

**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: **GMM**

**Topic:**

Using delinquency adjudications for purposes of certain penalty enhancers

**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 12/21/98	wjackson 12/30/98		_____			State
/1			ismith 12/30/98	_____	lrb_docadmin 12/30/98	lrb_docadmin 01/7/99	

FE Sent For: **01/7/99**

"/1"

<END>

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1?	olsenje	1 12/23 wLj 1 12/29 JLG	IS 12/30	IS/WJ 12/30			

FE Sent For:

<END>

**ASSEMBLY AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 291**

May 21, 1997 - Offered by COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 4, line 17: delete "felony" and substitute "crime".

3 (END)

*Per Kent  
do not count del.  
adjudications  
"2 strikes" for  
sex offenders.*

**ASSEMBLY AMENDMENT 2,  
TO 1997 ASSEMBLY BILL 291**

May 21, 1997 - Offered by COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS.

1           At the locations indicated, amend the bill as follows:

2           ✓ **1.** Page 5, line 15: after the period insert "This subdivision applies only to  
3 adjudications of delinquency made on or after the effective date of this subdivision  
4 .... [revisor inserts date]."

5           ✓ **2.** Page 5, line 21: after the period insert "This subdivision applies only to  
6 adjudications of delinquency made on or after the effective date of this subdivision  
7 .... [revisor inserts date]."

8           ✓ **3.** Page 6, line 16: delete "has on one occasion" and substitute "has, on one  
9 occasion on or after the effective date of this subdivision .... [revisor inserts date]."

10           ✓ **4.** Page 7, line 24: after "delinquent" insert "on or after the effective date of this  
11 paragraph .... [revisor inserts date]."

12           ✓ **5.** Page 8, line 9: after "delinquent" insert "on or after the effective date of this  
13 paragraph .... [revisor inserts date]."



**ASSEMBLY AMENDMENT 3,  
TO 1997 ASSEMBLY BILL 291**

September 24, 1997 - Offered by Representatives GOETSCH and R. YOUNG.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 5, line 14: after "act" insert "that he or she committed after attaining  
3 the age of 15 and".

4 ~~2.~~ Page 5, line 19: after "act" insert "that he or she committed after attaining  
5 the age of 15 and".

6 ~~3.~~ Page 5, line 20: after "and" insert "the actor".

7 ~~4.~~ Page 6, line 17: after "act" insert "that he or she committed after attaining  
8 the age of 15 and".

9 ~~5.~~ Page 6, line 18: after "occasion," insert "the actor".

10 ~~6.~~ Page 7, line 25: delete "and" and substitute "that he or she committed after  
11 attaining the age of 15 and the person".

1 ~~A.~~ Page 8, line 10: delete “and” and substitute “that he or she committed after  
2 attaining the age of 15 and the person”.

3 ~~B.~~ Page 8, line 20: delete “and” and substitute “that he or she committed after  
4 attaining the age of 15 and the person”.

5 (END)



**ASSEMBLY AMENDMENT 4,  
TO 1997 ASSEMBLY BILL 291**

*Per Keast*  
Don't include

September 24, 1997 - Offered by Representatives GOETSCH, R. YOUNG and RILEY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 22: delete "25" and substitute "21".

3 **2.** Page 8, line 4: delete "25" and substitute "21".

4 **3.** Page 8, line 14: delete "25" and substitute "21".

5 **4.** Page 8, line 23: delete "25" and substitute "21".

6 (END)

1999

Date (time) needed \_\_\_\_\_

LRB - 0920 1 1

BILL

D-Note

JEO : Wlj :  
+  
JLg

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: .....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: ..... create → anal: → title: → head

For the subheading [old =S], execute: ..... create → anal: → title: → sub

For the sub-subheading [old =P], execute: ..... create → anal: → title: → sub-sub

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

SECTION #.



