



## 2005 SENATE BILL 573

February 6, 2006 - Introduced by Senators ZIEN, LEIBHAM, A. LASEE, LAZICH, DARLING, KEDZIE and GROTHMAN, cosponsored by Representatives SUDER, PETTIS, GUNDRUM, GRONEMUS, TOWNSEND, AINSWORTH, MURSAU, OWENS, KRAWCZYK, KLEEFISCH, LEMAHIEU, ALBERS, BIES, VAN ROY, M. WILLIAMS, MUSSER, KREIBICH, JESKEWITZ and PETROWSKI. Referred to Committee on Judiciary, Corrections and Privacy.

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.

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### *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.

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

**SENATE BILL 573****SECTION 1**

1           **SECTION 1.** 904.04 (2) of the statutes is renumbered 904.04 (2) (a) and amended  
2 to read:

3           904.04 (2) (a) OTHER CRIMES, WRONGS, OR ACTS. ~~Evidence~~ Except as provided in  
4 par. (b), evidence of other crimes, wrongs, or acts is not admissible to prove the  
5 character of a person in order to show that the person acted in conformity therewith.  
6 This subsection does not exclude the evidence when offered for other purposes, such  
7 as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or  
8 absence of mistake or accident.

9           **SECTION 2.** 904.04 (2) (b) of the statutes is created to read:

10           904.04 (2) (b) In a criminal proceeding alleging a violation of s. 940.225 (1) or  
11 948.02 (1), sub. (1) and par. (a) do not prohibit admitting evidence that a person  
12 committed a violation of s. 940.225 (1) or 948.02 (1) or a comparable offense in  
13 another jurisdiction, that is similar to the alleged violation, as evidence of the  
14 person's character in order to show that the person acted in conformity therewith.

15           **SECTION 3. Initial applicability.**

16           (1) This act first applies to criminal actions commenced on the effective date  
17 of this subsection.

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(END)