

Patch II

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pt. 2 of 2

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SECTION 242. 304.072 (2) of the statutes is amended to read:

304.072 (2) If a parolee ~~or~~ ^{strike or} probationer ~~or person on extended supervision~~ ^{strike} is alleged to have violated the terms of his or her supervision but the department or division determines that the alleged violation was not proven, the period between the alleged violation and the determination shall be treated as service of the probationary ~~extended supervision~~ or parole period.

SECTION 243. 304.072 (3) of the statutes is amended to read:

304.072 (3) Except as provided in s. 973.09 (3) (b), the department preserves jurisdiction over a probationer ~~or~~ ^{strike or} parolee ~~or person on extended supervision~~ ^{strike} if it commences an investigation, issues a violation report or issues an apprehension request concerning an alleged violation prior to the expiration of the probationer's ^{plain comma} ~~or~~ ^{plain} parolee's ~~or person's~~ term of supervision.

SECTION 244. 304.072 (4) of the statutes is amended to read:

304.072 (4) The sentence of a revoked parolee ~~or person on extended supervision~~ ^{strike} resumes running on the day he or she is received at a correctional institution subject to sentence credit for the period of custody in a jail, correctional institution or any other detention facility pending revocation according to the terms of s. 973.155.

SECTION 245. 304.073 (2) of the statutes ~~was affected by 1997 Wisconsin Act 27~~ is amended to read:

304.073 (2) Beginning on January 1, 1996, the department shall charge a fee to any probationer ~~or~~ ^{strike or comma} parolee ~~or person on extended supervision~~ ^{strike} who is under minimum or administrative supervision and is supervised by the department. The fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c). The department shall set the fee sufficient to cover the cost of supervision. The

1 department shall collect moneys for the fee charged under this subsection and credit
2 those moneys to the appropriation account under s. 20.410 (1) (ge).

3 SECTION 246. 304.073 (2m) (a) of the statutes, as created by 1997 Wisconsin Act

4 is amended to read:

5 304.073 (2m) (a) If a probationer, parolee or person on extended supervision

6 who owes unpaid fees to the department under sub. (2) is discharged from probation
7 or from his or her sentence before the department collects the unpaid fees, the

8 department shall, at the time of discharge, issue a notice to the probationer,

9 parolee or person on extended supervision that states that he or she owes unpaid fees

10 under sub. (2) and that he or she is responsible for the payment of the unpaid fees.

11 The notice under this paragraph shall be issued with the certificate of discharge

12 required under s. 304.078 or 973.09 (5).

13 SECTION 247. 304.073 (4) of the statutes, as created by 1997 Wisconsin Act 276

14 is amended to read:

15 304.073 (4) The department may decide not to charge a fee under sub. (2) to

16 any probationer, parolee or person on extended supervision if the probationer,

17 parolee or person on extended supervision demonstrates that he or she is unable to

18 pay the fee because of any of the following:

19 (a) The probationer, parolee or person on extended supervision is undergoing

20 treatment approved by the department and is unable to work.

21 (b) The probationer, parolee or person on extended supervision has a

22 statement from a physician certifying to the department that the probationer,

23 parolee or person on extended supervision should be excused from working for

24 medical reasons.

25 SECTION 248. 304.074 (title) of the statutes is amended to read:

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304.074 (title) Reimbursement fee for persons on probation

~~parole and extended supervision~~

SECTION 249. 304.074 (2) of the statutes is amended to read:

304.074 (2) Beginning on January 1, 1996, the department shall charge a fee to probationers ~~and~~ parolees ~~and persons on extended supervision~~ to partially

reimburse the department for the costs of providing supervision and services. The department shall set varying rates for probationers ~~and~~ parolees ~~or persons on~~

~~extended supervision~~ based on ability to pay and with the goal of receiving at least \$1 per day, if appropriate, from each probationer ~~and~~ parolee ~~and person on~~

~~extended supervision~~ The department shall not charge a fee while the probationer

~~parolee or person on extended supervision~~ is exempt under sub. (3). The

department shall collect moneys for the fees charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (gf).

SECTION 250. 304.074 (3) (intro.) of the statutes is amended to read:

304.074 (3) (intro.) The department may decide not to charge a fee under sub. (2) to any probationer ~~and~~ parolee ~~or person on extended supervision~~ while he or she meets any of the following conditions:

SECTION 251. 304.074 (3) (d) of the statutes is amended to read:

304.074 (3) (d) Has a statement from a physician certifying to the department that the probationer ~~and~~ parolee ~~or person on extended supervision~~ should be excused from working for medical reasons.

SECTION 252. 304.074 (4) of the statutes is amended to read:

304.074 (4) The fee under sub. (2) does not apply to any probationer ~~and~~ parolee ~~or person on extended supervision~~ who is under minimum or administrative supervision.

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SECTION 253. 304.074 (4m) (a) of the statutes, as created by 1997 Wisconsin Act

is amended to read:

304.074 (4m) (a) If a probationer ^{strike comma} ~~or~~ ^{strike} ~~parolee or person on extended supervision~~ who owes unpaid fees to the department under sub. (2) is discharged from probation or from his or her sentence before the department collects the unpaid fees, the department shall, at the time of discharge, issue a notice to the probationer ^{strike comma} ~~or~~ ^{strike} ~~parolee or person on extended supervision~~ that states that he or she owes unpaid fees under sub. (2) and that he or she is responsible for the payment of the unpaid fees. The notice under this paragraph shall be issued with the certificate of discharge required under s. 304.078 or 973.09 (5).

SECTION 254. 304.075 of the statutes is amended to read:

304.075 (title) ~~Probationer and parolee loan~~ ^{plain} Loan fund for ^{plain} probationers ~~(parolees and persons on extended supervision)~~ The department shall create a revolving fund out of any moneys in its hands belonging to probationers ^{strike comma} ~~and~~ ^{strike} ~~parolees or persons on extended supervision~~ who absconded, or whose whereabouts are unknown. The fund shall be used to defray the expenses of clothing, transportation, maintenance and other necessities for probationers ^{strike comma} ~~and~~ ^{strike} ~~parolees and persons on extended supervision~~ who are without means to secure those necessities. All payments made from the fund shall be repaid by probationers ^{strike comma} ~~or~~ ^{strike} ~~parolees or persons on extended supervision~~ for whose benefit they are made whenever possible; and any moneys belonging to them so paid into the revolving fund shall be repaid to them in accordance with law, in case a claim therefor is filed with the department upon showing the legal right of the claimant to such money.

SECTION 255. 304.13 (1) (intro.) of the statutes is amended to read:

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304.13 (1) (intro.) That it shall be competent for the duly constituted judicial and administrative authorities of a sending state to permit any person convicted of an offense within the sending state and placed on probation or released on ~~extended~~^{strike} ~~supervision or~~^{strike} parole to reside in any receiving state while on probation, ~~extended~~^{strike} ~~supervision~~^{strike} or parole, if:

SECTION 256. 304.13 (2) of the statutes is amended to read:

304.13 (2) That each receiving state will assume the duties of visitation of and supervision over probationers, ~~persons on extended supervision~~^{strike} or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers, ~~persons on extended supervision~~^{strike} and parolees.

SECTION 257. 304.13 (3) of the statutes is amended to read:

304.13 (3) That the duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation, ~~extended supervision~~^{strike} or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation, ~~extended supervision~~^{strike} or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer, ~~person on extended supervision~~^{strike} or parolee there should be pending against that person within the receiving state any criminal charge, or that person should be suspected of having committed within such state a criminal offense, that person shall not be retaken

1 without the consent of the receiving state until discharged from prosecution or from
2 imprisonment for such offense.

3 SECTION 258. 304.13 (7) of the statutes is amended to read:

4 304.13 (7) That this compact shall continue in force and remain binding upon
5 such ratifying state until renounced by it. The duties and obligations hereunder of
6 a renouncing state shall continue as to parolees, ^{strike} ~~persons on extended supervision~~ or
7 probationers residing therein at the time of withdrawal or until finally discharged
8 by the sending state. Renunciation of this compact shall be by the same authority
9 which ratified it, by sending 6 months' notice in writing of its intention to withdraw
10 the compact to the other states party thereto.

11 SECTION 259. 304.13 (8) (b) of the statutes is amended to read:

12 304.13 (8) (b) "Sending state" means a party to this compact permitting its
13 probationers, ^{strike} ~~persons on extended supervision~~ and parolees to reside in a receiving
14 state.

15 SECTION 260. 304.135 of the statutes is amended to read:

16 304.135 (title) **Out-of-state ~~parolee~~ supervision of parolees and**
17 ^{strike} ~~persons on extended supervision without compact.~~ The department may
18 permit any person convicted of an offense within this state and placed on probation
19 or released on ^{strike} ~~extended supervision or parole~~ to reside in any other state not a party
20 to the compact authorized by s. 304.13 whenever the authorities of the receiving state
21 agree to assume the duties of visitation of and supervision over the probationer,
22 ^{strike} ~~person on extended supervision~~ or parolee, governed by the same standards that
23 prevail for its own probationers, ^{strike} ~~persons on extended supervision~~ and parolees, on
24 the same terms as are provided in s. 304.13 (1) and (2) in the case of states signatory
25 to the compact. Before permitting any probationer, ^{strike} ~~person on extended supervision~~

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1 or parolee to leave this state under this section, the department shall obtain from him
 2 or her a signed agreement to return to this state upon demand of the department and
 3 an irrevocable waiver of all procedure incidental to extradition. The department
 4 may, in like manner, receive for supervision probationers, ~~persons on extended~~ ^{strike}
 5 ~~supervision~~ ^{strike} and parolees convicted in states not signatory to the compact, and shall
 6 have the same custody and control of those persons as it has over probationers, ~~persons on extended~~ ^{strike} ~~supervision~~ ^{comma}
 7 ~~persons on extended supervision~~ ^{strike} and parolees of this state.

8 SECTION 261. 304.137[✓] of the statutes is amended to read:

9 **304.137 Determination concerning submission of human biological**
 10 **specimen.** If the department accepts supervision of a probationer, ~~person on~~ ^{strike}
 11 ~~extended supervision~~ ^{strike} or parolee from another state under s. 304.13 or 304.135, the
 12 department shall determine whether the violation of law for which the person is on
 13 probation, ~~extended supervision~~ ^{strike} or parole is comparable to a violation of s. 940.225
 14 (1) or (2), 948.02 (1) or (2) or 948.025. If the department determines that a person
 15 on probation, ~~extended supervision~~ ^{strike} or parole from another state violated a law that
 16 is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the
 17 department shall direct the probationer, ~~person on extended supervision~~ ^{strike} or parolee
 18 to provide a biological specimen under s. 165.76.

19 SECTION 262. 304.14[✓] of the statutes is amended to read:

20 **304.14 (title) Cooperative return of parole, ~~extended supervision and~~ ^{strike}**
 21 **probation violators.** The secretary may deputize any person regularly employed
 22 by another state to act as an officer and agent of this state in effecting the return of
 23 any person who has violated the terms and conditions of parole, ~~extended~~ ^{strike}
 24 ~~supervision~~ ^{strike} or probation as granted by this state. In any matter relating to the
 25 return of such person, any agent so deputized shall have all the powers of a police

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1 officer of this state. Any deputization pursuant to this section shall be in writing and
2 any person authorized to act as an agent under this section shall carry formal
3 evidence of the deputization and shall produce the same upon demand.

4 **SECTION 263.** 341.605 (3) of the statutes is amended to read:

5 341.605 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000
6 or imprisoned for not more than ^{plan} 5 years ~~and 6 months~~, or both, for each violation.

7 **SECTION 264.** 342.06 (2) of the statutes is amended to read:

8 342.06 (2) Any person who knowingly makes a false statement in an
9 application for a certificate of title may be fined not more than \$5,000 or imprisoned
10 not more than ^{plan} 5 years ~~and 6 months~~ or both.

11 **SECTION 265.** 342.065 (4) (b) of the statutes is amended to read:

12 342.065 (4) (b) Any person who violates sub. (1) with intent to defraud may be
13 fined not more than \$5,000 or imprisoned for not more than ^{plan} 5 years ~~and 6 months~~
14 or both.

15 **SECTION 266.** 342.155 (4) (b) of the statutes is amended to read:

16 342.155 (4) (b) Any person who violates this section with intent to defraud may
17 be fined not more than \$5,000 or imprisoned for not more than ^{plan} 5 years ~~and 6 months~~
18 or both.

19 **SECTION 267.** 342.156 (6) (b) of the statutes is amended to read:

20 342.156 (6) (b) Any person who violates this section with intent to defraud may
21 be fined not more than \$5,000 or imprisoned for not more than ^{plan} 5 years ~~and 6 months~~
22 or both.

23 **SECTION 268.** 342.30 (3) (a) of the statutes, as affected by 1997 Wisconsin Act

24 is amended to read:

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1 342.30 (3) (a) Any person who violates sub. (1g) may be fined not more than
2 \$5,000 or imprisoned for not more than ~~5 1/2~~^{plan} years ~~and 6 months~~ or both.

3 SECTION 269. 342.32 (3) of the statutes is amended to read: Insert B

4 342.32 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000
5 or imprisoned for not more than ~~5 1/2~~^{plan} years ~~and 6 months~~, or both, for each violation.

6 SECTION 270. 343.06 (1) (i) of the statutes is amended to read:

7 343.06 (1) (i) To any person who has been convicted of any offense specified
8 under ss. 940.225, 948.02, 948.025 and 948.07 or adjudged delinquent under ch. 938
9 for a like or similar offense, when the sentencing court makes a finding that issuance
10 of a license will be inimical to the public safety and welfare. The prohibition against
11 issuance of a license to the offenders shall apply immediately upon receipt of a record
12 of the conviction and the court finding by the secretary, for a period of one year or
13 until discharge from any jail or prison sentence or any period of probation; ~~extended~~^{strike}
14 ~~supervision~~^{strike} or parole with respect to the offenses specified, whichever date is the
15 later. Receipt by the offender of a certificate of discharge from the department of
16 corrections or other responsible supervising agency, after one year has elapsed since
17 the prohibition began, entitles the holder to apply for an operator's license. The
18 applicant may be required to present the certificate of discharge to the secretary if
19 the latter deems it necessary.

20 SECTION 271. 343.30 (2d) of the statutes is amended to read:

21 343.30 (2d) A court may suspend or revoke a person's operating privilege upon
22 conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if
23 the court finds that it is inimical to the public safety and welfare for the offender to
24 have operating privileges. The suspension or revocation shall be for one year or until
25 discharge from prison or jail sentence or probation; ~~extended supervision~~^{strike} or parole

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1 with respect to the offenses specified, whichever date is later. Receipt of a certificate
2 of discharge from the department of corrections or other responsible supervising
3 agency, after one year has elapsed since the suspension or revocation, entitles the
4 holder to reinstatement of operating privileges. The holder may be required to
5 present the certificate to the secretary if the secretary deems necessary.

Fix Component

6

SECTION 272. 344.48 (2) of the statutes is amended to read:

344.48 (2) Any person violating this section may be fined not more than \$1,000
or imprisoned for not more than one year ~~or both~~ or both.

Fix Component

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SECTION 273. 346.17 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
283 is amended to read:

346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
346.04 (3) shall be fined not less than \$600 nor more than \$10,000 and may be
imprisoned for not more than 2 years.

Insert B

15

SECTION 274. 346.17 (3) (b) of the statutes, as affected by 1997 Wisconsin Act

346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
to another, or causes damage to the property of another, as defined in s. 939.22 (28),
the person shall be fined not less than \$1,000 nor more than \$10,000 and may be
imprisoned for not more than 2 years.

Fix Component

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SECTION 275. 346.17 (3) (c) of the statutes, as affected by 1997 Wisconsin Act

346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
(14), to another, the person shall be fined not less than \$1,100 nor more than \$10,000
and may be imprisoned for not more than 2 years.

Insert A

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1 SECTION 276. 346.17 (3) (d) of the statutes, as affected by 1997 Wisconsin Act

FIX component

2 ²⁸³ is amended to read:

3 346.17 (3) (d) If the violation results in the death of another, the person shall
4 be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not
5 more than ~~5~~ ^{plan} years ~~and a month~~

FIX component

6 SECTION 277. 346.65 (5) of the statutes is amended to read:

7 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)
8 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for
9 not less than 90 days nor more than ~~18~~ ^{plan} months

FIX component

10 SECTION 278. 346.74 (5) (b) of the statutes is amended to read:

11 346.74 (5) (b) Shall be fined not less than \$300 nor more than \$5,000 or
12 imprisoned not less than 10 days nor more than ~~one year~~ ^{plan} or both if the
13 accident involved injury to a person but the person did not suffer great bodily harm.

insert

14 SECTION 279. 346.74 (5) (c) of the statutes is amended to read:

15 346.74 (5) (c) May be fined not more than \$10,000 or imprisoned not more than
16 ~~2~~ ^{plan} years or both if the accident involved injury to a person and the person suffered
17 great bodily harm.

FIX component

18 SECTION 280. 346.74 (5) (d) of the statutes is amended to read:

19 346.74 (5) (d) May be fined not more than \$10,000 or imprisoned not more than
20 ~~5~~ ^{plan} years ~~and a month~~ or both if the accident involved death to a person.

FIX component

21 SECTION 281. 350.11 (2m) of the statutes is amended to read:

22 350.11 (2m) Any person who violates s. 350.135 (1) shall be fined not more than
23 \$10,000 or imprisoned for not more than ~~2~~ ^{plan} years or both if the violation causes the
24 death or injury, as defined in s. 30.67 (3) (b), of another person.

FIX component

25 SECTION 282. 446.07 of the statutes is amended to read:

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1 **446.07 Penalty.** Anyone violating this chapter may be fined not less than \$100
2 nor more than \$500, or imprisoned ~~for~~ ^{plan} not more than ~~one year~~ ~~or both~~.

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Component

3 **SECTION 283.** 447.09 of the statutes is ~~amended~~ ^{amended} to read:

4 **447.09 Penalties.** Any person who violates this chapter may be fined not more
5 than \$1,000 or imprisoned for not more than one year in the county jail or both for
6 the first offense and may be fined not more than \$2,500 or imprisoned for not more
7 than ~~2~~ ^{plan} years or both for the 2nd or subsequent conviction within 5 years.

Fix
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8 **SECTION 284.** 450.11 (9) (b) of the statutes is ~~amended~~ ^{amended} to read:

9 450.11 (9) (b) Any person who delivers, or who possesses with intent to
10 manufacture or deliver, a prescription drug in violation of this section may be fined
11 not more than \$10,000 or imprisoned ~~for~~ ^{plan} not more than ~~5~~ ~~years~~ ~~and 6 months~~ or
12 both.

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13 **SECTION 285.** 450.14 (5) of the statutes is ~~amended~~ ^{amended} to read:

14 450.14 (5) Any person who violates this section may be fined not less than \$100
15 nor more than \$1,000 or imprisoned ~~for~~ ^{plan} not less than one year nor more than ~~5~~ ~~years~~
16 ~~and 6 months~~ or both.

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17 **SECTION 286.** 450.15 (2) of the statutes is ~~amended~~ ^{amended} to read:

18 450.15 (2) Any person who violates this section may be fined not less than \$100
19 nor more than \$1,000 or imprisoned ~~for~~ ^{plan} not less than one year nor more than ~~5~~ ~~years~~
20 ~~and 6 months~~ or both.

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21 **SECTION 287.** 551.58 (1) of the statutes is ~~amended~~ ^{amended} to read:

22 551.58 (1) Any person who wilfully violates any provision of this chapter except
23 s. 551.54, or any rule under this chapter, or any order of which the person has notice,
24 or who violates s. 551.54 knowing or having reasonable cause to believe that the
25 statement made was false or misleading in any material respect, may be fined not

1 more than \$5,000 or imprisoned ^{plain} for not more than ~~5~~ ⁵ years ~~and 6 months~~ or both.
 2 Each of the acts specified shall constitute a separate offense and a prosecution or
 3 conviction for any one of such offenses shall not bar prosecution or conviction for any
 4 other offense.

Fix Component 5

SECTION 288. 552.19 (1)[✓] of the statutes is amended to read:

6 552.19 (1) Any person, including a controlling person of an offer or target
 7 company, who wilfully violates this chapter or any rule under this chapter, or any
 8 order of which the person has notice, may be fined not more than \$5,000 or
 9 imprisoned ^{plain} for not more than ~~5~~ ⁵ years ~~and 6 months~~ or both. Each of the acts
 10 specified constitutes a separate offense and a prosecution or conviction for any one
 11 of the offenses does not bar prosecution or conviction for any other offense.

Fix Component 12

SECTION 289. 553.52 (1)[✓] of the statutes is amended to read:

13 553.52 (1) Any person who wilfully violates s. 553.41 (2)[✓] to (5)[✓] or any order of
 14 which the person has notice, or who violates s. 553.41 (1)[✓] knowing or having
 15 reasonable cause to believe either that the statement made was false or misleading
 16 in any material respect or that the failure to report a material event under s. 553.31
 17 (1)[✓] was false or misleading in any material respect, may be fined not more than
 18 \$5,000 or imprisoned ^{plain} for not more than ~~5~~ ⁵ years ~~and 6 months~~ or both. Each of the
 19 acts specified is a separate offense, and a prosecution or conviction for any one of
 20 those offenses does not bar prosecution or conviction for any other offense.

Fix Component 21

SECTION 290. 553.52 (2)[✓] of the statutes is amended to read:

22 553.52 (2) Any person who employs, directly or indirectly, any device, scheme
 23 or artifice to defraud in connection with the offer or sale of any franchise or engages,
 24 directly or indirectly, in any act, practice, or course of business ^{that} ~~which~~ operates or
 25 would operate as a fraud or deceit upon any person in connection with the offer or

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1 sale of any franchise shall be fined not more than \$5,000 or imprisoned for not more
2 than ~~5~~^{plain} years ~~and a fine of~~ or both.

Fix Component

3 SECTION 291. 562.13 (3) of the statutes is amended to read:

4 562.13 (3) Whoever violates s. 562.11 (2) or (3) may be fined not more than
5 \$10,000 or imprisoned for not more than ~~2~~^{plain} years or both.

Insert B

6 SECTION 292. 562.13 (4) of the statutes is amended to read:

7 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 may be
8 fined not more than \$10,000 or imprisoned for not more than ~~5~~^{plain} years ~~and a fine of~~
9 or both.

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10 SECTION 293. 563.14 (2) of the statutes is amended to read:

11 563.14 (2) The supervising member and member responsible for the proper
12 utilization of gross receipts are active members of the applicant organization who,
13 subject to ss. 111.321, 111.322 and 111.335, have never been convicted of a felony or,
14 if convicted, have received a pardon or have been released from parole, ~~extended~~^{strike}
15 ~~supervision~~^{strike} or probation for at least 5 years.

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16 SECTION 294. 563.27 (1) of the statutes is amended to read:

17 563.27 (1) Subject to ss. 111.321, 111.322 and 111.335, a person convicted of a
18 felony who has not received a pardon or has not been released from parole, ~~extended~~^{strike}
19 ~~supervision~~^{strike} or probation for at least 5 years.

20 SECTION 295. 563.51 (29) (b) of the statutes is amended to read:

21 563.51 (29) (b) Subject to ss. 111.321, 111.322 and 111.335, has never been
22 convicted of a felony or, if convicted, has been pardoned or released from probation,
23 ~~extended supervision~~^{strike} or parole for at least 5 years.

strike comma

24 SECTION 296. 565.50 (2) of the statutes is amended to read:

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1 565.50 (2) Any person who alters or forges a lottery ticket or share or
2 intentionally utters or transfers an altered or forged lottery ticket or share shall be
3 fined not more than \$10,000 or imprisoned for not more than ~~5~~ ^{plain} years ~~and/or~~
4 or both.

5 **SECTION 297.** 565.50 (3) of the statutes is amended to read:

6 565.50 (3) Any person who possesses an altered or forged lottery ticket or share
7 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
8 more than ~~2~~ ^{plain} years or both.

9 **SECTION 298.** 601.64 (4) of the statutes, as affected by 1997 Wisconsin Act ~~27~~,
10 is amended to read:

11 601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally
12 permits any person over whom he or she has authority to violate or intentionally aids
13 any person in violating any insurance statute or rule of this state, s. 149.13 or
14 149.144 or any effective order issued under s. 601.41 (4) may, unless a specific penalty
15 is provided elsewhere in the statutes, be fined not more than \$10,000 if a corporation
16 or if a natural person be fined not more than \$5,000 or imprisoned for not ~~more than~~
17 ~~more than~~ ^{plain} ~~3~~ years ~~and/or~~ or both. Intent has the meaning expressed under
18 s. 939.23.

19 **SECTION 299.** 641.19 (4) (a) of the statutes is amended to read:

20 641.19 (4) (a) Any person who wilfully violates or fails to comply with any
21 provision of this chapter or the rules promulgated thereunder or who, knowingly,
22 makes a false statement, a false representation of a material fact, or who fails to
23 disclose a material fact in any registration, examination, statement or report
24 required under this chapter or the rules promulgated thereunder, may be fined not
25 more than \$5,000 or imprisoned for not more than ~~5~~ ^{plain} years ~~and/or~~ or both.

Fix Component

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SECTION 300. 641.19 (4) (b) of the statutes is amended to read:

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641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully

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abstracts or converts to his or her own use or to the use of another, any of the moneys,

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funds, securities, premiums, credits, property, or other assets of any employe welfare

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fund, or of any fund connected therewith, shall be fined not more than \$10,000 or

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imprisoned for not more than ^{plan} 5 years ~~or both~~ or both.

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SECTION 301. 765.30 (1) (intro.) of the statutes is amended to read:

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765.30 (1) (intro.) The following shall be fined not less than \$200 nor more

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than \$1,000 or imprisoned for not more than ^{plan} one year ~~or both~~ or both:

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SECTION 302. 765.30 (2) (intro.) of the statutes is amended to read:

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765.30 (2) (intro.) The following shall be fined not less than \$100 nor more

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than \$1,000 or imprisoned for not more than ^{plan} one year ~~or both~~ or both:

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SECTION 303. 768.07 of the statutes is amended to read:

14

768.07 Penalty. Any person who violates any provision of this chapter may

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be fined not less than \$100 nor more than \$1,000 or imprisoned for not more than ^{plan} one

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^{plan} year ~~or both~~ or both.

Fix
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SECTION 304. 783.07 of the statutes is amended to read:

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783.07 Fine or imprisonment. Whenever a peremptory mandamus shall be

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directed to any public officer, body, board or person, commanding the performance

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of any duty specially enjoined by law, if it shall appear to the court that such officer

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or person or any member of such body or board has, without just excuse, refused or

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neglected to perform the duty so enjoined the court may impose a fine, not exceeding

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\$5,000, upon every such officer, person or member of such body or board, or sentence

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the officer, person or member to imprisonment for ~~not exceeding~~ ^{plan} more than

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⁵ years ~~or both~~

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SECTION 305. 801.50 (5) of the statutes is amended to read:

801.50 (5) Venue of an action to review a probation, ~~extended supervision~~^{strike} or parole revocation or a refusal of parole by certiorari shall be the county in which the relator was last convicted of an offense for which the relator was on probation, ~~or~~^{strike comma} ~~extended supervision~~^{strike} or parole or for which the relator is currently incarcerated.

SECTION 306. 807.15 (2) (intro.) of the statutes, as created by 1997 Wisconsin

Act 138 is amended to read:

807.15 (2) (intro.) In any action or special proceeding, including a petition for a common law writ of certiorari, brought by a prisoner, the court may, on its own motion or on the motion of any party, order the department of corrections to extend the prisoner's mandatory release date calculated under s. 302.11 (1) ~~or the prisoner's~~^{strike} ~~eligibility for release to extended supervision under s. 302.113 (3) (b) or 302.114 (3)~~^{strike} ~~or~~^{strike} order the sheriff to deprive the prisoner of good time under s. 302.43 if the court finds that any of the following applies:

SECTION 307. 807.15 (3) (a) of the statutes, as created by 1997 Wisconsin Act

298, is amended to read:

807.15 (3) (a) Subject to ~~PAR. pars.~~^{strike} (b) ~~and (c).~~^{PAR. strike} if a court orders the department of corrections to extend a prisoner's mandatory release date ~~or eligibility for release~~^{strike} ~~to extended supervision~~^{strike} or orders the sheriff to deprive the prisoner of good time under sub. (2), the order shall specify the number of days by which the mandatory release date ~~or eligibility for release to extended supervision~~^{strike} is to be extended or the good time deprived.

SECTION 308. 807.15 (3) (c) of the statutes is created to read:

807.15 (3) (c) An order under sub. (2) to extend the eligibility for release to extended supervision of a prisoner subject to s. 302.113 may not require the prisoner

Fix Component

repealed

1 to serve more days in prison than the total length of the prisoner's bifurcated
2 sentence.

3 SECTION 309. 938.183 (3) of the statutes, as affected by 1997 Wisconsin Act 278

4 is amended to read:

5 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.
6 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a
7 state prison named in s. 302.01. If a juvenile who is subject to a criminal penalty
8 under sub. (1m) or (2) is 15 years of age or over, the department may transfer the
9 juvenile to the Racine youthful offender correctional facility named in s. 302.01 as
10 provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under

11 sub. (1m) or (2) ~~for an act committed before December 31, 1999~~ ^{strike} is eligible for parole
12 under s. 304.06.

13 SECTION 310. 938.78 (2) (d) 5. of the statutes is amended to read:

14 938.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 ~~or on extended supervision~~ ^{strike}
15 ~~under s. 302.113 or 302.114.~~ ^{strike}

16 SECTION 311. 938.991 (1) of the statutes is amended to read:

17 938.991 (1) ARTICLE I - FINDINGS AND PURPOSES. That juveniles who are not
18 under proper supervision and control, or who have absconded, escaped or run away,
19 are likely to endanger their own health, morals and welfare, and the health, morals
20 and welfare of others. The cooperation of the states party to this compact is therefore
21 necessary to provide for the welfare and protection of juveniles and of the public with
22 respect to (1) cooperative supervision of delinquent juveniles on probation, ~~extended~~ ^{strike}

23 ~~supervision~~ ^{strike} or parole; (2) the return, from one state to another, of delinquent
24 juveniles who have escaped or absconded; (3) the return, from one state to another,
25 of nondelinquent juveniles who have run away from home; and (4) additional

1 measures for the protection of juveniles and of the public, which any 2 or more of the
 2 party states may find desirable to undertake cooperatively. In carrying out the
 3 provisions of this compact the party states shall be guided by the noncriminal,
 4 reformatory and protective policies which guide their laws concerning delinquent,
 5 neglected or dependent juveniles generally. It shall be the policy of the states party
 6 to this compact to cooperate and observe their respective responsibilities for the
 7 prompt return and acceptance of juveniles and delinquent juveniles who become
 8 subject to the provisions of this compact. The provisions of this compact shall be
 9 reasonably and liberally construed to accomplish the foregoing purposes.

10 SECTION 312. 938.991 (3) (c) of the statutes is amended to read:

11 938.991 (3) (c) "Probation, ~~extended supervision~~^{strike} or parole" means any kind of
 12 conditional release of juveniles authorized under the laws of the states party hereto.

13 SECTION 313. 938.991 (5) (a) of the statutes is amended to read:

14 938.991 (5) (a) That the appropriate person or authority from whose probation,
 15 ~~extended supervision~~^{strike} or parole supervision a delinquent juvenile has absconded or
 16 from whose institutional custody the delinquent juvenile has escaped shall present
 17 to the appropriate court or to the executive authority of the state where the
 18 delinquent juvenile is alleged to be located a written requisition for the return of the
 19 delinquent juvenile. The requisition shall state the name and age of the delinquent
 20 juvenile, the particulars of that person's adjudication as a delinquent juvenile, the
 21 circumstances of the breach of the terms of the delinquent juvenile's probation,
 22 ~~extended supervision~~^{strike} or parole or of the delinquent juvenile's escape from an
 23 institution or agency vested with legal custody or supervision of the delinquent
 24 juvenile, and the location of the delinquent juvenile, if known, at the time the
 25 requisition is made. The requisition shall be verified by affidavit, shall be executed

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^{strike} comma

^{strike} comma

1 in duplicate, and shall be accompanied by 2 certified copies of the judgment, formal
2 adjudication, or order of commitment which subjects the delinquent juvenile to
3 probation, ~~extended supervision~~^{strike} or parole or to the legal custody of the institution or
4 agency concerned. Further affidavits and other documents as may be deemed proper
5 may be submitted with the requisition. One copy of the requisition shall be filed with
6 the compact administrator of the demanding state, there to remain on file subject to
7 the provisions of law governing records of the appropriate court. Upon the receipt
8 of a requisition demanding the return of a delinquent juvenile who has absconded
9 or escaped, the court or the executive authority to whom the requisition is addressed
10 shall issue an order to any peace officer or other appropriate person directing that
11 person to take into custody and detain the delinquent juvenile. The detention order
12 must substantially recite the facts necessary to the validity of its issuance hereunder.
13 No delinquent juvenile detained upon a detention order shall be delivered over to the
14 officer whom the appropriate person or authority demanding the delinquent juvenile
15 shall have appointed to receive the delinquent juvenile, unless the delinquent
16 juvenile shall first be taken forthwith before a judge of an appropriate court in the
17 state, who shall inform the delinquent juvenile of the demand made for the return
18 of the delinquent juvenile and who may appoint counsel or guardian ad litem for the
19 delinquent juvenile. If the judge shall find that the requisition is in order, the judge
20 shall deliver the delinquent juvenile over to the officer whom the appropriate person
21 or authority demanding shall have appointed to receive the delinquent juvenile. The
22 judge, however, may fix a reasonable time to be allowed for the purpose of testing the
23 legality of the proceeding.

24 **SECTION 314.** 938.991 (5) (am)[✓] of the statutes is amended to read:

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1 938.991 (5) (am) Upon reasonable information that a person is a delinquent
2 juvenile who has absconded while on probation, ~~extended supervision~~^{strike} or parole, or
3 escaped from an institution or agency vested with legal custody or supervision of the
4 person in any state party to this compact, the person may be taken into custody in
5 any other state party to this compact without a requisition. In that event, the person
6 must be taken forthwith before a judge of the appropriate court, who may appoint
7 counsel or guardian ad litem for the person and who shall determine, after a hearing,
8 whether sufficient cause exists to hold the person subject to the order of the court for
9 a time, not exceeding 90 days, as will enable the person's detention under a detention
10 order issued on a requisition pursuant to this subsection. If, at the time when a state
11 seeks the return of a delinquent juvenile who has either absconded while on
12 probation, ~~extended supervision~~^{strike} or parole or escaped from an institution or agency
13 vested with legal custody or supervision of the delinquent juvenile, there is pending
14 in the state wherein the delinquent juvenile is detained any criminal charge or any
15 proceeding to have the delinquent juvenile adjudicated a delinquent juvenile for an
16 act committed in that state, or if the delinquent juvenile is suspected of having
17 committed within such state a criminal offense or an act of juvenile delinquency, the
18 delinquent juvenile shall not be returned without the consent of that state until
19 discharged from prosecution or other form of proceeding, imprisonment, detention
20 or supervision for such offense or juvenile delinquency. The duly accredited officers
21 of any state party to this compact, upon the establishment of the officers' authority
22 and the identity of the delinquent juvenile being returned, shall be permitted to
23 transport the delinquent juvenile through any and all states party to this compact,
24 without interference. Upon the return of the delinquent juvenile to the state from
25 which the delinquent juvenile escaped or absconded, the delinquent juvenile shall

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1 be subject to such further proceedings as may be appropriate under the laws of that
2 state.

3 **SECTION 315.** 938.991 (6) of the statutes is amended to read:

4 938.991 (6) ARTICLE VI – VOLUNTARY RETURN PROCEDURE. That any delinquent
5 juvenile who has absconded while on probation, ~~extended supervision~~^{strike} or parole, or
6 escaped from an institution or agency vested with legal custody or supervision of the
7 delinquent juvenile in any state party to this compact, and any juvenile who has run
8 away from any state party to this compact, who is taken into custody without a
9 requisition in another state party to this compact under sub. (4) (a) or (5) (a), may
10 consent to his or her immediate return to the state from which the juvenile or
11 delinquent juvenile absconded, escaped or ran away. Consent shall be given by the
12 juvenile or delinquent juvenile and his or her counsel or guardian ad litem, if any,
13 by executing or subscribing a writing, in the presence of a judge of the appropriate
14 court, which states that the juvenile or delinquent juvenile and his or her counsel or
15 guardian ad litem, if any, consent to the return of the juvenile or delinquent juvenile
16 to the demanding state. Before the consent shall be executed or subscribed, however,
17 the judge, in the presence of counsel or guardian ad litem, if any, shall inform the
18 juvenile or delinquent juvenile of his or her rights under this compact. When the
19 consent has been duly executed, it shall be forwarded to and filed with the compact
20 administrator of the state in which the court is located and the judge shall direct the
21 officer having the juvenile or delinquent juvenile in custody to deliver the juvenile
22 or delinquent juvenile to the duly accredited officer or officers of the state demanding
23 the return of the juvenile or delinquent juvenile, and shall cause to be delivered to
24 the officer or officers a copy of the consent. The court may, however, upon the request
25 of the state to which the juvenile or delinquent juvenile is being returned, order the

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1 juvenile or delinquent juvenile to return unaccompanied to that state and shall
2 provide the juvenile or delinquent juvenile with a copy of the court order; in that
3 event a copy of the consent shall be forwarded to the compact administrator of the
4 state to which the juvenile or delinquent juvenile is ordered to return.

5 SECTION 316. 938.991 (7) (title) of the statutes is amended to read:

6 938.991 (7) (title) ARTICLE VII - COOPERATIVE SUPERVISION OF PROBATIONERS,
7 ~~PERSONS ON EXTENDED SUPERVISION AND PAROLEES.~~ ^{Strike} Strike
Comma

8 SECTION 317. 938.991 (7) (a) of the statutes is amended to read:

9 938.991 (7) (a) That the duly constituted judicial and administrative
10 authorities of a state party to this compact (herein called "sending state") may permit

11 any delinquent juvenile within such state, placed on probation, ~~extended supervision~~ ^{strike}

12 or parole, to reside in any other state party to this compact (herein called "receiving
13 state") while on probation, ~~extended supervision~~ ^{strike} or parole, and the receiving state

14 shall accept such delinquent juvenile, if the parent, guardian or person entitled to
15 the legal custody of such delinquent juvenile is residing or undertakes to reside

16 within the receiving state. Before granting such permission, opportunity shall be
17 given to the receiving state to make such investigations as it deems necessary. The

18 authorities of the sending state shall send to the authorities of the receiving state
19 copies of pertinent court orders, social case studies and all other available

20 information which may be of value to and assist the receiving state in supervising
21 a probationer, ~~or~~ ^{strike} parolee, ~~or person under extended supervision~~ ^{Strike} under this compact.

22 A receiving state, in its discretion, may agree to accept supervision of a probationer
23 ~~or~~ ^{strike comma} parolee ~~or person under extended supervision~~ ^{Strike} in cases where the parent, guardian

24 or person entitled to legal custody of the delinquent juvenile is not a resident of the

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1 receiving state, and if so accepted the sending state may transfer supervision
2 accordingly.

3 SECTION 318. 938.991 (7) (b) of the statutes is amended to read:

4 938.991 (7) (b) That each receiving state will assume the duties of visitation
5 and of supervision over any such delinquent juvenile and in the exercise of those
6 duties will be governed by the same standards of visitation and supervision that
7 prevail for its own delinquent juveniles released on probation, ~~extended supervision~~^{strike}
8 or parole.

9 SECTION 319. 938.991 (7) (c) of the statutes is amended to read:

10 938.991 (7) (c) That, after consultation between the appropriate authorities of
11 the sending state and of the receiving state as to the desirability and necessity of
12 returning such a delinquent juvenile, the duly accredited officers of a sending state
13 may enter a receiving state and there apprehend and retake any such delinquent
14 juvenile on probation, ~~extended supervision~~^{strike} or parole. For that purpose, no
15 formalities will be required, other than establishing the authority of the officer and
16 the identity of the delinquent juvenile to be retaken and returned. The decision of
17 the sending state to retake a delinquent juvenile on probation, ~~extended supervision~~^{strike}
18 or parole shall be conclusive upon and not reviewable within the receiving state, but
19 if, at the time the sending state seeks to retake a delinquent juvenile on probation,

20 ~~extended supervision~~^{strike} or parole, there is pending against the delinquent juvenile
21 within the receiving state any criminal charge or any proceeding to have the
22 delinquent juvenile adjudicated a delinquent juvenile for any act committed in that
23 state, or if the delinquent juvenile is suspected of having committed within that state
24 a criminal offense or an act of juvenile delinquency, the delinquent juvenile shall not
25 be returned without the consent of the receiving state until discharged from

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Strike comma

1 prosecution or other form of proceeding, imprisonment, detention or supervision for
2 such offense or juvenile delinquency. The duly accredited officers of the sending state
3 shall be permitted to transport delinquent juveniles being so returned through any
4 and all states party to this compact, without interference.

5 SECTION 320. 938.991 (14) of the statutes is amended to read:

6 938.991 (14) ARTICLE XIV - RENUNCIATION. That this compact shall continue in
7 force and remain binding upon each executing state until renounced by it.
8 Renunciation of this compact shall be by the same authority which executed it, by
9 sending 6 months notice in writing of its intention to withdraw from the compact to
10 the other states party hereto. The duties and obligations of a renouncing state under
11 sub. (7) shall continue as to parolees ^{strike comma} ~~and~~ ^{or} probationers ^{strike} ~~and persons on extended~~
12 ^{strike} ~~supervision~~ residing therein at the time of withdrawal until retaken or finally
13 discharged. Supplementary agreements entered into under sub. (10) shall be subject
14 to renunciation as provided by such supplementary agreements, and shall not be
15 subject to the 6 months' renunciation notice of the present Article.

16 SECTION 321. 938.993 (2) of the statutes, as affected by 1997 Wisconsin Act 35,

17 is amended to read:

18 938.993 (2) The compact administrator shall determine for this state whether
19 to receive juvenile probationers ^{strike comma} ~~and~~ ^{or} parolees ^{strike} ~~and persons on extended supervision~~
20 of other states under s. 938.991 (7) and shall arrange for the supervision of each such
21 probationer ^{strike comma} ~~and~~ ^{or} parolee ^{strike} ~~or person on extended supervision~~ received, either by the
22 department or by a person appointed to perform supervision service for the court
23 assigned to exercise jurisdiction under this chapter and ch. 48 for the county where
24 the juvenile is to reside, whichever is more convenient. Those persons shall in all

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1 such cases make periodic reports to the compact administrator regarding the conduct
2 and progress of the juveniles.

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component

3 SECTION 322. 939.50 (3) (b) of the statutes is amended to read:

4 939.50 (3) (b) For a Class B felony, imprisonment not to exceed ~~40~~ ^{plain} years.

5 Fix component SECTION 323. 939.50 (3) (bc) of the statutes is amended to read:

6 939.50 (3) (bc) For a Class BC felony, a fine not to exceed \$10,000 or
7 imprisonment not to exceed ~~20~~ ^{plain} years, or both.

8 Fix component SECTION 324. 939.50 (3) (c) of the statutes is amended to read:

9 939.50 (3) (c) For a Class C felony, a fine not to exceed \$10,000 or imprisonment
10 not to exceed ~~10~~ ^{plain} years, or both.

11 Fix component SECTION 325. 939.50 (3) (d) of the statutes is amended to read:

12 939.50 (3) (d) For a Class D felony, a fine not to exceed \$10,000 or imprisonment
13 not to exceed ~~5~~ ^{plain} years, or both.

14 Fix component SECTION 326. 939.50 (3) (e) of the statutes is amended to read:

15 939.50 (3) (e) For a Class E felony, a fine not to exceed \$10,000 or imprisonment
16 not to exceed ~~2~~ ^{plain} years, or both.

17 SECTION 327. 939.62 (2m) (b) of the statutes is amended to read:

18 939.62 (2m) (b) The actor is a persistent repeater if he or she has been convicted
19 of a serious felony on 2 or more separate occasions at any time preceding the serious
20 felony for which he or she presently is being sentenced under ch. 973, which
21 convictions remain of record and unreversed and, that of the 2 or more previous
22 convictions, at least one conviction must have occurred before the date of violation
23 of at least one of the other felonies for which the actor was previously convicted. It
24 is immaterial that the sentence for a previous conviction was stayed, withheld or
25 suspended, or that he or she was pardoned, unless the pardon was granted on the

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1 ground of innocence. The term of imprisonment for the felony for which the
2 persistent repeater presently is being sentenced under ch. 973 is life imprisonment
3 without the possibility of parole or extended supervision.

4 SECTION 328. 940.20 (2m) (title) of the statutes is amended to read:

5 940.20 (2m) (title) BATTERY TO PROBATION, ~~EXTENDED SUPERVISION~~ AND PAROLE
6 AGENTS AND AFTERCARE AGENTS.

7 SECTION 329. 940.20 (2m) (a) 2. of the statutes is amended to read:

8 940.20 (2m) (a) 2. "Probation, ~~extended supervision~~ and parole agent" means
9 any person authorized by the department of corrections to exercise control over a
10 probationer ~~or~~ parolee ~~or person on extended supervision~~

11 SECTION 330. 940.20 (2m) (b) of the statutes is amended to read:

12 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probationer,
13 ~~extended supervision~~ and parole agent or an aftercare agent, acting in an official
14 capacity and the person knows or has reason to know that the victim is a probationer,
15 ~~extended supervision~~ and parole agent or an aftercare agent, by an act done without
16 the consent of the person so injured, is guilty of a Class D felony.

17 SECTION 331. 942.06 (2m) (a) of the statutes is amended to read:

18 942.06 (2m) (a) An employe or agent of the department of corrections who
19 conducts a lie detector test of a probationer ~~or~~ parolee ~~or person on extended~~
20 ~~supervision~~ under the rules promulgated under s. 301.132.

21 SECTION 332. 942.06 (2q) (a) (intro.) of the statutes is amended to read:

22 942.06 (2q) (a) (intro.) An employe or agent of the department of corrections
23 who discloses, to any of the following, the fact that a probationer ~~or~~ parolee ~~or person~~
24 ~~on extended supervision~~ has had a lie detector test under the rules promulgated
25 under s. 301.132 or the results of such a lie detector test:

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SECTION 333. 946.42 (1) (a) of the statutes is amended to read:

946.42 (1) (a) "Custody" includes without limitation actual custody of an institution, including a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), a secure detention facility, as defined in s. 938.02 (16), a Type 2 child caring institution, as defined in s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution guard and constructive custody of prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h) or (4m) or 938.357 (4) or (5) (e) temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. It does not include the custody of a probationer ^{strike comma} ~~or~~ ^{strike} ~~or person on extended supervision~~ by the department of corrections or a probation ^{strike} ~~extended supervision~~ or parole officer or the custody of a person who has been released to aftercare supervision under ch. 938 unless the person is in actual custody or is subject to a confinement order under s. 973.09 (4).

SECTION 334. 946.46 of the statutes is amended to read:

946.46 (title) **Encouraging violation of probation, ^{strike} ~~extended~~ ^{strike} ~~supervision~~ or parole.** Whoever intentionally aids or encourages a parolee ^{strike comma} ~~or~~ ^{strike} ~~or~~ probationer ^{strike} ~~or person on extended supervision~~ or any person committed to the custody or supervision of the department of corrections or a county department under s. 46.215, 46.22 or 46.23 by reason of crime or delinquency to abscond or violate a term or condition of parole ^{strike} ~~extended supervision~~ or probation is guilty of a Class A misdemeanor.

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SECTION 335. 946.85 (1) of the statutes is amended to read:

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946.85 (1) Any person who engages in a continuing criminal enterprise shall

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be imprisoned ~~for~~ ^{plan} not less than 10 years nor more than ~~20~~ years, and fined not

4

more than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less

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than the presumptive minimum sentence, it shall place its reasons for doing so on

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the record.

7

SECTION 336. 950.04 (1v) (v) of the statutes ~~is created by 1997 Wisconsin Act~~

8

~~Assembly Bill 342~~ is amended to read:

9

950.04 (1v) (v) To have the department of corrections make a reasonable

10

attempt to notify the victim under s. 301.046 (4) regarding community residential

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confinements, under s. 301.048 (4m) regarding participation in the intensive

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sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under

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s. 301.46 (3) regarding persons registered under s. 301.45, under s. 302.115

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regarding release upon expiration of certain sentences, under s. 304.063 regarding

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~~extended supervision and~~ ^{strike} parole releases, and under s. 938.51 regarding release or

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escape of a juvenile from correctional custody.

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Fix Component

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SECTION 337. 950.04 (1v) (vm) of the statutes is ~~created to read~~ ^{repealed}

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~~950.04 (1v) (vm) To have the appropriate clerk of court send the victim a copy of an inmate's petition for extended supervision and notification of the hearing on that petition under s. 302.114 (6).~~

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Fix Component

21

SECTION 338. 961.41 (1) (a) of the statutes is amended to read:

22

961.41 (1) (a) Except as provided in par. (d), a controlled substance included

23

in schedule I or II ~~which~~ ^{that} is a narcotic drug, or a controlled substance analog of a

24

controlled substance included in schedule I or II ~~which~~ ^{that} is a narcotic drug, may be

① fined not more than \$25,000 or imprisoned for not more than ~~15~~ ^{plain} years ~~and~~

② ~~imprisoned~~ or both.

③ ^{Fix component} SECTION 339. 961.41 (1) (b) ^v of the statutes is amended to read:

④ 961.41 (1) (b) Except as provided in pars. (cm) and (e) to (h), any other
⑤ controlled substance included in schedule I, II or III, or a controlled substance analog
⑥ of any other controlled substance included in schedule I or II, may be fined not more
⑦ than \$15,000 or imprisoned for not more than ~~5~~ ^{plain} years ~~and~~ or both.

⑧ ^{Fix component} SECTION 340. 961.41 (1) (cm) 1. ^v of the statutes is amended to read:

⑨ 961.41 (1) (cm) 1. Five grams or less, the person shall be fined not more than
⑩ \$500,000 and may be imprisoned for not more than ~~10~~ ^{plain} years.

⑪ ^{Fix component} SECTION 341. 961.41 (1) (cm) 2. ^v of the statutes is amended to read:

⑫ 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
⑬ shall be fined not more than \$500,000 and shall be imprisoned for not less than one
⑭ year nor more than ~~15~~ ^{plain} years ~~and~~

⑮ ^{Fix component} SECTION 342. 961.41 (1) (cm) 3. ^v of the statutes is amended to read:

⑯ 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
⑰ shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
⑱ years nor more than ~~20~~ ^{plain} years.

⑲ ^{Fix component} SECTION 343. 961.41 (1) (cm) 4. ^v of the statutes is amended to read:

⑳ 961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person
㉑ shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
㉒ years nor more than ~~30~~ ^{plain} years.

㉓ ^{Fix component} SECTION 344. 961.41 (1) (cm) 5. ^v of the statutes is amended to read:

Fix component

Insert B

Insert A

1 961.41 (1) (cm) 5. More than 100 grams, the person shall be fined not more than
2 \$500,000 and shall be imprisoned for not less than 10 years nor more than 30 ~~years~~
3 years. *plain*

4 **SECTION 345.** 961.41 (1) (d) 1. of the statutes is amended to read:

5 961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than
6 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 15 ~~years~~
7 ~~years~~ *plain*

8 **SECTION 346.** 961.41 (1) (d) 2. of the statutes is amended to read:

9 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
10 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
11 for not less than 6 months nor more than 15 ~~years~~ ~~and a month~~ *plain*

12 **SECTION 347.** 961.41 (1) (d) 3. of the statutes is amended to read:

13 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
14 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
15 for not less than one year nor more than 15 ~~years~~ ~~and a month~~ *plain*

16 **SECTION 348.** 961.41 (1) (d) 4. of the statutes is amended to read:

17 961.41 (1) (d) 4. More than 50 grams but not more than 200 grams, the person
18 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
19 for not less than 3 years nor more than 15 ~~years~~ ~~and a month~~ *plain*

20 **SECTION 349.** 961.41 (1) (d) 5. of the statutes is amended to read:

21 961.41 (1) (d) 5. More than 200 grams but not more than 400 grams, the person
22 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
23 for not less than 5 years nor more than 15 ~~years~~ ~~and a month~~ *plain*

24 **SECTION 350.** 961.41 (1) (d) 6. of the statutes is amended to read:

Fix
component

Insert
A

Insert
A

1 961.41 (1) (d) 6. More than 400 grams, the person shall be fined not less than
2 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years
3 nor more than ~~30~~ years. *plain*

4 *Fix component* SECTION 351. 961.41 (1) (e) 1. of the statutes is amended to read:

5 961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than
6 \$1,000 nor more than \$200,000 and may be imprisoned for not more than ~~5~~ years *plain*

7 ~~and/or months~~

8 *Fix component* SECTION 352. 961.41 (1) (e) 2. of the statutes is amended to read:

9 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
10 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
11 for not less than 6 months nor more than ~~5~~ years *plain*

12 *Fix component* SECTION 353. 961.41 (1) (e) 3. of the statutes is amended to read:

13 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
14 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
15 for not less than one year nor more than ~~45~~ years *plain*

16 *Fix component* SECTION 354. 961.41 (1) (e) 4. of the statutes is amended to read:

17 961.41 (1) (e) 4. More than 50 grams but not more than 200 grams, the person
18 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
19 for not less than 3 years nor more than ~~45~~ years *plain*

20 *Fix component* SECTION 355. 961.41 (1) (e) 5. of the statutes is amended to read:

21 961.41 (1) (e) 5. More than 200 grams but not more than 400 grams, the person
22 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
23 for not less than 5 years nor more than ~~15~~ years *plain*

24 *Fix component* SECTION 356. 961.41 (1) (e) 6. of the statutes is amended to read:

Insert B

Insert A

1 961.41 (1) (e) 6. More than 400 grams, the person shall be fined not less than
2 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years
3 nor more than ^{plain} 30 ~~11~~ years.

4 SECTION 357. 961.41 (1) (f) 1. of the statutes is amended to read:

5 961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000
6 nor more than \$200,000 and may be imprisoned for not more than 5 ~~11~~ years ~~10000~~
7 ~~10000~~ ^{plain}

8 SECTION 358. 961.41 (1) (f) 2. of the statutes is amended to read:

9 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall
10 be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not
11 less than 6 months nor more than 5 ~~11~~ years ~~and 6 months~~ ^{plain}

12 SECTION 359. 961.41 (1) (f) 3. of the statutes is amended to read:

13 961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than
14 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
15 nor more than 15 ~~11~~ years ~~and 6 months~~ ^{plain}

16 SECTION 360. 961.41 (1) (g) 1. of the statutes is amended to read:

17 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
18 than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 5 ~~11~~
19 years ~~and 6 months~~ ^{plain}

20 SECTION 361. 961.41 (1) (g) 2. of the statutes is amended to read:

21 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
22 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
23 for not less than 6 months nor more than 5 ~~11~~ years ~~and 6 months~~ ^{plain}

24 SECTION 362. 961.41 (1) (g) 3. of the statutes is amended to read:

Fix component

Fix component

Fix component

Fix component

Fix component

Insert A

Insert B

1 961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than
2 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
3 nor more than ~~15~~ ^{plain} years ~~and fined not less than \$100,000 nor more than \$500,000.~~

4 ^{Fix Component} SECTION 363. 961.41 (1) (h) 1. of the statutes is amended to read:

5 961.41 (1) (h) 1. Five hundred grams or less, or 10 or fewer plants containing
6 tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than
7 \$25,000 and may be imprisoned for not more than ~~3~~ ^{plain} years ~~and fined not less than \$100,000 nor more than \$500,000.~~

8 ^{Fix Component} SECTION 364. 961.41 (1) (h) 2. of the statutes is amended to read:

9 961.41 (1) (h) 2. More than 500 grams but not more than 2,500 grams, or more
10 than 10 plants containing tetrahydrocannabinols but not more than 50 plants
11 containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor
12 more than \$50,000 and shall be imprisoned for not less than 3 months nor more than
13 ~~5~~ ^{plain} years ~~and fined not less than \$100,000 nor more than \$500,000.~~

14 ^{Fix Component} SECTION 365. 961.41 (1) (h) 3. of the statutes is amended to read:

15 961.41 (1) (h) 3. More than 2,500 grams, or more than 50 plants containing
16 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than
17 \$100,000 and shall be imprisoned for not less than one year nor more than ~~10~~ ^{plain}
18 years.

19 ^{Fix Component} SECTION 366. 961.41 (1) (i) of the statutes is amended to read:

20 961.41 (1) (i) A substance included in schedule IV, may be fined not more than
21 \$10,000 or imprisoned for not more than ~~3~~ ^{plain} years ~~and 6 months~~ or both.

22 ^{Fix Component} SECTION 367. 961.41 (1) (j) of the statutes is amended to read:

23 961.41 (1) (j) A substance included in schedule V, may be fined not more than
24 \$5,000 or imprisoned for not more than ~~one year~~ ^{plain} or both.

25 ^{Fix Component} SECTION 368. 961.41 (1m) (a) of the statutes is amended to read:

, as affected by 1997
Wisconsin Act 283,

Insert A-7K

1 961.41 (1m) (a) Except as provided in par. (d), a controlled substance included
 2 in schedule I or II which is a narcotic drug or a controlled substance analog of a
 3 controlled substance included in schedule I or II which is a narcotic drug, may be
 4 fined not more than \$25,000 or imprisoned for not more than ~~15~~ years ~~or both~~
 5 ~~or both~~ or both. *plain*

Fix component

6 SECTION 369. 961.41 (1m) (b) of the statutes is amended to read:

7 961.41 (1m) (b) Except as provided in pars. (cm) and (e) to (h), any other
 8 controlled substance included in schedule I, II or III, or a controlled substance analog
 9 of any other controlled substance included in schedule I or II, may be fined not more
 10 than \$15,000 or imprisoned for not more than ~~5~~ years ~~or both~~ or both. *plain*

Insert B

11 SECTION 370. 961.41 (1m) (cm) 1. of the statutes is amended to read:

12 961.41 (1m) (cm) 1. Five grams or less, the person shall be fined not more than
 13 \$500,000 and may be imprisoned for not more than ~~10~~ years. *plain*

14 SECTION 371. 961.41 (1m) (cm) 2. of the statutes is amended to read:

15 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
 16 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
 17 year nor more than ~~15~~ years ~~or both~~. *plain*

18 SECTION 372. 961.41 (1m) (cm) 3. of the statutes is amended to read:

19 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
 20 person shall be fined not more than \$500,000 and shall be imprisoned for not less
 21 than 3 years nor more than ~~20~~ years. *plain*

Fix component

22 SECTION 373. 961.41 (1m) (cm) 4. of the statutes is amended to read:

23 961.41 (1m) (cm) 4. More than 40 grams but not more than 100 grams, the
 24 person shall be fined not more than \$500,000 and shall be imprisoned for not less
 25 than 5 years nor more than ~~30~~ years. *plain*

Insert A

1 SECTION 374. 961.41 (1m) (cm) 5. of the statutes is amended to read:

2 961.41 (1m) (cm) 5. More than 100 grams, the person shall be fined not more
3 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 30
4 ~~15~~ years. *plan*

5 SECTION 375. 961.41 (1m) (d) 1. of the statutes is amended to read:

6 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
7 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 15
8 ~~15~~ years. *plan*

9 SECTION 376. 961.41 (1m) (d) 2. of the statutes is amended to read:

10 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
11 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
12 for not less than 6 months nor more than 15 ~~15~~ years. *plan*

13 SECTION 377. 961.41 (1m) (d) 3. of the statutes is amended to read:

14 961.41 (1m) (d) 3. More than 10 grams but not more than 50 grams, the person
15 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
16 for not less than one year nor more than 15 ~~15~~ years. *plan*

17 SECTION 378. 961.41 (1m) (d) 4. of the statutes is amended to read:

18 961.41 (1m) (d) 4. More than 50 grams but not more than 200 grams, the person
19 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
20 for not less than 3 years nor more than 15 ~~15~~ years. *plan*

21 SECTION 379. 961.41 (1m) (d) 5. of the statutes is amended to read:

22 961.41 (1m) (d) 5. More than 200 grams but not more than 400 grams, the
23 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be
24 imprisoned for not less than 5 years nor more than 15 ~~15~~ years. *plan*

25 SECTION 380. 961.41 (1m) (d) 6. of the statutes is amended to read:

Insert B

Insert A

1 961.41 (1m) (d) 6. More than 400 grams, the person shall be fined not less than
2 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years
3 nor more than ~~30~~ ^{plain} years.

4 SECTION 381. 961.41 (1m) (e) 1. of the statutes is amended to read:

5 961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than
6 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ ^{plain} years
7 ~~and 6 months~~

8 SECTION 382. 961.41 (1m) (e) 2. of the statutes is amended to read:

9 961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person
10 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
11 for not less than 6 months nor more than ~~5~~ ^{plain} years ~~and 6 months~~

12 SECTION 383. 961.41 (1m) (e) 3. of the statutes is amended to read:

13 961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person
14 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
15 for not less than one year nor more than ~~15~~ ^{plain} years ~~and 6 months~~

16 SECTION 384. 961.41 (1m) (e) 4. of the statutes is amended to read:

17 961.41 (1m) (e) 4. More than 50 grams but not more than 200 grams, the person
18 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
19 for not less than 3 years nor more than ~~15~~ ^{plain} years ~~and 6 months~~

20 SECTION 385. 961.41 (1m) (e) 5. of the statutes is amended to read:

21 961.41 (1m) (e) 5. More than 200 grams but not more than 400 grams, the
22 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be
23 imprisoned for not less than 5 years nor more than ~~15~~ ^{plain} years ~~and 6 months~~

24 SECTION 386. 961.41 (1m) (e) 6. of the statutes is amended to read:

Fix component

Insert B

Insert A

Fix component

1 961.41 (1m) (e) 6. More than 400 grams, the person shall be fined not less than
2 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years
3 nor more than ~~30~~ ^{plain} years.

4 ^{Fix component} SECTION 387. 961.41 (1m) (f) 1. of the statutes is amended to read:

5 961.41 (1m) (f) 1. One gram or less, the person shall be fined not less than
6 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ ^{plain} years
7 ~~and 6 months~~

8 ^{Fix component} SECTION 388. 961.41 (1m) (f) 2. of the statutes is amended to read:

9 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
10 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
11 for not less than 6 months nor more than ~~5~~ ^{plain} years ~~and 6 months~~

12 ^{Fix component} SECTION 389. 961.41 (1m) (f) 3. of the statutes is amended to read:

13 961.41 (1m) (f) 3. More than 5 grams, the person shall be fined not less than
14 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
15 nor more than ~~45~~ ^{plain} years ~~and 6 months~~

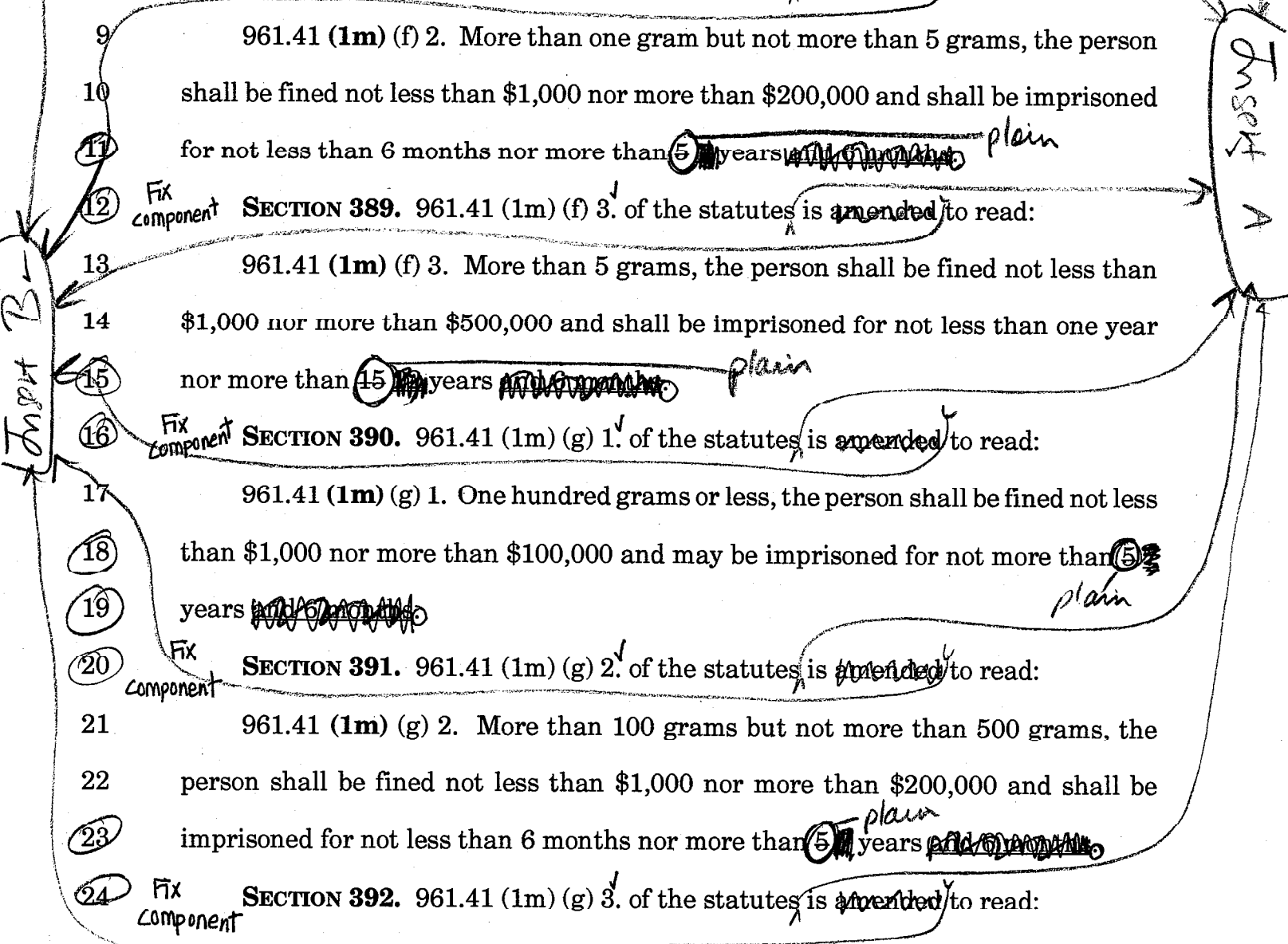
16 ^{Fix component} SECTION 390. 961.41 (1m) (g) 1. of the statutes is amended to read:

17 961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less
18 than \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ ^{plain}
19 years ~~and 6 months~~

20 ^{Fix component} SECTION 391. 961.41 (1m) (g) 2. of the statutes is amended to read:

21 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
22 person shall be fined not less than \$1,000 nor more than \$200,000 and shall be
23 imprisoned for not less than 6 months nor more than ~~5~~ ^{plain} years ~~and 6 months~~

24 ^{Fix component} SECTION 392. 961.41 (1m) (g) 3. of the statutes is amended to read:



1 961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than
2 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
3 nor more than ~~15~~^{plain} years ~~and shall be~~

Fix component

4 SECTION 393. 961.41 (1m) (h) 1. of the statutes is amended to read:

5 961.41 (1m) (h) 1. Five hundred grams or less, or 10 or fewer plants containing
6 tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than
7 \$25,000 and may be imprisoned for not more than ~~3~~^{plain} years ~~and shall be~~

8 SECTION 394. 961.41 (1m) (h) 2. of the statutes is amended to read:

9 961.41 (1m) (h) 2. More than 500 grams but not more than 2,500 grams, or more
10 than 10 plants containing tetrahydrocannabinols but not more than 50 plants
11 containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor
12 more than \$50,000 and shall be imprisoned for not less than 3 months nor more than

Insert B

13 ~~5~~ years ~~and shall be~~

14 SECTION 395. 961.41 (1m) (h) 3. of the statutes is amended to read:

15 961.41 (1m) (h) 3. More than 2,500 grams, or more than 50 plants containing
16 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than
17 \$100,000 and shall be imprisoned for not less than one year nor more than ~~10~~^{plain}
18 years.

Insert A

19 SECTION 396. 961.41 (1m) (i) of the statutes is amended to read:

20 961.41 (1m) (i) A substance included in schedule IV, may be fined not more than
21 \$10,000 or imprisoned for not more than ~~3~~^{plain} years ~~and shall be~~

22 SECTION 397. 961.41 (1m) (j) of the statutes is amended to read:

23 961.41 (1m) (j) A substance included in schedule V, may be fined not more than
24 \$5,000 or imprisoned for not more than ~~one year~~^{plain} ~~and shall be~~

25 SECTION 398. 961.41 (1n) (c) of the statutes is amended to read:

1 961.41 (1n) (c) A person who violates par. (a) or (b) may be fined not more than
2 \$250,000 or imprisoned for not more than 10 ^{plain} years or both.

3 ^{Fix Component} SECTION 399. 961.41 (2) (a) of the statutes is amended to read:

4 961.41 (2) (a) A counterfeit substance included in schedule I or II which is a
5 narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than
6 ~~15~~ ^{plain} years ~~and~~ or both.

7 ^{Fix Component} SECTION 400. 961.41 (2) (b) of the statutes is amended to read:

8 961.41 (2) (b) Any other counterfeit substance included in schedule I, II or III,
9 may be fined not more than \$15,000 or imprisoned for not more than 5 ~~3~~ ^{plain} years ~~and~~
10 ~~or~~ or both.

11 ^{Fix Component} SECTION 401. 961.41 (2) (c) of the statutes is amended to read:

12 961.41 (2) (c) A counterfeit substance included in schedule IV, may be fined not
13 more than \$10,000 or imprisoned for not more than 3 ^{plain} years ~~and~~ or both.

14 ^{Fix Component} SECTION 402. 961.41 (2) (d) of the statutes is amended to read:

15 961.41 (2) (d) A counterfeit substance included in schedule V, may be fined not
16 more than \$5,000 or imprisoned for not more than one year ^{plain} ~~and~~ or both.

17 ^{Fix Component} SECTION 403. 961.41 (3g) (a) 1. of the statutes is amended to read:

18 961.41 (3g) (a) 1. Except as provided in subd. 2., if the person possesses a
19 controlled substance included in schedule I or II which is a narcotic drug or possesses
20 a controlled substance analog of a controlled substance included in schedule I or II
21 which is a narcotic drug, the person may, upon a first conviction, be fined not more
22 than \$5,000 or imprisoned for not more than one year ^{plain} ~~and~~ or both, and for a 2nd or
23 subsequent offense, the person may be fined not more than \$10,000 or imprisoned
24 for not more than 2 ^{plain} years or both.

25 ^{Fix Component} SECTION 404. 961.41 (3g) (a) 2. of the statutes is amended to read:

Insert A

Fix
Component

Insert B

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1 961.41 (3g) (a) 2. If the person possesses or attempts to possess heroin or a
2 controlled substance analog of heroin, the person may be fined not more than \$5,000
3 or imprisoned for not more than ~~one year~~ ^{plain} ~~years~~ or both.

4 SECTION 405. 961.41 (4) (am) 3. of the statutes is ~~amended~~ ^{amended} to read:

5 961.41 (4) (am) 3. A person convicted of violating this paragraph may be fined
6 not more than \$5,000 or imprisoned for not more than ~~one year~~ ^{plain} ~~years~~ or both.

7 Fix SECTION 406. 961.42 (2) of the statutes is ~~amended~~ ^{amended} to read:

8 961.42 (2) Any person who violates this section may be fined not more than
9 \$25,000 or imprisoned not more than ~~one year~~ ^{plain} ~~years~~ or both.

10 Fix SECTION 407. 961.43 (2) of the statutes is ~~amended~~ ^{amended} to read:

11 961.43 (2) Any person who violates this section may be fined not more than
12 \$30,000 or imprisoned not more than ~~4~~ ^{plain} ~~years~~ or both.

13 Fix SECTION 408. 961.455 (1) of the statutes is ~~amended~~ ^{amended} to read:

14 961.455 (1) Any person who has attained the age of 17 years who knowingly
15 solicits, hires, directs, employs or uses a person who is 17 years of age or under for
16 the purpose of violating s. 961.41 (1) may be fined not more than \$50,000 or
17 imprisoned for not more than ~~10~~ ^{plain} ~~years~~ or both.

18 SECTION 409. 961.49 (2) (a) of the statutes is amended to read:

19 961.49 (2) (a) Except as provided in par. (b), if any person violates s. 961.41 (1)
20 by delivering or distributing, or violates s. 961.41 (1m) by possessing with intent to
21 deliver or distribute, a controlled substance included in schedule I or II or a
22 controlled substance analog of a controlled substance included in schedule I or II
23 while in or on the premises of a scattered-site public housing project, while in or on
24 or otherwise within 1,000 feet of a state, county, city, village or town park, a jail or
25 correctional facility, a multiunit public housing project, a swimming pool open to

INS
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1 members of the public, a youth center or a community center, while in or on or
 2 otherwise within 1,000 feet of any private or public school premises or while in or on
 3 or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court
 4 shall sentence the person to at least 3 years in prison, but otherwise the penalties
 5 for the crime apply. Except as provided in s. 961.438, the court shall not place the
 6 person on probation. ~~The Except as provided in s. 973.01 (6),~~ ^{The} the person is not eligible
 7 for parole until he or she has served at least 3 years, with no modification by the
 8 calculation under s. 302.11 (1).

9 **SECTION 410.** 961.49 (2) (b) of the statutes is amended to read:
 10 961.49 (2) (b) If the conduct described in par. (a) involves only the delivery or
 11 distribution, or the possession with intent to deliver or distribute, of not more than
 12 25 grams of tetrahydrocannabinols, included in s. 961.14 (4) (t), or not more than 5
 13 plants containing tetrahydrocannabinols, the court shall sentence the person to at
 14 least one year in prison, but otherwise the penalties for the crime apply. Except as
 15 provided in s. 961.438, the court shall not place the person on probation. ~~Except~~ ^{strike}
 16 ~~as provided in s. 973.01 (6),~~ ^{strike} ~~the~~ ^{The} person is not eligible for parole until he or she has
 17 served at least one year, with no modification by the calculation under s. 302.11 (1).

18 ^{Fix Component} **SECTION 411.** 968.31 (1) (intro.) of the statutes ^{insert A} is amended ^{insert B} to read:
 19 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
 20 968.28 to 968.30, whoever commits any of the acts enumerated in this section may
 21 be fined not more than \$10,000 or imprisoned for not more than ~~5~~ ⁵ years ~~and~~ ^{or}
 22 ~~both~~ ^{or both:}

23 ^{Fix Component} **SECTION 412.** 968.34 (3) of the statutes is amended to read:
 24 968.34 (3) Whoever knowingly violates sub. (1) shall be fined not more than
 25 \$10,000 or imprisoned ~~for~~ not more than ~~one year~~ ^{plan} ~~and~~ or both.

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1 SECTION 413. 968.43 (3) of the statutes, as affected by 1996 Supreme Court
 2 ~~Order 96-08~~, is repealed and recreated to read: 1997 Wisconsin Act 283

3 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
 4 may be imprisoned for not more than ⁹⁽⁵⁾ ~~4~~ years ~~and~~ stays

5 SECTION 414. 969.01 (4) of the statutes is amended to read:

6 969.01 (4) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. If bail is imposed,
 7 it shall be only in the amount found necessary to assure the appearance of the
 8 defendant. Conditions of release, other than monetary conditions, may be imposed
 9 for the purpose of protecting members of the community from serious bodily harm
 10 or preventing intimidation of witnesses. Proper considerations in determining
 11 whether to release the defendant without bail, fixing a reasonable amount of bail or
 12 imposing other reasonable conditions of release are: the ability of the arrested person
 13 to give bail, the nature, number and gravity of the offenses and the potential penalty
 14 the defendant faces, whether the alleged acts were violent in nature, the defendant's
 15 prior record of criminal convictions and delinquency adjudications, if any, the
 16 character, health, residence and reputation of the defendant, the character and
 17 strength of the evidence which has been presented to the judge, whether the
 18 defendant is currently on probation, ~~extended supervision~~ ^{strike} or parole, whether the
 19 defendant is already on bail or subject to other release conditions in other pending
 20 cases, whether the defendant has been bound over for trial after a preliminary
 21 examination, whether the defendant has in the past forfeited bail or violated a
 22 condition of release or was a fugitive from justice at the time of arrest, and the policy
 23 against unnecessary detention of the defendant's pending trial.

24 SECTION 415. 971.11 (1) of the statutes is amended to read:

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1 971.11 (1) Whenever the warden or superintendent receives notice of an
 2 untried criminal case pending in this state against an inmate of a state prison, the
 3 warden or superintendent shall, at the request of the inmate, send by certified mail
 4 a written request to the district attorney for prompt disposition of the case. The
 5 request shall state the sentence then being served, the date of parole eligibility, if
 6 applicable, ^{plain comma} ~~or the date of release to extended supervision~~ ^{strike}, the approximate discharge
 7 or conditional release date, and prior decision relating to parole. If there has been
 8 no preliminary examination on the pending case, the request shall state whether the
 9 inmate waives such examination, and, if so, shall be accompanied by a written
 10 waiver signed by the inmate.

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(11)

SECTION 416. 972.13 (6) of the statutes is amended to read:

972.13 (6) The following forms may be used for judgments:

STATE OF WISCONSIN

.... County

In.... Court

The State of Wisconsin

vs.

....(Name of defendant)

UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

IT IS ADJUDGED That the defendant has been convicted upon the defendant's
 plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)
 (no contest) on the.... day of...., 19.., of the crime of.... in violation of s....; and the court
 having asked the defendant whether the defendant has anything to state why
 sentence should not be pronounced, and no sufficient grounds to the contrary being
 shown or appearing to the court.

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~~*IT IS ADJUDGED That the defendant is guilty as convicted.~~

~~*IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin state prisons (county jail of.... county) for an indeterminate term of not more than....~~

~~*IT IS ADJUDGED That the defendant is ordered to serve a bifurcated sentence consisting of year(s) of confinement in prison and months/years of extended supervision.~~

*IT IS ADJUDGED That the defendant is placed in the intensive sanctions program subject to the limitations of section 973.032 (3) of the Wisconsin Statutes and the following conditions:....

*IT IS ADJUDGED That the defendant is hereby committed to detention in (the defendant's place of residence or place designated by judge) for a term of not more than....

*IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the costs of this action).

*IT IS ADJUDGED That the defendant pay restitution to....

*IT IS ADJUDGED That the defendant is restricted in his or her use of computers as follows:....

*The.... at.... is designated as the Reception Center to which the defendant shall be delivered by the sheriff.

*IT IS ORDERED That the clerk deliver a duplicate original of this judgment to the sheriff who shall forthwith execute the same and deliver it to the warden.

Dated this.... day of...., 19....

BY THE COURT....

Date of Offense....,

District Attorney....,

1 Defense Attorney...
 2 *Strike inapplicable paragraphs.
 3 STATE OF WISCONSIN
 4 County
 5 In.... Court
 6 The State of Wisconsin
 7 vs.
 8(Name of defendant)
 9 On the.... day of...., 19.., the district attorney appeared for the state and the
 10 defendant appeared in person and by.... the defendant's attorney.
 11 UPON ALL THE FILES, RECORDS AND PROCEEDINGS
 12 IT IS ADJUDGED That the defendant has been found not guilty by the verdict
 13 of the jury (by the court) and is therefore ordered discharged forthwith.
 14 Dated this.... day of...., 19...
 15 BY THE COURT...

16 *Fix Component* SECTION 417. 972.15 (2c)^v of the statutes is ~~created to read~~ **repealed.**

17 972.15 (2c) If the defendant is being sentenced under s. 973.01 and he or she
 18 satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing the
 19 presentence investigation report shall include in the report a recommendation as to
 20 whether the defendant should be eligible for the challenge incarceration program
 21 under s. 302.045.

22 SECTION 418. 972.15 (5) (intro.)^v of the statutes is amended to read:

23 972.15 (5) (intro.) The department may use the presentence investigation
 24 report for correctional programming, parole consideration or care and treatment of
 25 any person sentenced to imprisonment or the intensive sanctions program, placed

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1 on probation, released on parole ~~or extended supervision~~ ^{strike} or committed to the
2 department under ch. 51 or 971 or any other person in the custody of the department
3 or for research purposes. The department may make the report available to other
4 agencies or persons to use for purposes related to correctional programming, parole
5 consideration, care and treatment, or research. Any use of the report under this
6 subsection is subject to the following conditions:

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7 SECTION 419. 973.01^v of the statutes is ~~created to read~~ repealed.

8 **973.01 Bifurcated sentence of imprisonment and extended**
9 **supervision.** (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
10 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
11 for a felony committed on or after December 31, 1999, the court shall impose a
12 bifurcated sentence that consists of a term of confinement in prison followed by a
13 term of extended supervision under s. 302.113.

14 (2) STRUCTURE OF BIFURCATED SENTENCES. The court shall ensure that a
15 bifurcated sentence imposed under sub. (1) complies with all of the following:

16 (a) *Total length of bifurcated sentence.* Except as provided in par. (c), the total
17 length of the bifurcated sentence may not exceed the maximum period of
18 imprisonment for the felony.

19 (b) *Imprisonment portion of bifurcated sentence.* The portion of the bifurcated
20 sentence that imposes a term of confinement in prison may not be less than one year,
21 subject to any minimum sentence prescribed for the felony, and, except as provided
22 in par. (c), may not exceed whichever of the following is applicable:

23 1. For a Class B felony, the term of confinement in prison may not exceed 40
24 years.

1 2. For a Class BC felony, the term of confinement in prison may not exceed 20
2 years.

3 3. For a Class C felony, the term of confinement in prison may not exceed 10
4 years.

5 4. For a Class D felony, the term of confinement in prison may not exceed 5
6 years.

7 5. For a Class E felony, the term of confinement in prison may not exceed 2
8 years.

9 6. For any felony other than a felony specified in subds. 1. to 5., the term of
10 confinement in prison may not exceed 75% of the total length of the bifurcated
11 sentence.

12 (c) *Penalty enhancement.* The maximum term of confinement in prison
13 specified in par. (b) may be increased by any applicable penalty enhancement. If the
14 maximum term of confinement in prison specified in par. (b) is increased under this
15 paragraph, the total length of the bifurcated sentence that may be imposed is
16 increased by the same amount.

17 (d) *Minimum term of extended supervision.* The term of extended supervision
18 that follows the term of confinement in prison may not be less than 25% of the length
19 of the term of confinement in prison imposed under par. (b).

20 **(3) NOT APPLICABLE TO LIFE SENTENCES.** If a person is being sentenced for a felony
21 that is punishable by life imprisonment, he or she is not subject to this section but
22 shall be sentenced under s. 973.014 (1g).

23 **(3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY.** When imposing a
24 bifurcated sentence under this section on a person convicted of a crime other than
25 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,

1 948.07, 948.08 or 948.095, the court shall, as part of the exercise of its sentencing
2 discretion, decide whether the person being sentenced is eligible or ineligible for the
3 challenge incarceration program under s. 302.045 during the term of confinement in
4 prison portion of the bifurcated sentence.

5 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A person
6 sentenced to a bifurcated sentence under sub. (1) shall serve the term of confinement
7 in prison portion of the sentence without reduction for good behavior. The term of
8 confinement in prison portion is subject to extension under s. 302.113 (3) and, if
9 applicable, to reduction under s. 302.045 (3m).

10 (5) EXTENDED SUPERVISION CONDITIONS. Whenever the court imposes a
11 bifurcated sentence under sub. (1), the court may impose conditions upon the term
12 of extended supervision.

13 (6) NO PAROLE. A person serving a bifurcated sentence imposed under sub. (1)
14 is not eligible for release on parole.

15 (7) NO DISCHARGE. The department of corrections may not discharge a person
16 who is serving a bifurcated sentence from custody, control and supervision until the
17 person has served the entire bifurcated sentence.

18 (8) EXPLANATION OF SENTENCE. (a) When a court imposes a bifurcated sentence
19 under this section, it shall explain, orally and in writing, all of the following to the
20 person being sentenced:

- 21 1. The total length of the bifurcated sentence.
- 22 2. The amount of time the person will serve in prison under the term of
- 23 confinement in prison portion of the sentence.

1 3. The amount of time the person will spend on extended supervision, assuming
2 that the person does not commit any act that results in the extension of the term of
3 confinement in prison under s. 302.113 (3).

4 4. That the amount of time the person must actually serve in prison may be
5 extended as provided under s. 302.113 (3) and that because of extensions under s.
6 302.113 (3) the person could serve the entire bifurcated sentence in prison.

7 5. That the person will be subject to certain conditions while on release to
8 extended supervision, and that violation of any of those conditions may result in the
9 person being returned to prison, as provided under s. 302.113 (9).

10 (am) If the court provides under sub. (3m) that the person is eligible for the
11 challenge incarceration program, the court shall also inform the person of the
12 provisions of s. 302.045 (3m).

13 (b) The court's explanation under par. (a) 3. of a person's potential period of
14 extended supervision does not create a right to a minimum period of extended
15 supervision.

16 SECTION 420. 973.013 (1) (b) of the statutes is amended to read:

17 973.013 (1) (b) ~~The~~ ^e ~~Except as provided in s. 973.01,~~ ^{strike} ~~the~~ ^{The} sentence shall have the
18 effect of a sentence at hard labor for the maximum term fixed by the court, subject
19 to the power of actual release from confinement by parole by the department or by
20 pardon as provided by law. If a person is sentenced for a definite time for an offense
21 for which the person may be sentenced under this section, the person is in legal effect
22 sentenced as required by this section, said definite time being the maximum period.
23 A defendant convicted of a crime for which the minimum penalty is life shall be
24 sentenced for life.

25 SECTION 421. 973.013 (2) of the statutes is amended to read:

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1 973.013 (2) Upon the recommendation of the department, the governor may,
 2 without the procedure required by ch. 304, discharge absolutely, or upon such
 3 conditions and restrictions and under such limitation as the governor thinks proper,
 4 any inmate committed to the Wisconsin state prisons after he or she has served the
 5 minimum term of punishment prescribed by law for the offense for which he or she
 6 was sentenced, except that if the term was life imprisonment, 5 years must elapse
 7 after ^{plain} ~~release on~~ parole ^{strike} ~~or extended supervision~~ before such a recommendation can
 8 be made to the governor. The discharge has the effect of an absolute or conditional
 9 pardon, respectively.

10 **SECTION 422.** 973.0135 (2) (intro.) of the statutes is amended to read:

11 973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a
 12 prior offender to imprisonment in a state prison for a serious felony committed on or
 13 after April 21, 1994, ^{plain comma} ~~but before December 31, 1999,~~ ^{strike} the court shall make a parole
 14 eligibility determination regarding the person and choose one of the following
 15 options:

16 **SECTION 423.** 973.014 (title) of the statutes is amended to read:

17 **973.014 (title) Sentence of life imprisonment; parole eligibility**
 18 ~~**determination; extended supervision eligibility determination.**~~ ^{strike} ^{plain period}

19 **SECTION 424.** 973.014 (1) (intro.) of the statutes is amended to read:

20 973.014 (1) (intro.) Except as provided in sub. (2), when a court sentences a
 21 person to life imprisonment for a crime committed on or after July 1, 1988, ^{plain comma} ~~but before~~ ^{strike}
 22 ~~December 31, 1999,~~ ^{strike} the court shall make a parole eligibility determination
 23 regarding the person and choose one of the following options:

24 **SECTION 425.** 973.014 (1) (c) of the statutes is amended to read:

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1 973.014 (1) (c) The person is not eligible for parole. This paragraph applies only
2 if the court sentences a person for a crime committed on or after August 31, 1995, ~~but~~ ^{strike}
3 ~~before December 31, 1999.~~ ^{strike}

4 SECTION 426. 973.014 (1g) of the statutes is ~~created to read~~ ^{repealed}

5 973.014 (1g) (a) Except as provided in sub. (2), when a court sentences a person
6 to life imprisonment for a crime committed on or after December 31, 1999, the court
7 shall make an extended supervision eligibility date determination regarding the
8 person and choose one of the following options:

9 1. The person is eligible for release to extended supervision after serving 20
10 years.

11 2. The person is eligible for release to extended supervision on a date set by the
12 court. Under this subdivision, the court may set any later date than that provided
13 in subd. 1., but may not set a date that occurs before the earliest possible date under
14 subd. 1.

15 3. The person is not eligible for release to extended supervision.

16 (b) When sentencing a person to life imprisonment under par. (a), the court
17 shall inform the person of the provisions of s. 302.114 (3) and the procedure for
18 petitioning under s. 302.114 (5) for release to extended supervision.

19 (c) A person sentenced to life imprisonment under par. (a) is not eligible for
20 release on parole.

21 SECTION 427. 973.014 (2) of the statutes is amended to read:

22 973.014 (2) When a court sentences a person to life imprisonment under s.
23 939.62 (2m), ^{plain → (c) ✓} the court shall provide that the sentence is without the possibility of
24 parole ~~or extended supervision.~~ ^{strike}

25 SECTION 428. 973.032 (1) of the statutes is amended to read:

1 973.032 (1) SENTENCE. Beginning July 1, 1992, a court may sentence a person
 2 who is convicted of a felony occurring on or after August 15, 1991, ^{strike} ~~but before~~
 3 ~~December 31, 1999,~~ ^{strike} to participate in the intensive sanctions program under s.
 4 301.048. ~~If a person is convicted of a felony occurring on or after December 31, 1999,~~ ^{strike}
 5 ~~a court may not sentence the person to participate in the intensive sanctions program~~ ^{strike}
 6 ~~under s. 301.048.~~ ^{strike}

7 SECTION 429. 973.10 (1) of the statutes is amended to read:

8 973.10 (1) Imposition of probation shall have the effect of placing the defendant
 9 in the custody of the department and shall subject the defendant to the control of the
 10 department under conditions set by the court and rules and regulations established
 11 by the department for the supervision of probationers ^{strike comma} ~~and~~ ^{and} ~~parolees and persons on~~ ^{strike}
 12 ~~extended supervision.~~ ^{strike}

13 SECTION 430. 973.15 (2) (b) of the statutes is amended to read:

14 973.15 (2) (b) The court may not impose a sentence to the intensive sanctions
 15 program consecutive to any other sentence. The court may not impose a sentence to
 16 the intensive sanctions program concurrent with a sentence imposing
 17 imprisonment, except that the court may impose a sentence to the program
 18 concurrent with an imposed and stayed imprisonment sentence or with a prison
 19 sentence for which the offender has been released on ~~extended supervision or parole.~~ ^{strike}
 20 The court may impose concurrent intensive sanctions program sentences. The court
 21 may impose an intensive sanctions program sentence concurrent to probation. The
 22 court may impose any sentence for an escape from a sentence to the intensive
 23 sanctions program concurrent with the sentence to the intensive sanctions program.

24 SECTION 431. 973.15 (6) of the statutes is amended to read:

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1 973.15 (6) Sections 302.11 and 304.06 are applicable to an inmate serving a
 2 sentence to the Wisconsin state prisons ~~for a crime committed before~~^{strike}
 3 ~~December 31, 1999~~^{strike} but confined in a federal institution or an institution in another
 4 state.

5 **SECTION 432.** 973.155 (1) (b) [✓] of the statutes is amended to read:

6 973.155 (1) (b) The categories in par. (a) include custody of the convicted
 7 offender which is in whole or in part the result of a probation, ~~extended supervision~~^{strike}
 8 or parole hold under s. 304.06 (3) or 973.10 (2) placed upon the person for the same
 9 course of conduct as that resulting in the new conviction.

