

1999 DRAFTING REQUEST

Bill

Received: 11/18/98

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Goetsch (608) 266-2540**

By/Representing: **Kent**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - sentencing**

Extra Copies:

Topic:

Factors for a judge to use in sentencing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 11/18/98	gilfokm 11/19/98		_____			
/1			jfrantze 11/20/98	_____	lrb_docadmin 11/20/98	lrb_docadmin 12/14/98	

FE Sent For:

Not Needed

<END>

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1?	olsenje	1-11-19 King	26 11/20	26/20 11/20			

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<END>



**ASSEMBLY AMENDMENT 1,
TO 1997 ASSEMBLY BILL 415**

al J. J. J.

December 9, 1997 - Offered by COMMITTEE ON JUDICIARY.

- 1 At the locations indicated, amend the bill as follows:
- 2 *✓* 1. Page 2, line 22: after that line insert:
- 3 “(L) Any other factor that the court determines is relevant.”
- 4 (END)

LRB 2968/1
JEO:kaf:km

D-Note

LRB-0921/1
JEO: King

9
1997 ASSEMBLY BILL 412

June 10, 1997 - Introduced by Representatives GOETSCHE, DOBYNS, OWENS, OTT, AINSWORTH, MUSSER, OLSEN, SYKORA, ALBERS, KELSO, STASKUNAS, PEOUFF, CULLEN and KLUSMAN, cosponsored by Senators ADELMAN, ROESSLER and HUELSMAN. Referred to Committee on Judiciary.

regenerate catalog

1 AN ACT to create 973.01 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

three

Under current Wisconsin appellate court decisions, a court imposing a sentence on a person convicted of a crime must consider various factors. The 3 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. 973.01 of the statutes is created to read:

973.017

ASSEMBLY BILL 415

973.017

1 ~~973.01~~ Factors to be considered at sentencing. (1) When deciding
2 whether to impose a sentence or place a person on probation for conviction of a
3 criminal offense, a court shall consider the following factors:

- 4 (a) The gravity of the offense.
- 5 (b) The character of the person convicted of the offense, including any effort at
6 rehabilitation made by the person after his or her arrest for the offense and before
7 being sentenced or placed on probation.
- 8 (c) The need to protect the public.

9 (2) As part of its consideration of the factors specified in sub. (1), the court may
10 consider any of the following:

- 11 (a) The vicious or aggravated nature of the criminal offense.
- 12 (b) The degree of the person's culpability.
- 13 (c) The person's past record of criminal offenses.
- 14 (d) The person's personality, character and social traits, including the person's
15 history of undesirable behavior patterns, if any.
- 16 (e) The person's age, educational background and employment record.
- 17 (f) The person's demeanor at trial, if applicable.
- 18 (g) The person's remorse, repentance and cooperativeness.
- 19 (h) The person's need for rehabilitative control.
- 20 (i) The length of pretrial detention of the person, if applicable.
- 21 (j) The rights of the public.
- 22 (k) The results of any presentence investigation prepared under s. 972.15.

23 (END)

¶ (L) Any other factor that the court determines is relevant.

URB -0921/12

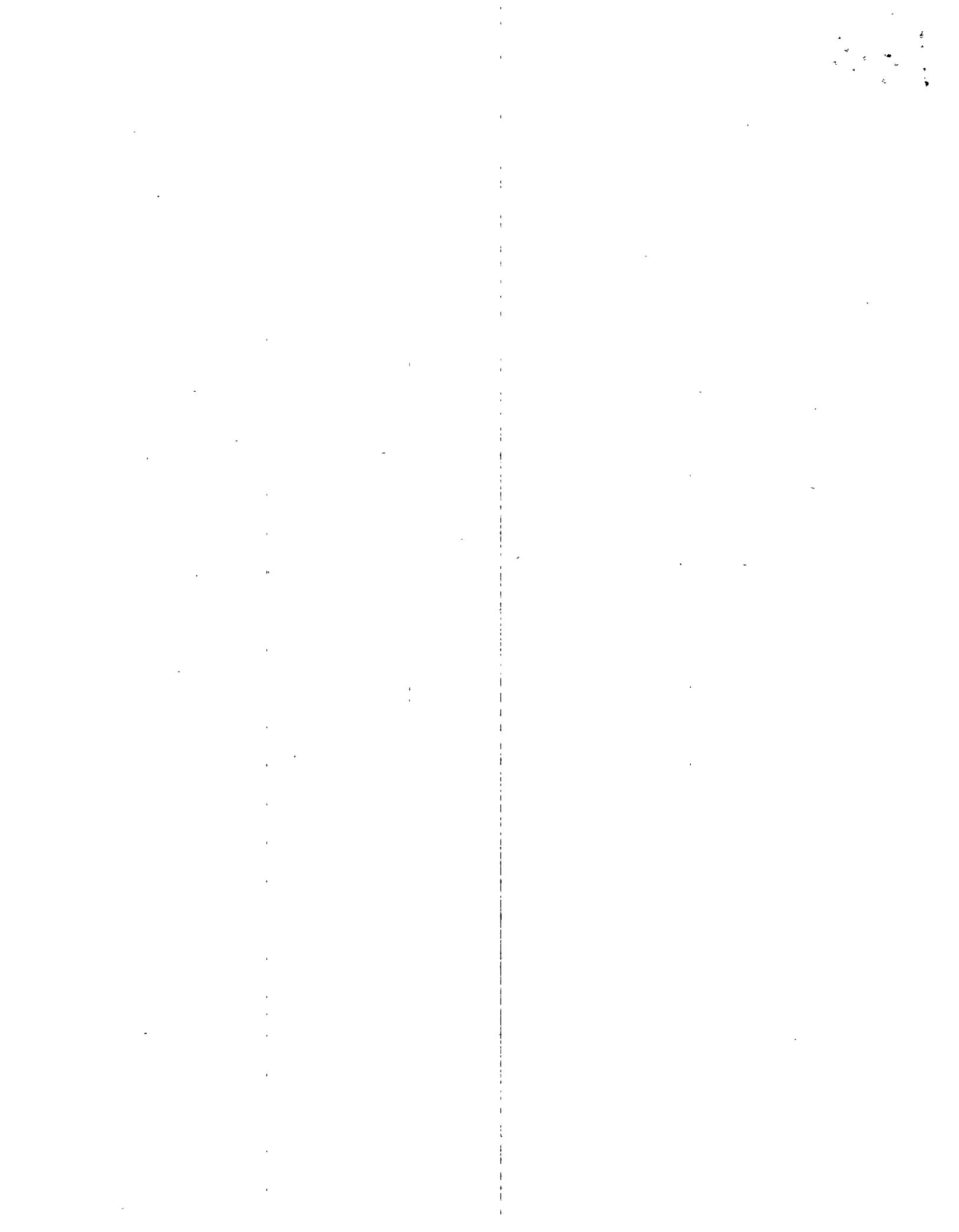
JED : King :

D-Note

This is a redraft of 1997 Assembly
Bill 415, as amended by assembly amend-
ment 1.

(JED)

100



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0921/1dn
JEO:kmg:jf

November 20, 1998

This is a redraft of 1997 Assembly Bill 415, as amended by assembly amendment 1.

Jefren E. Olsen
Legislative Attorney
266-8906

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/20/98

To: Representative Goetsch

Relating to LRB drafting number: LRB-0921

Topic

Factors for a judge to use in sentencing

Subject(s)

Criminal Law - sentencing

1. **JACKET** the draft for introduction



in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906