

1999 ASSEMBLY BILL 84

February 4, 1999 – Introduced by Representatives GOETSCH, GUNDERSON, OWENS, RILEY, ALBERS, SYKORA, LA FAVE, SPILLNER, F. LASEE, ZIEGELBAUER, MUSSER and RYBA. Referred to Committee on Criminal Justice.

1 **AN ACT** *to create* 973.017 of the statutes; **relating to:** the factors to be considered
2 by a court when sentencing a person convicted of a crime.

Analysis by the Legislative Reference Bureau

Under current Wisconsin appellate court decisions, a court imposing a sentence on a person convicted of a crime must consider various factors. The three primary factors are: 1) the gravity of the offense; 2) the character of the convicted person; and 3) the need to protect the public. As part of these primary factors, the sentencing court may also consider such things as the vicious or aggravated nature of the crime, the person's past record of criminal offenses, the person's personality, character and social traits, the person's remorse, repentance and cooperativeness and the person's need for rehabilitative control. See, for example, *State v. Borrell*, 167 Wis. 2d 749, 773–74 (1992).

This bill codifies the factors that appellate case law requires a court to consider when imposing a sentence on a person convicted of a crime. The bill also specifies that when considering the character of the convicted person, the court must consider any efforts at rehabilitation made by the person after his or her arrest for the offense and before being sentenced.

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

3 **SECTION 1.** 973.017 of the statutes is created to read:

