



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 298**

February 15, 1996 – Offered by Representative KAUFERT.

1 **AN ACT to renumber** 939.50 (1) (a), 939.50 (3) (a) and 973.015; **to renumber and**
2 **amend** 940.01 (1); **to amend** 161.335 (1), 301.048 (2) (b), 302.11 (1m), 303.065
3 (1), 304.02 (5), 304.06 (1) (b), 304.071 (2), 939.30 (2), 939.31, 939.32 (1) (a),
4 939.50 (2), 939.60, 939.624 (2), 939.625 (1) (b) 2., 939.63 (1) (a) 2., 971.17 (1),
5 972.03, 972.13 (6), 973.013 (1) (b), 973.0135 (3), 973.014 (1) (intro.), 973.032 (2)
6 (b), 973.09 (1) (c) and 978.07 (1) (c) 1.; **to repeal and recreate** 304.06 (1) (b);
7 and **to create** 161.335 (1m), 301.046 (3) (cm), 304.06 (1t), 939.22 (7), 939.50 (1)
8 (ag), 939.50 (3) (ag), 940.01 (1) (b), 940.01 (1) (c), 940.01 (1) (d), 967.02 (1m),
9 973.015, 973.016 and 973.017 of the statutes; **relating to:** providing a penalty
10 of either death or life imprisonment for the first-degree intentional homicide
11 of a child younger than 16 years old, affecting parole eligibility and granting
12 rule-making authority.

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

13 **SECTION 1.** 161.335 (1) of the statutes is amended to read:

1 161.335 (1) ~~Upon~~ Except as provided in sub. (1m), upon application, the
2 controlled substances board may issue a permit authorizing a person to
3 manufacture, obtain, possess, use, administer or dispense a controlled substance for
4 purposes of scientific research, instructional activities, chemical analysis or other
5 special uses, without restriction because of enumeration. No person ~~shall~~ may
6 engage in any such activity without a permit issued under this section, except that
7 an individual may be designated and authorized to receive the permit for a college
8 or university department, research unit or similar administrative organizational
9 unit and students, laboratory technicians, research specialists or chemical analysts
10 under his or her supervision may be permitted possession and use of controlled
11 substances for these purposes without obtaining an individual permit.

12 **SECTION 2.** 161.335 (1m) of the statutes is created to read:

13 161.335 (1m) Upon the application of the secretary of corrections for a permit
14 to obtain a controlled substance for purposes of an execution under s. 973.017, the
15 controlled substances board shall issue a permit under this section.

16 **SECTION 3.** 301.046 (3) (cm) of the statutes is created to read:

17 301.046 (3) (cm) The prisoner is not awaiting imposition of a death sentence.

18 **SECTION 4.** 301.048 (2) (b) of the statutes is amended to read:

19 301.048 (2) (b) He or she is a prisoner serving a ~~felony~~ sentence for a felony not
20 punishable by death or life imprisonment and the department directs him or her to
21 participate in the program.

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

23 302.11 (1m) An inmate serving a life term is not entitled to mandatory release.
24 Except as provided in ss. 304.06 (1t), 939.62 (2m) and 973.014, the parole commission

1 may parole the inmate as specified in s. 304.06 (1). An inmate awaiting imposition
2 of a death sentence is not eligible for parole.

3 **SECTION 6.** 303.065 (1) of the statutes, as affected by 1995 Wisconsin Act 48,
4 is amended to read:

5 303.065 (1) The department may grant work release privileges to any person
6 incarcerated within the state prisons, except that no person serving a life sentence
7 may be considered for work release until he or she has reached parole eligibility
8 under s. 304.06 (1) (b) or (1t) or 973.014 (1) (a) or (b), whichever is applicable, and no
9 person serving a life sentence under s. 939.62 (2m) or 973.014 (1) (c) or awaiting
10 imposition of a death sentence may be considered for work release.

11 **SECTION 7.** 304.02 (5) of the statutes, as affected by 1995 Wisconsin Act 48, is
12 amended to read:

13 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life
14 sentence under s. 939.62 (2m) or 973.014 (1) (c) or awaiting imposition of a death
15 sentence is not eligible for release to parole supervision under this section.

