

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 84**

September 28, 1999 – Offered by Representative GOETSCH.

1 **AN ACT** *to amend* 973.017 (2) (intro.) and (b); and *to create* 973.016 of the
2 statutes; **relating to:** the factors to be considered by a court when sentencing
3 a person convicted of a crime.

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

4 **SECTION 1.** 973.016 of the statutes is created to read:

5 **973.016 Factors to be considered at sentencing.** (1) When deciding
6 whether to impose a sentence or place a person on probation for conviction of a
7 criminal offense, a court shall consider the following factors:

- 8 (a) The gravity of the offense.
9 (b) The character of the person convicted of the offense.
10 (c) The need to protect the public.

11 (2) The weight to be given to each factor specified in sub. (1) is within the
12 discretion of the trial court.

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

3 (a) The vicious or aggravated nature of the criminal offense.

4 (b) The degree of the person's culpability.

5 (c) The person's past record of criminal offenses.

6 (d) The person's personality, character and social traits, including the person's
7 history of undesirable behavior patterns, if any.

8 (e) The person's age, educational background and employment record.

9 (f) The person's demeanor at trial, if applicable.

10 (g) The person's remorse, repentance and cooperativeness.

11 (h) Any effort at rehabilitation made by the person after his or her arrest for
12 the offense and before being sentenced or placed on probation.

13 (i) The person's need for rehabilitative control.

14 (j) The length of pretrial detention of the person, if applicable.

15 (k) The recommendations of interested parties, including a victim of the
16 criminal offense for which the person is being sentenced.

17 (L) The rights of the public.

18 (m) The results of any presentence investigation prepared under s. 972.15.

19 (n) Any other factor that the court determines is relevant.

20 **SECTION 2.** 973.017 (2) (intro.) and (b) of the statutes, as created by 1999
21 Wisconsin Act (Assembly Bill 465), are amended to read:

22 973.017 **(2)** GENERAL REQUIREMENT. (intro.) When a court makes a sentencing
23 decision concerning a person convicted of a criminal offense committed on or after
24 December 31, 1999, the court shall, in addition to considering sentencing factors as
25 provided under s. 973.016, consider all of the following:

