

**1999 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB84)**Received: **09/27/1999**Received By: **olsenje**Wanted: **Today**

Identical to LRB:

For: **Robert Goetsch (608) 266-2540**By/Representing: **Mike**This file may be shown to any legislator: **NO**Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - sentencing**Extra Copies: **MGD**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Sentencing factors

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**Instructions:**

See Attached

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**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>
/1	olsenje 09/27/1999	wjackson 09/27/1999	jfrantze 09/28/1999	_____	lrb_docadmin 09/28/1999	lrb_docadmin 09/28/1999	

FE Sent For:

&lt;END&gt;

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1/?	olsenje	1 WLj 9/27	6/9/28	6/9/28			

FE Sent For:

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0130/1

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D-Note

By Tuo  
9/28

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 84

Gen Cat

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

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

3 SECTION 1. 973.016<sup>↓</sup> of the statutes is created to read:

4 **973.016 Factors to be considered at sentencing.** (1) When deciding  
5 whether to impose a sentence or place a person on probation for conviction of a  
6 criminal offense, a court shall consider the following factors:

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

10 (2) The weight to be given to each factor specified in sub. (1)<sup>↓</sup> is within the  
11 discretion of the trial court.

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

- (a) The vicious or aggravated nature of the criminal offense.
- (b) The degree of the person's culpability.
- (c) The person's past record of criminal offenses.
- (d) The person's personality, character and social traits, including the person's history of undesirable behavior patterns, if any.
- (e) The person's age, educational background and employment record.
- (f) The person's demeanor at trial, if applicable.
- (g) The person's remorse, repentance and ~~cooperativeness~~ <sup>STET ~~cooperativeness~~</sup>.
- (h) Any effort at rehabilitation made by the person after his or her arrest for the offense and before being sentenced or placed on probation.
  - (i) The person's need for rehabilitative control.
  - (j) The length of pretrial detention of the person, if applicable.
  - (k) The recommendations of interested parties, including a victim of the criminal offense for which the person is being sentenced.
  - (L) The rights of the public.
  - (m) The results of any presentence investigation prepared under s. 972.15.
  - (n) Any other factor that the court determines is relevant.

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

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

1 (b) ~~Any applicable mitigating factors and any~~ Any applicable aggravating  
2 factors, including the aggravating factors specified in subs. (3) to (8).

3 SECTION 3. Nonstatutory provisions.

4 (1) RECONCILIATION PROVISION. The amendment of section 973.017 (2) (intro.)  
5 and (b) <sup>Auto Refs (A) (B) (C) (D)</sup> of the statutes and SECTION 4 (1), (2) and (3) of this act are void unless 1999  
6 Assembly Bill 465 is enacted into law before July 1, 2000, and unless 1999 Assembly  
7 Bill 465 creates section 973.017 of the statutes in exactly the same form as it appears  
8 in <sup>(C)</sup> section 757 of 1999 Assembly Bill 465, as passed by the assembly.

A.R. (A)

9 SECTION 4. Effective dates. This act takes effect on the day after publication,  
10 except as follows:

A.R. (B)

11 (1) If 1999 Assembly Bill 465 has been enacted on or before the day after  
12 publication of this act and the day after publication of this act is on or before  
13 December 31, 1999, the amendment of section 973.017 (2) (intro.) and (b) of the  
14 statutes takes effect on December 31, 1999.

A.R. (C)

15 (2) If 1999 Assembly Bill 465 has been enacted on or before the day after  
16 publication of this act and the day after publication of this act is after December 31,  
17 1999, the amendment of section 973.017 (2) (intro.) and (b) of the statutes takes effect  
18 on the day after publication of this act.

A.R. (D)

19 (3) If 1999 Assembly Bill 465 is enacted after the day after publication of this  
20 act but before July 1, 2000, the amendment of section 973.017 (2) (intro.) and (b) of  
21 the statutes takes effect on December 31, 1999, or on the date that the creation of  
22 section 973.017 of the statutes by 1999 Assembly Bill 465 takes effect, whichever is  
23 later.

24 (END)

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

LRBs0130/1dn  
JEO:/:....  
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This substitute amendment incorporates the changes made to AB-84 by assembly amendments 1 and 2 to AB-84.

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

LRBs0130/1dn  
JEO:wlj:jf

September 28, 1999

This substitute amendment incorporates the changes made to AB-84 by assembly amendments 1 and 2 to AB-84.

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