16 **SECTION 8.** 304.06 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
17 section 6405, is amended to read:

18 304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or
19 973.0135, the parole commission may parole an inmate of the Wisconsin state
20 prisons or any felon or any person serving at least one year or more in a county house
21 of correction or a county reforestation camp organized under s. 303.07, when he or
22 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
23 is greater. Except as provided in sub. (1t) or s. 939.62 (2m) or 973.014, the parole
24 commission may parole an inmate serving a life term when he or she has served 20
25 years, as modified by the formula under s. 302.11 (1) and subject to extension using

1 the formulas under s. 302.11 (2). The person serving the life term shall be given
2 credit for time served prior to sentencing under s. 973.155, including good time under
3 s. 973.155 (4). The secretary may grant special action parole releases under s.
4 304.02. The department or the parole commission shall not provide any convicted
5 offender or other person sentenced to the department's custody any parole eligibility
6 or evaluation until the person has been confined at least 60 days following
7 sentencing. The parole commission may not parole an inmate who is awaiting
8 imposition of a death sentence.

9 **SECTION 9.** 304.06 (1) (b) of the statutes, as affected by 1995 Wisconsin Acts 77
10 and ... (this act), is repealed and recreated to read:

11 304.06 (1) (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or
12 973.0135, the parole commission may parole an inmate of the Wisconsin state
13 prisons or any felon or any person serving at least one year or more in a county house
14 of correction or a county reforestation camp organized under s. 303.07, when he or
15 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
16 is greater. The parole commission may parole a participant in the serious juvenile
17 offender program under s. 938.538 when he or she has participated in that program
18 for 2 years. Except as provided in sub. (1t) or s. 939.62 (2m) or 973.014, the parole
19 commission may parole an inmate serving a life term when he or she has served 20
20 years, as modified by the formula under s. 302.11 (1) and subject to extension using
21 the formulas under s. 302.11 (2). The person serving the life term shall be given
22 credit for time served prior to sentencing under s. 973.155, including good time under
23 s. 973.155 (4). The secretary may grant special action parole releases under s.
24 304.02. The department or the parole commission shall not provide any convicted
25 offender or other person sentenced to the department's custody any parole eligibility

1 or evaluation until the person has been confined at least 60 days following
2 sentencing. The parole commission may not parole an inmate who is awaiting
3 imposition of a death sentence.

4 **SECTION 10.** 304.06 (1t) of the statutes is created to read:

5 304.06 (1t) If the prisoner is serving a life term imposed under s. 973.015, the
6 prisoner is eligible for parole only when authorized by the sentencing court under s.
7 973.015 (3) (b).

8 **SECTION 11.** 304.071 (2) of the statutes, as affected by 1995 Wisconsin Act 48,
9 is amended to read:

10 304.071 (2) If a prisoner is not eligible for parole under s. 161.49 (2), 304.06 (1)
11 (b) or (1t), 939.62 (2m), 973.014 (1) (c) or 973.032 (5), he or she is not eligible for parole
12 under this section.

13 **SECTION 12.** 939.22 (7) of the statutes is created to read:

14 939.22 (7) "Crime punishable by death or life imprisonment" means a crime for
15 which one or more of the possible penalties is death or life imprisonment.

16 **SECTION 13.** 939.30 (2) of the statutes is amended to read:

17 939.30 (2) For a solicitation to commit a crime ~~for which the penalty is~~
18 punishable by death or life imprisonment, the actor is guilty of a Class C felony. For
19 a solicitation to commit a Class E felony, the actor is guilty of a Class E felony.

20 **SECTION 14.** 939.31 of the statutes is amended to read:

21 **939.31 Conspiracy.** Except as provided in ss. 161.41 (1x), 940.43 (4) and
22 940.45 (4), whoever, with intent that a crime be committed, agrees or combines with
23 another for the purpose of committing that crime may, if one or more of the parties
24 to the conspiracy does an act to effect its object, be fined or imprisoned or both not
25 to exceed the maximum provided for the completed crime; except that for a

1 conspiracy to commit a crime for which the penalty is punishable by death or life
2 imprisonment, the actor is guilty of a Class B felony.

3 **SECTION 15.** 939.32 (1) (a) of the statutes is amended to read:

4 939.32 (1) (a) Whoever attempts to commit a crime for which the penalty is
5 punishable by death or life imprisonment is guilty of a Class B felony.

6 **SECTION 16.** 939.50 (1) (a) of the statutes is renumbered 939.50 (1) (am).

7 **SECTION 17.** 939.50 (1) (ag) of the statutes is created to read:

8 939.50 (1) (ag) Class AA felony.

9 **SECTION 18.** 939.50 (2) of the statutes, as affected by 1995 Wisconsin Act 69,
10 is amended to read:

11 939.50 (2) A felony is a Class AA, A, B, BC, C, D or E felony when it is so specified
12 in chs. 939 to 951.

13 **SECTION 19.** 939.50 (3) (a) of the statutes is renumbered 939.50 (3) (am).

14 **SECTION 20.** 939.50 (3) (ag) of the statutes is created to read:

15 939.50 (3) (ag) For a Class AA felony, life imprisonment or death, as determined
16 under s. 973.015.

17 **SECTION 21.** 939.60 of the statutes is amended to read:

18 **939.60 Felony and misdemeanor defined.** A crime punishable by death or
19 imprisonment in the Wisconsin state prisons is a felony. Every other crime is a
20 misdemeanor.

21 **SECTION 22.** 939.624 (2) of the statutes is amended to read:

22 939.624 (2) If a person has one or more prior convictions for a serious violent
23 crime or a crime punishable by death or life imprisonment and subsequently
24 commits a serious violent crime, the court shall sentence the person to not less than
25 5 years' imprisonment, but otherwise the penalties for the crime apply, subject to any

1 applicable penalty enhancement. The court shall not place the defendant on
2 probation.

3 **SECTION 23.** 939.625 (1) (b) 2. of the statutes is amended to read:

4 939.625 (1) (b) 2. If the maximum term of imprisonment for a felony is more
5 than 5 years or is a life term or the felony is punishable by death, the maximum term
6 of imprisonment for the felony may be increased by not more than 5 years.

7 **SECTION 24.** 939.63 (1) (a) 2. of the statutes is amended to read:

8 939.63 (1) (a) 2. If the maximum term of imprisonment for a felony is more than
9 5 years or is a life term or the felony is punishable by death, the maximum term of
10 imprisonment for the felony may be increased by not more than 5 years.

11 **SECTION 25.** 940.01 (1) of the statutes is renumbered 940.01 (1) (a) and
12 amended to read:

13 940.01 (1) (a) Except as provided in par. (b) and sub. (2), whoever causes the
14 death of another human being with intent to kill that person or another is guilty of
15 a Class A felony.

16 **SECTION 26.** 940.01 (1) (b) of the statutes is created to read:

17 940.01 (1) (b) Except as provided in pars. (c) and (d) and sub. (2), whoever
18 causes the death of another human being with intent to kill that person or another
19 is guilty of a Class AA felony if the victim has not attained the age of 16 years.

20 **SECTION 27.** 940.01 (1) (c) of the statutes is created to read:

21 940.01 (1) (c) Notwithstanding s. 939.05, a person is subject to par. (b) as a party
22 to a crime only if that person had intended that a person be killed.

23 **SECTION 28.** 940.01 (1) (d) of the statutes is created to read:

24 940.01 (1) (d) A person is subject to par. (b) only if the person is 16 years old
25 or older when he or she commits the offense.

1 **SECTION 29.** 967.02 (1m) of the statutes is created to read:

2 967.02 (1m) “Crime punishable by death or life imprisonment” has the
3 meaning given in s. 939.22 (7).

4 **SECTION 30.** 971.17 (1) of the statutes is amended to read:

5 971.17 (1) COMMITMENT PERIOD. When a defendant is found not guilty by reason
6 of mental disease or mental defect, the court shall commit the person to the
7 department of health and social services for a specified period not exceeding
8 two-thirds of the maximum term of imprisonment that could be imposed under s.
9 973.15 (2) (a) against an offender convicted of the same crime or crimes, including
10 imprisonment authorized by ss. 161.48, 939.62, 939.621, 939.63, 939.635, 939.64,
11 939.641 and 939.645 and other penalty enhancement statutes, as applicable, subject
12 to the credit provisions of s. 973.155. If the ~~maximum term of imprisonment is life~~
13 crime is punishable by death or life imprisonment, the commitment period specified
14 by the court may be life, subject to termination under sub. (5).

15 **SECTION 31.** 972.03 of the statutes is amended to read:

16 **972.03 Peremptory challenges.** Each side is entitled to only 4 peremptory
17 challenges except as otherwise provided in this section. When the crime charged is
18 punishable by death or life imprisonment the state is entitled to 6 peremptory
19 challenges and the defendant is entitled to 6 peremptory challenges. If there is more
20 than one defendant, the court shall divide the challenges as equally as practicable
21 among them; and if their defenses are adverse and the court is satisfied that the
22 protection of their rights so requires, the court may allow the defendants additional
23 challenges. If the crime is punishable by death or life imprisonment, the total
24 peremptory challenges allowed the defense shall not exceed 12 if there are only 2
25 defendants and 18 if there are more than 2 defendants; in other cases 6 challenges

1 if there are only 2 defendants and 9 challenges if there are more than 2. Each side
2 shall be allowed one additional peremptory challenge if additional jurors are to be
3 impaneled under s. 972.04 (1).

4 **SECTION 32.** 972.13 (6) of the statutes is amended to read:

5 972.13 (6) The following forms may be used for judgments:

6 STATE OF WISCONSIN

7 County

8 In Court

9 The State of Wisconsin

10 vs.

11(Name of defendant)

12 UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

13 IT IS ADJUDGED That the defendant has been convicted upon the defendant's
14 plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)
15 (no contest) on the day of, 19.., of the crime of in violation of s.; and the
16 court having asked the defendant whether the defendant has anything to state why
17 sentence should not be pronounced, and no sufficient grounds to the contrary being
18 shown or appearing to the court.

19 *IT IS ADJUDGED That the defendant is guilty as convicted.

20 *IT IS ADJUDGED That the defendant shall be executed by lethal injection.

21 *IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin
22 state prisons (county jail of county) for an indeterminate term of not more than....

23 *IT IS ADJUDGED That the defendant is placed in the intensive sanctions
24 program subject to the limitations of section 973.032 (3) of the Wisconsin Statutes
25 and the following conditions:....

1 *IT IS ADJUDGED That the defendant is hereby committed to detention in
2 (the defendant's place of residence or place designated by judge) for a term of not
3 more than....

4 *IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the
5 costs of this action).

6 *IT IS ADJUDGED That the defendant pay restitution to....

7 *IT IS ADJUDGED That the defendant is restricted in his or her use of
8 computers as follows:....

9 *The at is designated as the Reception Center to which the defendant
10 shall be delivered by the sheriff.

11 *IT IS ORDERED That the clerk deliver a duplicate original of this judgment
12 to the sheriff who shall forthwith execute the same and deliver it to the warden.

13 Dated this day of, 19...

14 BY THE COURT

15 Date of Offense,

16 District Attorney,

17 Defense Attorney

18 *Strike inapplicable paragraphs.

19 STATE OF WISCONSIN

20 County

21 In Court

22 The State of Wisconsin

23 vs.

24(Name of defendant)

1 On the day of, 19.., the district attorney appeared for the state and the
2 defendant appeared in person and by the defendant's attorney.

3 UPON ALL THE FILES, RECORDS AND PROCEEDINGS

4 IT IS ADJUDGED That the defendant has been found not guilty by the verdict
5 of the jury (by the court) and is therefore ordered discharged forthwith.

6 Dated this day of, 19...

7 BY THE COURT

8 **SECTION 33.** 973.013 (1) (b) of the statutes is amended to read:

9 973.013 (1) (b) The sentence shall have the effect of a sentence at hard labor
10 for the maximum term fixed by the court, subject to the power of actual release from
11 confinement by parole by the department or by pardon as provided by law. If a person
12 is sentenced for a definite time for an offense for which the person may be sentenced
13 under this section, the person is in legal effect sentenced as required by this section,
14 said definite time being the maximum period. ~~A~~ Except as provided in s. 973.015,
15 a defendant convicted of a crime for which the minimum penalty is life shall be
16 sentenced for life.

