

1993 Senate Bill 823

Date of enactment: **May 27, 1994**
Date of publication*: **June 10, 1994**

1993 WISCONSIN ACT 483

AN ACT to renumber and amend 939.623; and to amend 302.11 (1g) (a) 2, 939.62 (2m) (a) 2, 940.19 (6) (intro.) and 973.0135 (1) (b) 2 of the statutes, relating to: serious felonies, battery and sexual assault of a child.

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

SECTION 1. 302.11 (1g) (a) 2. of the statutes, as created by 1993 Wisconsin Act 194, is amended to read:

302.11 **(1g)** (a) 2. Any felony under s. 940.02, 940.03, 940.05, 940.09 (1), 940.19 (~~2~~) (5), 940.21, 940.225 (1) or (2), 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) or (1m), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

NOTE: 1993 Wisconsin Act 194 created a serious felony definition for use in determining a presumptive mandatory release date for certain offenders. The definition listed battery and sexual assault of child violations as they existed prior to changes in 1993 Wisconsin Acts 227 and 441. This SECTION revises the serious felony definition in s. 302.11 (1g) (a) to take into account the battery law changes in 1993 Wisconsin Act 441 and the sexual assault law changes in 1993 Wisconsin Act 227.

SECTION 2. 939.62 (2m) (a) 2. of the statutes, as created by 1993 Wisconsin Act 289, is amended to read:

939.62 **(2m)** (a) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.19 (~~2~~) (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

NOTE: 1993 Wisconsin Act 289 created a serious felony definition for use in providing for a life sentence without the possibility of parole for certain persistent repeat offenders. The definition listed battery and sexual assault of a child violations as they existed prior to changes in 1993 Wisconsin

Acts 227 and 441. This SECTION revises the serious felony definition in s. 939.62 (2m) (a) to take into account the battery law changes in 1993 Wisconsin Act 441 and the sexual assault law changes in 1993 Wisconsin Act 227.

SECTION 3. 939.623 of the statutes, as created by 1993 Wisconsin Act 224, is renumbered 939.626, and 939.626 (1), as renumbered, is amended to read:

939.626 **(1)** In this section, "child sex crime" means a violation of s. 948.02, 948.025, 948.05, 948.06, 948.07 or 949.08.

NOTE: This SECTION renumbers a statutory section (1994 Wisconsin Acts 97 and 224 both created section 939.623 of the statutes) and revises the child sex crime definition to take into account the sexual assault law changes in 1993 Wisconsin Act 227.

SECTION 4. 940.19 (6) (intro.) of the statutes, as affected by 1993 Wisconsin Act 441, is amended to read:

940.19 **(6)** (intro.) Whoever intentionally causes bodily harm to another by conduct that creates a ~~high probability~~ substantial risk of great bodily harm is guilty of a Class D felony. A rebuttable presumption of conduct creating a substantial risk of great bodily harm arises:

NOTE: This SECTION corrects an inconsistency in 1993 Wisconsin Act 441, relating to battery law changes. There is one reference to "substantial risk" and one reference to "high probability". All references should have been to "substantial risk" to conform this provision with changes made in 1987 Wisconsin Act 399.

SECTION 5. 973.0135 (1) (b) 2. of the statutes, as created by 1993 Wisconsin Act 194, is amended to read:

973.0135 **(1)** (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.19 (~~2~~) (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r),

1993 Senate Bill 823

943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

NOTE: 1993 Wisconsin Act 194 created a serious felony definition for use in determining delayed parole eligibility for certain repeat offenders. The definition listed battery and sexual assault of a child violations as they existed prior to changes in 1993 Wisconsin Acts 227 and 441. This SECTION revises the serious felony definition in s. 973.0135 (1) (b) to take into account the battery law changes in 1993 Wisconsin

Act 441 and the sexual assault law changes in 1993 Wisconsin Act 227.

SECTION 6. Initial applicability. The treatment of sections 302.11 (1g) (a) 2., 939.62 (2m) (a) 2., 939.623 and 973.0135 (1) (b) 2. of the statutes first applies to offenses committed on the effective date of this SECTION, but does not preclude the counting of other offenses as prior offenses for sentencing a person.