# 1997 ASSEMBLY BILL 291

April 17, 1997 - Introduced by Representatives GOETSCH, LADWIG, PORTER, ZIEGELBAUER, MUSSER, F. LASEE, KEESO, GREEN, SERANI and ALBERS, cosponsored by Senators DRZEWIECKI and BUETTNER. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT to renumber and amend 939.62 (2) and 939.62 (2m) (b); to amend  
2 302.11 (1m), 303.065 (1), 304.02 (5), 304.06 (1) (b), 304.071 (2), 939.62 (2m) (d),  
3 939.62 (3) (a), 939.62 (3) (b), 939.626 (3) and 973.014 (2); and to create 938.396  
4 (2) (cm), 939.62 (2) (a) 2., 939.62 (2) (a) 4., 939.62 (2m) (b) 2., 939.623 (3), 939.624  
5 (3) and 939.626 (2m) of the statutes; relating to: using delinquency  
6 adjudications for purposes of certain penalty enhancers and providing  
7 penalties.

### Analysis by the Legislative Reference Bureau

Under current law, a person who has been convicted of a crime and who has certain prior criminal convictions may be sentenced as a repeater or a persistent repeater. A person is a repeater if, during the <sup>five</sup> year period immediately preceding the commission of the crime for which he or she is being sentenced, the person was convicted of either one felony or 3 misdemeanors. If a person is a repeater, the maximum imprisonment for the crime for which he or she is being sentenced may be increased by a certain number of years, depending on the crime. A person is a persistent repeater under current law if he or she has 2 convictions for any of certain serious felonies and is then convicted a 3rd time for another serious felony (the so-called "3 strikes, you're out" law). A person who is a persistent repeater must be sentenced to life without parole.

three

two

three

third

charged and convicted as

one of the following applies: 1) the person ✓ ✓

; or 2) the person has one conviction for any of certain serious child sex offenses and is then convicted a second time of a serious child sex offense (the so-called "two strikes, you're out" law for child sex offenders)

ASSEMBLY BILL 291

In addition, current law provides minimum or increased penalties for persons who commit a certain type of crime after having been previously convicted of that same type of crime. A person who has one or more prior convictions for a serious sex crime and who is subsequently convicted of committing another serious sex crime must be sentenced to at least ~~3~~ <sup>five</sup> years' imprisonment and may not be placed on probation. Likewise, a person who has one or more prior convictions for a serious violent crime and who is subsequently convicted of committing another serious violent crime must be sentenced to at least ~~3~~ <sup>five</sup> years' imprisonment and may not be placed on probation. ~~Finally, if a person has one or more prior convictions for a child sex crime and he or she is subsequently convicted of committing another child sex crime, the maximum term of imprisonment for the subsequent child sex crime may be increased by not more than 10 years.~~

This bill provides that delinquency adjudications may be used like prior convictions for the purpose of determining whether a person is a repeater or persistent repeater and for the purpose of imposing minimum or increased penalties in cases involving serious sex crimes, serious violent crimes ~~and child sex crimes~~ <sup>and</sup>. Specifically, the changes that the bill makes are as follows:

1. The bill provides that a person is a repeater if he or she has been: <sup>✓</sup> 1) adjudicated delinquent for any felony; or 2) adjudicated delinquent for one misdemeanor and convicted for ~~2~~ <sup>two</sup> misdemeanors as an adult. Like prior convictions under current law, the delinquency adjudication must have occurred within ~~5~~ <sup>three</sup> years of the commission of the crime for which the person is being sentenced. <sup>five</sup>

2. The bill provides that, under the "3 strikes, you're out" law, one or more delinquency adjudications for any of the serious felonies covered by the law may count as one "strike", and one "strike" only. Thus, under the bill, a person with one or more delinquency adjudications for serious felonies will be a persistent repeater only if he or she also has two convictions for serious felonies as an adult. In addition, a person's delinquency adjudications can no longer be considered after a person reaches the age of 25; instead, a person 25 years of age or older is a persistent repeater only if he or she satisfies the requirements under current law.

