



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 84**

September 28, 1999 - Offered by Representative GOETSCH.

1 **AN ACT to amend** 973.017 (2) (intro.) and (b); and **to create** 973.016 of the
2 statutes; **relating to:** the factors to be considered by a court when sentencing
3 a person convicted of a crime.

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

4 **SECTION 1.** 973.016 of the statutes is created to read:

5 **973.016 Factors to be considered at sentencing.** (1) When deciding
6 whether to impose a sentence or place a person on probation for conviction of a
7 criminal offense, a court shall consider the following factors:

- 8 (a) The gravity of the offense.
9 (b) The character of the person convicted of the offense.
10 (c) The need to protect the public.

11 **(2)** The weight to be given to each factor specified in sub. (1) is within the
12 discretion of the trial court.

1 **(3)** As part of its consideration of the factors specified in sub. (1), the court may
2 consider any of the following:

3 (a) The vicious or aggravated nature of the criminal offense.

4 (b) The degree of the person’s culpability.

5 (c) The person’s past record of criminal offenses.

6 (d) The person’s personality, character and social traits, including the person’s
7 history of undesirable behavior patterns, if any.

8 (e) The person’s age, educational background and employment record.

9 (f) The person’s demeanor at trial, if applicable.

10 (g) The person’s remorse, repentance and cooperativeness.

11 (h) Any effort at rehabilitation made by the person after his or her arrest for
12 the offense and before being sentenced or placed on probation.

13 (i) The person’s need for rehabilitative control.

14 (j) The length of pretrial detention of the person, if applicable.

15 (k) The recommendations of interested parties, including a victim of the
16 criminal offense for which the person is being sentenced.

17 (L) The rights of the public.

18 (m) The results of any presentence investigation prepared under s. 972.15.

19 (n) Any other factor that the court determines is relevant.

20 **SECTION 2.** 973.017 (2) (intro.) and (b) of the statutes, as created by 1999
21 Wisconsin Act (Assembly Bill 465), are amended to read:

22 973.017 **(2)** GENERAL REQUIREMENT. (intro.) When a court makes a sentencing
23 decision concerning a person convicted of a criminal offense committed on or after
24 December 31, 1999, the court shall, in addition to considering sentencing factors as
25 provided under s. 973.016, consider all of the following:

1 (b) ~~Any applicable mitigating factors and any~~ Any applicable aggravating
2 factors, including the aggravating factors specified in subs. (3) to (8).

3 **SECTION 3. Nonstatutory provisions.**

4 (1) RECONCILIATION PROVISION. The amendment of section 973.017 (2) (intro.)
5 and (b) of the statutes and SECTION 4 (1), (2) and (3) of this act are void unless 1999
6 Assembly Bill 465 is enacted into law before July 1, 2000, and unless 1999 Assembly
7 Bill 465 creates section 973.017 of the statutes in exactly the same form as it appears
8 in SECTION 757 of 1999 Assembly Bill 465, as passed by the assembly.

9 **SECTION 4. Effective dates.** This act takes effect on the day after publication,
10 except as follows:

11 (1) If 1999 Assembly Bill 465 has been enacted on or before the day after
12 publication of this act and the day after publication of this act is on or before
13 December 31, 1999, the amendment of section 973.017 (2) (intro.) and (b) of the
14 statutes takes effect on December 31, 1999.

15 (2) If 1999 Assembly Bill 465 has been enacted on or before the day after
16 publication of this act and the day after publication of this act is after December 31,
17 1999, the amendment of section 973.017 (2) (intro.) and (b) of the statutes takes effect
18 on the day after publication of this act.

19 (3) If 1999 Assembly Bill 465 is enacted after the day after publication of this
20 act but before July 1, 2000, the amendment of section 973.017 (2) (intro.) and (b) of
21 the statutes takes effect on December 31, 1999, or on the date that the creation of
22 section 973.017 of the statutes by 1999 Assembly Bill 465 takes effect, whichever is
23 later.

24 **(END)**