



2005 ASSEMBLY BILL 970

February 2, 2006 - Introduced by Representatives SUDER, PETTIS, GUNDRUM, GRONEMUS, TOWNSEND, AINSWORTH, MURSAU, OWENS, KRAWCZYK, KLEEFISCH, LEMAHIEU, ALBERS, BIES, VAN ROY, M. WILLIAMS, MUSSER, KREIBICH, JESKEWITZ and PETROWSKI, cosponsored by Senators ZIEN, LEIBHAM, A. LASEE, LAZICH, DARLING, KEDZIE and GROTHMAN. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to renumber and amend* 904.04 (2); and *to create* 904.04 (2) (b) of the
2 statutes; **relating to:** admitting evidence of other crimes in certain criminal
3 proceedings.

Analysis by the Legislative Reference Bureau

Under current law, evidence that a person committed a prior criminal act is not admissible in a court proceeding for the purpose of proving that the person has a propensity to commit crimes or has a character or disposition that makes him or her more likely to commit a crime. However, evidence of a prior criminal act may be admitted for other purposes, including to prove motive, opportunity, intent, identity, or absence of mistake.

This bill provides that in a criminal proceeding in which a person is accused of committing a first-degree sexual assault or a first-degree sexual assault of a child, evidence that a person committed another first-degree sexual assault or first-degree sexual assault of a child, which is similar to the alleged offense, may be admitted to prove the character of the person in order to show that the person acted in conformity with demonstrated character traits, so long as the evidence is not barred by any other rule of evidence.

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