3. Under the bill, if a person has a delinquency adjudication for a serious sex crime, a serious violent crime ~~or a child sex crime~~ and he or she subsequently is convicted of committing another such crime, the person will be subject to the minimum or increased penalties provided under current law. As with repeaters and persistent repeaters, a person's delinquency adjudications can no longer be considered after a person reaches the age of 25; instead, a person 25 years of age or older will be subject to the minimum or increased penalties for a serious sex crime, a serious violent crime or a child sex crime only if he or she satisfies the requirements under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

five

a "three strikes, you're out"

two

ANALYSIS INSERT A ✓

ANALYSIS INSERT B ✓

and

five

three

or

## ASSEMBLY BILL 291

SECTION 1. 302.11 (1m) of the statutes is amended to read:

2 302.11 (1m) An inmate serving a life term is not entitled to mandatory release.

3 Except as provided in ss. 939.62 (2m) (c) and 973.014, the parole commission may  
4 parole the inmate as specified in s. 304.06 (1).

5 SECTION 2. 303.065 (1) of the statutes is amended to read:

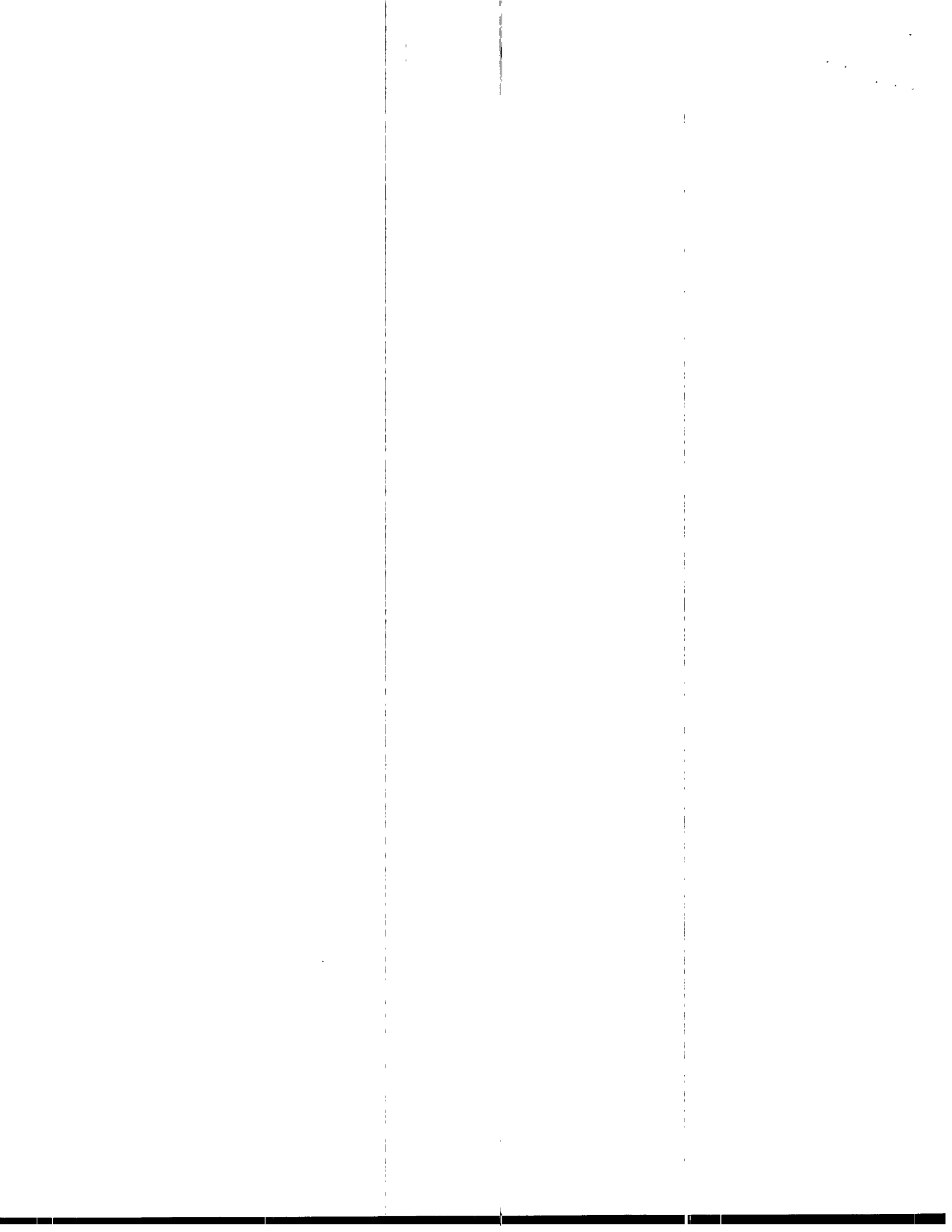
6 303.065 (1) The department may grant work release privileges to any person  
7 incarcerated within the state prisons, except that no person serving a life sentence  
8 may be considered for work release until he or she has reached parole eligibility  
9 under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is applicable, and no person  
10 serving a life sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) may be considered  
11 for work release.

12 SECTION 3. 304.02 (5) of the statutes is amended to read:

13 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life  
14 sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) is not eligible for release to parole  
15 supervision under this section.

16 SECTION 4. 304.06 (1) (b) of the statutes is amended to read:

17 304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2) or  
18 973.0135, the parole commission may parole an inmate of the Wisconsin state  
19 prisons or any felon or any person serving at least one year or more in a county house  
20 of correction or a county reforestation camp organized under s. 303.07, when he or  
21 she has served 25% of the sentence imposed for the offense, or 6 months, whichever  
22 is greater. Except as provided in s. 939.62 (2m) (c) or 973.014, the parole commission  
23 may parole an inmate serving a life term when he or she has served 20 years, as  
24 modified by the formula under s. 302.11 (1) and subject to extension using the  
25 formulas under s. 302.11 (2). The person serving the life term shall be given credit



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SECTION 4

1 for time served prior to sentencing under s. 973.155, including good time under s.  
 2 973.155 (4). The secretary may grant special action parole releases under s. 304.02.  
 3 The department or the parole commission shall not provide any convicted offender  
 4 or other person sentenced to the department's custody any parole eligibility or  
 5 evaluation until the person has been confined at least 60 days following sentencing.

6 SECTION 5. 304.071 (2) of the statutes is amended to read:

7 304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m) (c), 961.49  
 8 (2), 973.014 (1) (c) or 973.032 (5), he or she is not eligible for parole under this section.

9 SECTION 6. 938.396 (2) (cm) of the statutes is created to read:

10 938.396 (2) (cm) Upon request of a court of criminal jurisdiction or a district  
 11 attorney to review court records for the purpose of investigating and determining  
 12 whether a person is a repeater under s. 939.62 (2) (a) 2. or 4. or a persistent repeater  
 13 under s. 939.62 (2m) (b) 2. or whether a person is subject to increased penalties under  
 14 s. 939.623 (3), 939.624 (3) or 939.624 (2m) the court assigned to exercise jurisdiction  
 15 under this chapter and ch. 48 shall open for inspection by authorized representatives  
 16 of the requester the records of the court relating to any juvenile who has been  
 17 adjudicated delinquent for an act that would be a <sup>Crime</sup> felony if committed by an adult.

18 SECTION 7. 939.62 (2) of the statutes is renumbered 939.62 (2) (a) (intro.) and  
 19 amended to read:

20 939.62 (2) (a) (intro.) The actor is a repeater if one of the following applies:

- 21 1. The actor was convicted of a felony during the 5-year period immediately
- 22 preceding the commission of the crime for which the actor presently is being
- 23 sentenced, or if the

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1           3. The actor was convicted of a misdemeanor on 3 separate occasions during  
2 that same period, which convictions the 5-year period immediately preceding the  
3 commission of the crime for which the actor presently is being sentenced.

4           (b) To count as an adjudication or conviction under par. (a), the adjudication or  
5 conviction must remain of record and unreversed. It is immaterial that disposition  
6 or sentence was stayed, withheld or suspended, or that the actor was pardoned,  
7 unless such pardon was granted on the ground of innocence. In computing the  
8 preceding 5-year period under par. (a), time which the actor spent in actual  
9 confinement under a juvenile dispositional order or serving a criminal sentence shall  
10 be excluded.

11           SECTION 8. 939.62 (2) (a) 2. of the statutes is created to read:

12           939.62 (2) (a) 2. During the 5-year period immediately preceding the  
13 commission of the crime for which the actor is presently being sentenced, the actor  
14 was adjudicated delinquent for an act that if committed by an adult in this state  
15 would be a felony.