17 **SECTION 34** 973.0135 (3) of the statutes is amended to read:

18 973.0135 (3) A person is not subject to this section if the current serious felony
19 is punishable by death or life imprisonment.

20 **SECTION 35.** 973.014 (1) (intro.) of the statutes is amended to read:

21 973.014 (1) (intro.) Except as provided in sub. (2) and s. 973.015, when a court
22 sentences a person to life imprisonment for a crime committed on or after July 1,
23 1988, the court shall make a parole eligibility determination regarding the person
24 and choose one of the following options:

25 **SECTION 36.** 973.015 of the statutes is renumbered 973.019.

1 **SECTION 37.** 973.015 of the statutes is created to read:

2 **973.015 Sentence of death or life imprisonment for Class AA felony. (1)**

3 (a) Upon conviction of a defendant of a Class AA felony, the court shall conduct a
4 separate sentencing proceeding to determine whether the defendant should be
5 sentenced to death or life imprisonment. The trial judge shall conduct the proceeding
6 before the trial jury, if there was a jury trial, as soon as practicable. If the trial jury
7 is unable to reconvene for a hearing on the issue of the penalty, the trial judge may
8 summon a new jury to determine the issue of the imposition of the penalty. If the trial
9 jury has been waived, or if the defendant pleaded guilty, the court shall conduct the
10 sentencing proceeding before a jury summoned for that purpose, unless waived by
11 the defendant.

12 (b) In the proceeding, the court shall admit any evidence that may be relevant
13 to the sentence regarding any mitigating circumstance. The court shall admit any
14 other evidence according to the rules of evidence applicable at a criminal trial. The
15 court shall provide the defendant with a fair opportunity to rebut any hearsay
16 statements. This subsection does not authorize the introduction of any evidence
17 secured in violation of the state or federal constitution. The state has the burden of
18 proof, beyond a reasonable doubt, regarding the existence of aggravating
19 circumstances. The defendant has the burden of proof, by a preponderance of the
20 evidence, regarding mitigating circumstances. The court shall permit the state and
21 the defendant or his or her counsel to present arguments for or against a sentence
22 of death.

23 **(2)** (a) Unless the defendant waives the right to a jury, the jury shall deliberate
24 after hearing all the evidence and, by a majority vote, shall render an advisory

1 sentence to the court of life imprisonment or death, based upon the following
2 matters:

3 1. The existence of aggravating circumstances under sub. (5).

4 2. The existence of mitigating circumstances under sub. (6).

5 (b) If the jury recommends life imprisonment, it may further recommend
6 restrictions on the defendant's eligibility for parole or recommend that the defendant
7 not be eligible for parole.

8 (c) Upon the request of the defendant or the state, the court shall explain to the
9 jury the court's options under sub. (3) (b) to sentence the defendant to life without
10 the possibility of parole or with delayed parole eligibility.

11 **(3)** (a) Notwithstanding the recommendation of a majority of the jury, the court,
12 after weighing the aggravating and mitigating circumstances, shall enter a sentence
13 of life imprisonment or death, but if the court imposes a sentence of death, it shall
14 set forth in writing its findings upon which the sentence of death is based as to the
15 facts:

16 1. That sufficient aggravating circumstances exist under sub. (5); and

17 2. That there are insufficient mitigating circumstances under sub. (6) to
18 outweigh the aggravating circumstances.

19 (b) In each case in which the court imposes the death sentence, the court must
20 support its determination by specific written findings of fact based upon the
21 circumstances in subs. (5) and (6) and upon the records of the trial and the sentencing
22 proceedings. If the court does not make the findings requiring the death sentence,
23 the court shall impose sentence of life imprisonment. If the court imposes life
24 imprisonment, it may provide that the sentence is without the possibility of parole
25 or choose any option under s. 973.014 (1).

1 **(4)** If a death sentence is imposed, the judgment of conviction and sentence of
2 death is subject to automatic review by the supreme court within 60 days after
3 certification by the sentencing court of the entire record, unless the supreme court,
4 for good cause shown, extends the time for an additional period not to exceed 30 days.
5 The review by the supreme court has priority over all other cases and shall be heard
6 in accordance with rules promulgated by the supreme court.

7 **(5)** The court and jury shall consider one or more of the following as
8 aggravating circumstances:

9 (a) The Class AA felony was committed by a person under a sentence of
10 imprisonment.

11 (b) The defendant knowingly created a great risk of death to many persons.

12 (c) The Class AA felony was committed for the purpose of avoiding or
13 preventing a lawful arrest or effecting an escape from custody.

14 (d) The Class AA felony was committed to disrupt or hinder the lawful exercise
15 of any governmental function or the enforcement of laws.

16 (e) The defendant intentionally caused bodily harm or mental anguish to the
17 victim or another before the victim died.

18 (f) During the commission of the offense, the defendant enjoyed or was utterly
19 indifferent to the suffering of another.

20 **(6)** The court and jury shall consider as a mitigating factor any aspect of the
21 defendant's character, background or record or any of the circumstances of the
22 offense that the defendant offers as a basis for a sentence other than death.
23 Mitigating circumstances may include, but are not limited to, any of the following:

24 (a) The defendant has no significant history of prior criminal activity.

1 (b) The Class AA felony was committed while the defendant was under the
2 influence of extreme mental or emotional disturbance.

3 (c) The victim was a participant in the defendant's conduct or consented to the
4 act.

5 (d) The defendant was an accomplice in the Class AA felony committed by
6 another person and the defendant's participation was relatively minor.

7 (e) The defendant acted under extreme duress or under the substantial
8 domination of another person.

9 (f) The capacity of the defendant to appreciate the criminality of his or her
10 conduct or to conform his or her conduct to the requirements of law was substantially
11 impaired.

12 (g) The age of the defendant at the time of the crime.

13 **(7)** The court that imposes a sentence of death shall set the date for execution.
14 The defendant shall be committed to the Wisconsin state prisons pending the
15 execution of the death sentence.

16 **(8)** The execution of a death sentence shall be by lethal injection.

17 **SECTION 38.** 973.016 of the statutes is created to read:

18 **973.016 Stay of execution of death sentence.** The execution of a death
19 sentence may be stayed only by the governor or incident to an appeal.

20 **SECTION 39.** 973.017 of the statutes is created to read:

21 **973.017 Execution of death sentence.** The secretary of corrections shall
22 designate the executioner who shall provide a person subject to a death sentence with
23 an intravenous injection of one or more substances in a lethal quantity. The
24 executioner must be a physician or acting under the direction of a physician. A
25 person is immune from civil or criminal liability for his or her acts or omissions, in

1 good faith, in regard to a lawful execution under this section. The secretary shall
2 designate 12 citizens to witness the execution. The secretary shall direct a physician
3 to be present and to announce when death has occurred. The convicted person may
4 request that certain additional people be allowed to witness the execution. The
5 secretary shall grant any such reasonable request. The secretary may allow
6 representatives of the news media to witness the execution under rules of the
7 department. No other persons may be allowed to witness the execution.

8 **SECTION 40.** 973.032 (2) (b) of the statutes is amended to read:

9 973.032 (2) (b) Notwithstanding par. (a), the court may not sentence a person
10 under sub. (1) if he or she is convicted of a felony punishable by death or life
11 imprisonment.

12 **SECTION 41.** 973.09 (1) (c) of the statutes is amended to read:

13 973.09 (1) (c) When a person is convicted of any crime ~~which~~ that is punishable
14 by death or life imprisonment, the court shall not place the person on probation.

15 **SECTION 42.** 978.07 (1) (c) 1. of the statutes is amended to read:

16 978.07 (1) (c) 1. Any case record of a felony punishable by death or life
17 imprisonment or a related case, after the defendant's parole eligibility date under s.
18 304.06 (1) or 973.014 or 50 years after the commencement of the action, whichever
19 occurs later. If there is no parole eligibility date, the district attorney may destroy
20 the case record after the defendant's death.

21 **SECTION 43. Initial applicability.**

22 (1) This act first applies to offenses committed on the effective date of this
23 subsection.

24 **SECTION 44. Effective dates.** This act takes effect on the day after
25 publication, except as follows:

