

AMENDMENT ,

TO LRB-2614/P4

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council’s Study Committee on Problem-Solving Courts, Alternatives, and Diversions.

Under current law, “violent offenders” are not eligible to participate in the Treatment Alternative and Diversions (TAD) program. A “violent offender” is defined under current law as follows:

165.95 (1) (intro.) In this section, “violent offender” means a person to whom one of the following applies:

(a) The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.

(b) The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

LRB-2614/P4 modifies the definition of violent offender to include only the provision in s. 165.95 (1) (a). Further, the draft requires a project to specify that a violent offender, as defined in s. 165.95 (1) (a), is not eligible to participate in the project.

This amendment to LRB-2614/P4 makes two changes to LRB-2614/P4:

1. It includes an optional revision to the definition of “violent offense” to include an additional violent offense not included in the draft: a serious sex offense, as defined in s. 939.615 (1) (b). This additional offense was included at the request of Representative Goyke at the August 20, 2014 meeting of the committee.

2. It provides that a project may specify whether a violent offender is eligible to participate in the project, thus providing discretion to the project about whether to include violent offenders.

2 **1.** Page 8, line 10: delete lines 10 to 13 and insert the following:

1 “**165.95 (1)** (ag) “Violent offender” means a person who has been charged with or
2 convicted of a violent offense, as defined in sub. (1) (ar), in a pending case.

3 **165.95 (1)** (ar) “Violent offense” means any of the following:

- 4 1. An offense during which the person carried, possessed, or used a dangerous weapon.
- 5 2. An offense during which the person used force against another person.
- 6 3. As a result of the person’s offense, a person died or suffered serious bodily harm.
- 7 4. A serious sex offense, as defined in s. 939.615 (1) (b).”.

8 **2.** Page 9, line 13: delete lines 13 and 14 and insert the following:

9 “165.95 (3) (ae) The project may specify whether or not a violent offender is eligible
10 to participate in the project.”.

NOTE: This amendment includes an optional revision to the definition of
“violent offense“ as a serious sex offense.

Section 939.615 (1) (b) defines a “serious sex offense” as follows:

939.615 (1) (b) (intro.) “Serious sex offense” means any of the
following:

1. A violation, or the solicitation, conspiracy, or attempt to commit a
violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2),
948.025 (1), 948.05 (1) or (1m), 948.051, 948.055 (1), 948.06, 948.07,
948.075, 948.08, 948.085, 948.11 (2) (a), 948.12, or 948.13 or of s.
940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

2. A violation, or the solicitation, conspiracy or attempt to commit a
violation, under ch. 940, 942, 943, 944 or 948 other than a violation
specified in subd. 1., if the court determines that one of the purposes for
the conduct constituting the violation was for the actor’s sexual arousal
or gratification.

COMMENT: The committee should discuss whether this amendment to
LRB 2614/P4 reflects the intent of their discussion at the August 20,
2014, meeting.