INSV 5-15  
that he or she committed after attaining the age of 15 and

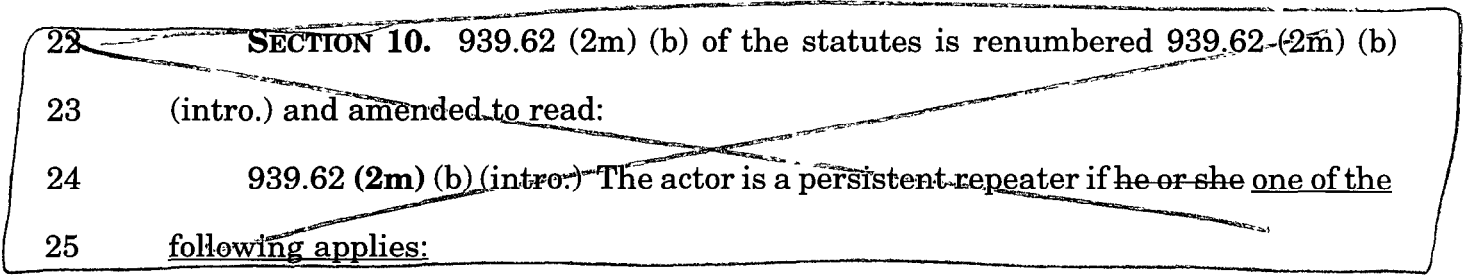
16           SECTION 9. 939.62 (2) (a) 4. of the statutes is created to read:

17           939.62 (2) (a) 4. During the 5-year period immediately preceding the  
18 commission of the crime for which the actor is presently being sentenced, the actor  
19 was adjudicated delinquent on one occasion for an act that if committed by an adult  
20 in this state would be a misdemeanor and was also convicted of a misdemeanor on  
21 2 separate occasions.

INSV 5-21  
the actor

22           SECTION 10. 939.62 (2m) (b) of the statutes is renumbered 939.62-(2m) (b)  
23 (intro.) and amended to read:

24           939.62 (2m) (b) (intro.) The actor is a persistent repeater if he or she one of the  
25 following applies:





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SECTION 10

1 1. The actor has been convicted of a serious felony on 2 or more separate  
 2 occasions at any time preceding the serious felony for which he or she presently is  
 3 being sentenced under ch. 973, which convictions remain of record and unreversed  
 4 and, ~~that~~ of the 2 or more previous convictions, at least one conviction ~~must have~~  
 5 occurred before the date of violation of at least one of the other felonies for which the  
 6 actor was previously convicted. ~~It~~

7 (bm) For purposes of counting a conviction or adjudication under par. (b), it is  
 8 immaterial that the sentence or disposition for a previous conviction or for the  
 9 adjudication was stayed, withheld or suspended, or that ~~he or she~~ the actor was  
 10 pardoned, unless the pardon was granted on the ground of innocence. ~~The~~

11 (c) If the actor is a persistent repeater, the term of imprisonment for the felony  
 12 for which the persistent repeater presently is being sentenced under ch. 973 is life  
 13 imprisonment without the possibility of parole.

14 SECTION 11. 939.62 (2m) (b) <sup>(lm)</sup> 2. of the statutes is created to read:

15 939.62 (2m) (b) <sup>(lm)</sup> 2. At any time preceding the serious felony for which he or she  
 16 presently is being sentenced under ch. 973, the actor has <sup>on one occasion</sup> been  
 17 ~~that he or she committed after attaining the age of 15 and~~ adjudicated delinquent for an act  
 18 <sup>that if committed by an adult in this state would</sup> be a serious felony and, on a separate occasion, <sup>the actor</sup> has been convicted of a serious felony.  
 19 The violation for which the actor was adjudicated delinquent must have occurred  
 20 before the date of violation of the felony for which the actor was convicted, and both  
 21 the adjudication and conviction must remain of record and unreversed. This  
 22 subdivision does not apply if the actor was 25 years of age or older at the time of the  
 23 commission of the crime for which the actor presently is being sentenced under ch.  
 24 973.

