30 (2).</li> <li>SECTION 2. 939.619 (2) of the statutes is amended to read:</li> <li>939.619 (2) If a person has one or more prior convictions for a serious violent</li> <li>crime or a crime punishable by life imprisonment and subsequently commits</li> <li>serious violent crime, the court shall impose a bifurcated sentence under s. 973.0</li> <li>The term of confinement in prison portion of a bifurcated sentence imposed under</li> <li>this subsection may not be less than -3-5 years and 6 months, but otherwise the</li> </ul>	1	<b>SECTION 1.</b> 939.619 (1) of the statutes is amended to read:
<ul> <li>941.327 (2) (b) 2., 3., or 4., 943.02, 943.23 (1g), 943.32 (2), 943.87, 948.03 (2) (a) or (5</li> <li>948.051, or 948.30 (2).</li> <li>SECTION 2. 939.619 (2) of the statutes is amended to read:</li> <li>939.619 (2) If a person has one or more prior convictions for a serious violent</li> <li>crime or a crime punishable by life imprisonment and subsequently commits</li> <li>serious violent crime, the court shall impose a bifurcated sentence under s. 973.0</li> <li>The term of confinement in prison portion of a bifurcated sentence imposed under</li> <li>this subsection may not be less than -3- 5 years and 6 months, but otherwise the</li> <li>penalties for the crime apply, subject to any applicable penalty enhancement. The</li> <li>court may not place the defendant on probation.</li> </ul>	2	939.619 (1) In this section, "serious violent crime" means a violation of s.
<ul> <li>5 948.051, or 948.30 (2).</li> <li>6 SECTION 2. 939.619 (2) of the statutes is amended to read:</li> <li>7 939.619 (2) If a person has one or more prior convictions for a serious violent</li> <li>8 crime or a crime punishable by life imprisonment and subsequently commits</li> <li>9 serious violent crime, the court shall impose a bifurcated sentence under s. 973.0</li> <li>10 The term of confinement in prison portion of a bifurcated sentence imposed under</li> <li>11 this subsection may not be less than -3-5 years and 6 months, but otherwise the</li> <li>12 penalties for the crime apply, subject to any applicable penalty enhancement. The</li> <li>13 court may not place the defendant on probation.</li> </ul>	3	<u>940.02,</u> 940.03 or, 940.05, 940.06, 940.09, 940.19 (5), 940.21, 940.305, 940.31,
<ul> <li>SECTION 2. 939.619 (2) of the statutes is amended to read:</li> <li>939.619 (2) If a person has one or more prior convictions for a serious violent</li> <li>crime or a crime punishable by life imprisonment and subsequently commits</li> <li>serious violent crime, the court shall impose a bifurcated sentence under s. 973.0</li> <li>The term of confinement in prison portion of a bifurcated sentence imposed under</li> <li>this subsection may not be less than -3-5 years and 6 months, but otherwise the</li> <li>penalties for the crime apply, subject to any applicable penalty enhancement. The</li> <li>court may not place the defendant on probation.</li> </ul>	4	941.327 (2) (b) 2., 3., or 4., 943.02, 943.23 (1g), 943.32 (2), 943.87, 948.03 (2) (a) or (5),
<ul> <li>939.619 (2) If a person has one or more prior convictions for a serious violent</li> <li>crime or a crime punishable by life imprisonment and subsequently commits</li> <li>serious violent crime, the court shall impose a bifurcated sentence under s. 973.0</li> <li>The term of confinement in prison portion of a bifurcated sentence imposed under</li> <li>this subsection may not be less than -3-5 years and 6 months, but otherwise the</li> <li>penalties for the crime apply, subject to any applicable penalty enhancement. The</li> <li>court may not place the defendant on probation.</li> </ul>	5	<u>948.051, or 948.30 (2)</u> .
8 crime or a crime punishable by life imprisonment and subsequently commits 9 serious violent crime, the court shall impose a bifurcated sentence under s. 973.0 10 The term of confinement in prison portion of a bifurcated sentence imposed under 11 this subsection may not be less than -3-5 years and 6 months, but otherwise th 12 penalties for the crime apply, subject to any applicable penalty enhancement. Th 13 court may not place the defendant on probation.	6	<b>SECTION 2.</b> 939.619 (2) of the statutes is amended to read:
9 serious violent crime, the court shall impose a bifurcated sentence under s. 973.0 10 The term of confinement in prison portion of a bifurcated sentence imposed under 11 this subsection may not be less than -3-5 years and 6 months, but otherwise the 12 penalties for the crime apply, subject to any applicable penalty enhancement. The 13 court may not place the defendant on probation.	7	939.619 (2) If a person has one or more prior convictions for a serious violent
10 The term of confinement in prison portion of a bifurcated sentence imposed under 11 this subsection may not be less than -3- <u>5</u> years and <u>6</u> months, but otherwise the 12 penalties for the crime apply, subject to any applicable penalty enhancement. The 13 court may not place the defendant on probation.	8	crime or a crime punishable by life imprisonment and subsequently commits a
11 this subsection may not be less than <u>3-5</u> years and <u>6 months</u> , but otherwise th 12 penalties for the crime apply, subject to any applicable penalty enhancement. Th 13 court may not place the defendant on probation.	9	serious violent crime, the court shall impose a bifurcated sentence under s. 973.01.
<ul> <li>penalties for the crime apply, subject to any applicable penalty enhancement. Th</li> <li>court may not place the defendant on probation.</li> </ul>	10	The term of confinement in prison portion of a bifurcated sentence imposed under
13 court may not place the defendant on probation.	11	this subsection may not be less than $-3$ - $5$ years and 6 months, but otherwise the
	12	penalties for the crime apply, subject to any applicable penalty enhancement. The
14 SECTION 3. Initial applicability.	13	court may not place the defendant on probation.
	14	SECTION 3. Initial applicability.

- 2 -

(1) This act first applies to crimes committed on the effective date of this
subsection but does not preclude the counting of offenses as prior offenses for the
purposes of sentencing.

18

(END)