25 SECTION 12. ~~939.62 (2m) (d) of the statutes is amended to read:~~

on or after the effective  
 date of this subdivision  
 .... [reviser inserts date],

INS  
 6-25 →

ASSEMBLY BILL 291

1 939.62 (2m) (d) If a prior conviction or adjudication is being considered as being  
 2 covered under par. (a) 4. as comparable to a felony specified under par. (a) 1., 2. or  
 3 3., the conviction or adjudication may be counted as a prior conviction or adjudication  
 4 under par. (b) only if the court determines, beyond a reasonable doubt, that the  
 5 violation relating to that conviction or adjudication would constitute a felony  
 6 specified under par. (a) 1., 2. or 3. if committed by an adult in this state.

7 SECTION 13. 939.62 (3) (a) of the statutes is amended to read:

8 939.62 (3) (a) In case of crimes committed in this state, the terms do not include  
 9 motor vehicle offenses under chs. 341 to 349 and, except as provided in subs. (2) (a)  
 10 2. and 4. and (2m) (b) 2., offenses handled through proceedings in the court assigned  
 11 to exercise jurisdiction under chs. 48 and 938, but otherwise have the meanings  
 12 designated in s. 939.60.

13 SECTION 14. 939.62 (3) (b) of the statutes is amended to read:

14 939.62 (3) (b) In case of crimes committed in other jurisdictions, the terms do  
 15 not include those crimes which are equivalent to motor vehicle offenses under chs.  
 16 341 to 349 or, except as provided in subs. (2) (a) 2. and 4. and (2m) (b) 2., to offenses  
 17 handled through proceedings in the court assigned to exercise jurisdiction under chs.  
 18 48 and 938. Otherwise, felony means a crime which under the laws of that  
 19 jurisdiction carries a prescribed maximum penalty of imprisonment in a prison or  
 20 penitentiary for one year or more. Misdemeanor means a crime which does not carry  
 21 a prescribed maximum penalty sufficient to constitute it a felony and includes crimes  
 22 punishable only by a fine.

23 SECTION 15. 939.623 (3) of the statutes is created to read:

24 939.623 (3) (a) If a person has been adjudicated delinquent for one or more  
 25 serious sex crimes and subsequently commits a serious sex crime, the court shall

that he or she committed  
 after attaining the age  
 of 15

on or after the effective  
 date of this paragraph  
 .... [reviser inserts date],

[Handwritten note area]

ASSEMBLY BILL 291

SECTION 15

1 sentence the person to not less than 5 years' imprisonment, but otherwise the  
2 penalties for the crime apply, subject to any applicable penalty enhancement. The  
3 court shall not place the person on probation.

4 (b) Paragraph (a) does not apply if the person was 25 years of age or older at  
5 the time he or she committed the subsequent serious sex crime.

6 (c) If a person is sentenced under par. (a), a court may not also impose an  
7 enhanced sentence under sub. (2).

8 SECTION 16. 939.624 (3) of the statutes is created to read:

9 939.624 (3) (a) If a person has been adjudicated delinquent for one or more  
10 serious violent crimes or crimes punishable by life imprisonment and  
11 commits a serious violent crime, the court shall sentence the person to not less than  
12 5 years' imprisonment, but otherwise the penalties for the crime apply, subject to any  
13 applicable penalty enhancement. The court shall not place the person on probation.

14 (b) Paragraph (a) does not apply if the person was 25 years of age or older at  
15 the time he or she committed the subsequent serious violent crime.

16 (c) If a person is sentenced under par. (a), a court may not also impose an  
17 enhanced sentence under sub. (2).

18 ~~SECTION 17. 939.626 (2m) of the statutes is created to read:~~

19 ~~939.626 (2m) (a) If a person has been adjudicated delinquent for one or more~~  
20 ~~child sex crimes and subsequently commits a child sex crime, the maximum term of~~  
21 ~~imprisonment for the current child sex crime may be increased by not more than 10~~  
22 ~~years.~~

23 ~~(b) Paragraph (a) does not apply if the person was 25 years of age or older at~~  
24 ~~the time he or she committed the subsequent child sex crime.~~

✓ on or after the effective date of this paragraph ... [reviser inserts date]

the person and subsequently

✓ that he or she committed after attaining the age of 15

ASSEMBLY BILL 291

1 (c) If a person is sentenced under par. (a), a court may not also impose an  
2 enhanced sentence under sub. (2).

3 SECTION 18. 939.626 (3) of the statutes is amended to read:

4 939.626 (3) If a person is sentenced under this section sub. (2) or (2m), a court  
5 may not also impose an enhanced sentence under s. 939.62.

6 SECTION 19. 973.014 (2) of the statutes is amended to read:

7 973.014 (2) When a court sentences a person to life imprisonment under s.  
8 939.62 (2m) (c), the court shall provide that the sentence is without the possibility  
9 of parole.

10 SECTION 20. Initial applicability.

11 (1) This act applies to offenses committed on or after the effective date of this  
12 subsection, but does not preclude the counting of adjudications of delinquency for  
13 offenses that occurred before the effective date of this subsection. ↻ stays

14 (END)

D-NOTE





1 **ANALYSIS INSERT A:**

2 ~~NS~~ The bill does not provide for delinquency adjudications to count as a "strike" under the "two strikes, you're out" law for child sex offenders.

3 **ANALYSIS INSERT B:**

4 ¶ Finally, for a delinquency adjudication to be used under the bill to impose an increased or minimum sentence, the person must have attained the age of 15 at the time he or she committed the act for which the person was adjudicated delinquent and the adjudication must have occurred on or after the date <sup>on which</sup> the bill becomes law.

5 **INSERT 5-15:**

6 ~~NS~~ This subdivision applies only to adjudications of delinquency made on or after the effective date of this subdivision .... [revisor inserts date].

7 **INSERT 5-21:**

8 ~~NS~~ This subdivision applies only to adjudications of delinquency made on or after the effective date of this subdivision .... [revisor inserts date].

9 ~~INSERT 6-14~~

10 **INS 6-25**

11 SECTION 1. 939.62 (2m) (bm) of the statutes is amended to read:

12 939.62 (2m) (bm) For purposes of counting a conviction or delinquency  
13 adjudication under par. (b), it is immaterial that the sentence or disposition for the  
14 previous conviction or delinquency adjudication was stayed, withheld or suspended,  
15 or that the actor was pardoned, unless the pardon was granted on the ground of  
innocence.

16 History: 1977 c. 429; 1982 a. 57; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; s. 13 93 (2) (c)

17 ~~INSERT 6-25~~

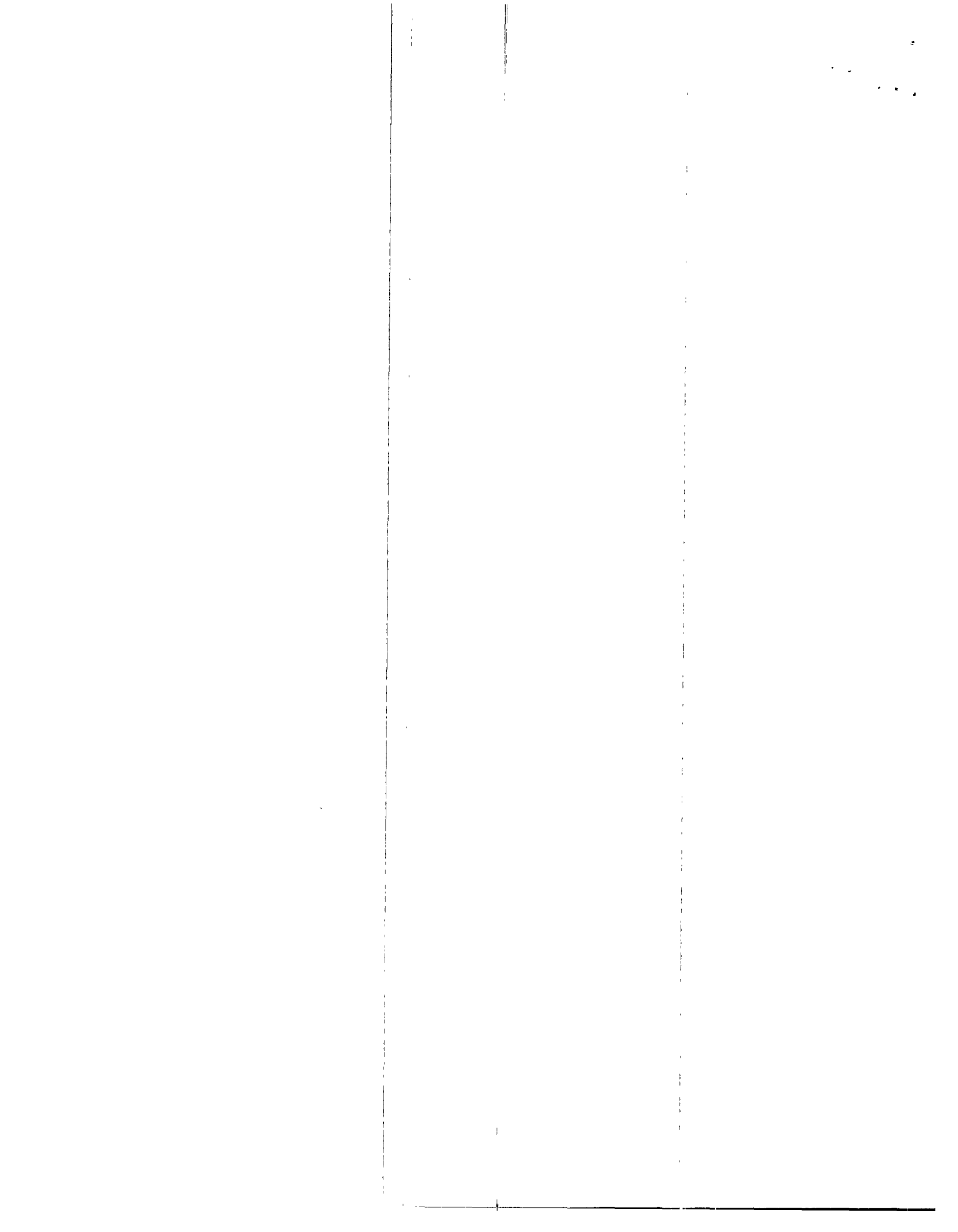
18 SECTION 2. 939.62 (2m) (e) of the statutes is created to read:

19 939.62 (2m) (e) If a prior delinquency adjudication is being considered as being  
20 covered under par. (a) 2m. d. as comparable to a felony specified under par. (a) 2m.  
a., b. or c., the delinquency adjudication may be counted as a prior delinquency



1 adjudication under par. (b) 1m.✓✓ only if the court determines, beyond a reasonable  
2 doubt, that the violation relating to that delinquency adjudication would constitute  
3 a felony specified under par. (a) 2m. a.✓, b.✓ or c.✓ if committed by an adult in this state.

(end ms 6-25)





LRB-0290/1 dr

JEO:WLj

+  
JLg

D-Note

This is a redraft of 1997  
Assembly Bill 291. It incorporates  
assembly amendments 1, 2 and 3,  
but not assembly amendment 4. Also,  
it does not provide for the counting  
of a delinquency adjudication as  
a "strike" for purposes of the "two  
strikes, you're out" ~~for~~ for child sex  
offenses.

JEO

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

LRB-0920/1dn  
JEO:wlj&jlg:ijs

December 30, 1998

This is a redraft of 1997 Assembly Bill 291. It incorporates assembly amendments 1, 2 and 3, but not assembly amendment 4. Also, it does not provide for the counting of a delinquency adjudication as a "strike" for purposes of the "two strikes, you're out" for child sex offenses.

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: 12/30/98

To: Representative Goetsch

Relating to LRB drafting number: LRB-0920

**Topic**

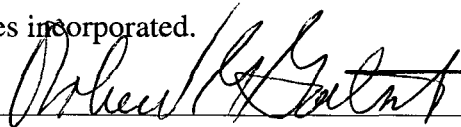
Using delinquency adjudications for purposes of certain penalty enhancers

**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

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