10 **SECTION 433.** 973.155 (2) [✓] of the statutes is amended to read:

11 973.155 (2) After the imposition of sentence, the court shall make and enter a
 12 specific finding of the number of days for which sentence credit is to be granted,
 13 which finding shall be included in the judgment of conviction. In the case of
 14 revocation of probation, ~~extended supervision~~^{strike} or parole, the department, if the
 15 hearing is waived, or the division of hearings and appeals in the department of
 16 administration, in the case of a hearing, shall make such a finding, which shall be
 17 included in the revocation order.

18 **SECTION 434.** 973.155 (5) [✓] of the statutes is amended to read:

19 973.155 (5) If this section has not been applied at sentencing to any person who
 20 is in custody or to any person who is on probation, ~~extended supervision~~^{strike} or parole,
 21 the person may petition the department to be given credit under this section. Upon
 22 proper verification of the facts alleged in the petition, this section shall be applied
 23 retroactively to the person. If the department is unable to determine whether credit
 24 should be given, or otherwise refuses to award retroactive credit, the person may

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1 petition the sentencing court for relief. This subsection applies to any person,
2 regardless of the date he or she was sentenced.

3 SECTION 435. 973.20 (1r) of the statutes is amended to read:

4 973.20 (1r) When imposing sentence or ordering probation for any crime for
5 which the defendant was convicted, the court, in addition to any other penalty
6 authorized by law, shall order the defendant to make full or partial restitution under
7 this section to any victim of a crime considered at sentencing or, if the victim is
8 deceased, to his or her estate, unless the court finds substantial reason not to do so
9 and states the reason on the record. Restitution ordered under this section is a
10 condition of probation, ~~extended supervision~~^{strike} or parole served by the defendant for
11 a crime for which the defendant was convicted. After the termination of probation,
12 ~~extended supervision~~^{strike} or parole, or if the defendant is not placed on probation,
13 ~~extended supervision~~^{strike} or parole, restitution ordered under this section is enforceable
14 in the same manner as a judgment in a civil action by the victim named in the order
15 to receive restitution or enforced under ch. 785.

16 SECTION 436. 973.20 (10) of the statutes is amended to read:

17 973.20 (10) The court may require that restitution be paid immediately, within
18 a specified period or in specified instalments. If the defendant is placed on probation
19 or sentenced to imprisonment, the end of a specified period shall not be later than
20 the end of any period of probation, ~~extended supervision~~^{strike} or parole. If the defendant
21 is sentenced to the intensive sanctions program, the end of a specified period shall
22 not be later than the end of the sentence under s. 973.032 (3) (a).

23 SECTION 437. 975.10 (1) of the statutes is amended to read:

24 975.10 (1) Any person committed as provided in this chapter may be paroled
25 if it appears to the satisfaction of the department of health and family services after

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1 recommendation by a special review board, appointed by the department, a majority
 2 of whose members shall not be connected with the department, that the person is
 3 capable of making an acceptable adjustment in society. Before a person is released
 4 on parole under this section, the department of health and family services shall so
 5 notify the municipal police department and county sheriff for the area where the
 6 person will be residing. The notification requirement does not apply if a municipal
 7 department or county sheriff submits to the department of health and family services
 8 a written statement waiving the right to be notified. Probation, ~~extended~~^{strike}
 9 ~~supervision~~^{strike} and parole agents of the department of corrections shall supervise
 10 persons paroled under this section.

11 **SECTION 438.** 976.03 (3) of the statutes is amended to read:

12 976.03 (3) FORM OF DEMAND. No demand for the extradition of a person charged
 13 with a crime in another state shall be recognized by the governor unless in writing
 14 alleging, except in cases arising under sub. (6), that the accused was present in the
 15 demanding state at the time of the commission of the alleged crime, and that
 16 thereafter the accused fled from the state, and accompanied by a copy of an
 17 indictment found or by an information supported by affidavit in the state having
 18 jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there,
 19 together with a copy of any warrant which was issued thereon; or by a copy of a
 20 judgment of conviction or of a sentence imposed in execution thereof, together with
 21 a statement by the executive authority of the demanding state that the person
 22 claimed has escaped from confinement or has broken the terms of the person's bail,
 23 probation, ~~extended supervision~~^{strike} or parole. The indictment, information or affidavit
 24 made before the magistrate must substantially charge the person demanded with
 25 having committed a crime under the law of that state; and the copy of indictment,

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1 information, affidavit, judgment of conviction or sentence must be authenticated by
2 the executive authority making the demand.

3 **SECTION 439.** 976.03 (13)[✓] of the statutes is amended to read:

4 976.03 (13) ARREST PRIOR TO REQUISITION. Whenever any person within this
5 state shall be charged on the oath of any credible person before any judge of this state
6 with the commission of any crime in any other state and, except in cases arising
7 under sub. (6), with having fled from justice, or with having been convicted of a crime
8 in that state and having escaped from confinement, or having broken the terms of
9 his or her bail, probation, ~~extended supervision~~^{strike} or parole, or whenever complaint
10 shall have been made before any judge in this state setting forth on the affidavit of
11 any credible person in another state that a crime has been committed in such other
12 state and that the accused has been charged in such state with the commission of the
13 crime, and, except in cases arising under sub. (6), has fled from justice, or with having
14 been convicted of a crime in that state and having escaped from confinement, or
15 having broken the terms of his or her bail, probation, ~~extended supervision~~^{strike} or parole,
16 and is believed to be in this state, the judge shall issue a warrant directed to any
17 peace officer commanding the officer to apprehend the person named therein,
18 wherever the person may be found in this state, and to bring the person before the
19 same or any other judge or court who or which may be available in or convenient of
20 access to the place where the arrest may be made, to answer the charge or complaint
21 and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon
22 which the warrant is issued shall be attached to the warrant.

23 **SECTION 440.** 976.03 (22)[✓] of the statutes is amended to read:

24 976.03 (22) FUGITIVES FROM THIS STATE, DUTY OF GOVERNOR. Whenever the
25 governor of this state shall demand a person charged with crime or with escaping

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from confinement or breaking the terms of his or her bail, probation, ^{strike}~~extended~~
~~supervision~~ or parole in this state from the executive authority of any other state, or
 from the chief justice or an associate justice of the district court of the United States
 for the District of Columbia authorized to receive such demand under the laws of the
 United States, the governor shall issue a warrant under the seal of this state, to some
 agent, commanding the agent to receive the person so charged if delivered to the
 agent and convey the person to the proper officer of the county in this state in which
 the offense was committed.

SECTION 441. 976.03 (23) (b) of the statutes is amended to read:

976.03 (23) (b) When the return to this state is required of a person who has
 been convicted of a crime in this state and has escaped from confinement or broken
 the terms of his or her bail, probation, ^{strike}~~extended supervision~~ or parole, the
 prosecuting attorney of the county in which the offense was committed, the secretary
 of corrections, or the warden of the institution or sheriff of the county from which
 escape was made, shall present to the governor a written application for a requisition
 for the return of the person, in which application shall be stated the name of the
 person, the crime of which the person was convicted, the circumstances of escape
 from confinement or of the breach of the terms of bail, probation, ^{strike}~~extended~~
~~supervision~~ or parole, and the state in which the person is believed to be, including
 the location of the person therein at the time application is made.

SECTION 442. 976.03 (27) (a) of the statutes is amended to read:

976.03 (27) (a) Any person arrested in this state charged with having
 committed any crime in another state or alleged to have escaped from confinement,
 or broken the terms of his or her bail, probation, ^{strike}~~extended supervision~~ or parole may
 waive the issuance and service of the warrant provided for in subs. (7) and (8) and

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1 all other procedure incidental to extradition proceedings, by executing or subscribing
2 in the presence of a judge of any court of record within this state a writing which
3 states that the person consents to return to the demanding state; however, before
4 such waiver shall be executed or subscribed by such person the judge shall inform
5 such person of the person's rights to the issuance and service of a warrant of
6 extradition and to commence an action for habeas corpus as provided in sub. (10).

7 **SECTION 443.** 976.05 (3) (a) of the statutes is amended to read:

8 976.05 (3) (a) Whenever a person has entered upon a term of imprisonment in
9 a penal or correctional institution of a party state, and whenever during the
10 continuance of the term of imprisonment there is pending in any other party state
11 any untried indictment, information or complaint on the basis of which a detainer
12 has been lodged against the prisoner, the prisoner shall be brought to trial within 180
13 days after the prisoner has caused to be delivered to the prosecuting officer and the
14 appropriate court of the prosecuting officer's jurisdiction written notice of the place
15 of his or her imprisonment and his or her request for a final disposition to be made
16 of the indictment, information or complaint, but for good cause shown in open court,
17 the prisoner or the prisoner's counsel being present, the court having jurisdiction of
18 the matter may grant any necessary or reasonable continuance. The request of the
19 prisoner shall be accompanied by a certificate of the appropriate official having
20 custody of the prisoner, stating the term of commitment under which the prisoner is
21 being held, the time already served, the time remaining to be served on the sentence,
22 the amount of good time earned, the time of parole eligibility ~~or date of release to~~^{strike}
23 ~~extended supervision~~^{strike} of the prisoner and any decisions of the department relating
24 to the prisoner.

25 **SECTION 444.** 976.05 (4) (b) of the statutes is amended to read:

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1 976.05 (4) (b) Upon receipt of the officer's written request under par. (a), the
 2 appropriate authorities having the prisoner in custody shall furnish the officer with
 3 a certificate stating the term of commitment under which the prisoner is being held,
 4 the time already served, the time remaining to be served on the sentence, the amount
 5 of good time earned, the time of parole eligibility ~~or date of release to extended~~^{strike}
 6 ~~supervision~~^{strike} of the prisoner, and any decisions of the state parole agency relating to
 7 the prisoner. Said authorities simultaneously shall furnish all other officers and
 8 appropriate courts in the receiving state who lodged detainers against the prisoner
 9 with similar certificates and with notices informing them of the request for custody
 10 or availability and of the reasons therefor.

11 SECTION 445. 977.05 (6) (h) (intro.)[✓] of the statutes is amended to read:

12 977.05 (6) (h) (intro.) The state public defender may not provide legal services
 13 or assign counsel in parole ~~or extended supervision~~^{strike} revocation proceedings unless all
 14 of the following apply:

15 SECTION 446. 977.05 (6) (h) 1.[✓] of the statutes is amended to read:

16 977.05 (6) (h) 1. The parolee ~~or person on extended supervision~~^{strike} is contesting
 17 the revocation of parole ~~or extended supervision~~^{strike}.

18 SECTION 447. 977.05 (6) (h) 2.[✓] of the statutes is amended to read:

19 977.05 (6) (h) 2. The department of corrections seeks to have the parolee ~~or~~^{strike}
 20 ~~person on extended supervision~~^{strike} imprisoned upon the revocation of parole ~~or~~^{strike}
 21 ~~extended supervision~~^{strike}.

as affected by 1997 Wisconsin Act 283,
 repealed and recreated

22 ^{Fix component} SECTION 448. 977.06 (2) (b)[✓] of the statutes is amended to read:

23 977.06 (2) (b) A person who makes a false representation that he or she does
 24 not believe is true for purposes of qualifying for assignment of counsel shall be fined

① not more than \$10,000 or imprisoned for not more than ^{plain} 5 1/2 years ~~anywhere~~ or
2 both.

3 SECTION 449. 978.07 (1) (c) 1. of the statutes is amended to read:

4 978.07 (1) (c) 1. Any case record of a felony punishable by life imprisonment
5 or a related case, after the defendant's parole eligibility date under s. 304.06 (1) or
6 973.014 ^{strike} (1) or date of eligibility for release to extended supervision under s. 973.014
7 ~~(1g) (a) 1. or 2. whichever is applicable,~~ or 50 years after the commencement of the
8 action, whichever occurs later. If there is no parole eligibility date ^{strike} or no date for
9 ~~release to extended supervision,~~ ^{plain comma} the district attorney may destroy the case record
10 after the defendant's death.

11 SECTION 450. 980.015 (2) (a) ^{strike} of the statutes is amended to read:

12 980.015 (2) (a) The anticipated discharge from a sentence, anticipated release
13 on parole ^{strike} or extended supervision or anticipated release from imprisonment of a
14 person who has been convicted of a sexually violent offense.

15 SECTION 451. 980.02 (1) (b) 2. ^{strike} of the statutes is amended to read:

16 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
17 his or her discharge from a sentence, release on parole ^{strike} or extended supervision, ^{plain comma}
18 release from imprisonment, from a secured correctional facility, as defined in s.
19 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
20 from a commitment order.

21 SECTION 452. 980.02 (2) (ag) ^{strike} of the statutes, as affected by 1997 Wisconsin Act

22 ~~Assembly Bill 4100~~ is amended to read:

23 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole ^{strike}
24 ~~extended supervision~~ or otherwise, from a sentence that was imposed for a conviction
25 for a sexually violent offense, from a secured correctional facility, as defined in s.

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1 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), if the
2 person was placed in the facility for being adjudicated delinquent under s. 938.183
3 or 938.34 on the basis of a sexually violent offense or from a commitment order that
4 was entered as a result of a sexually violent offense.

5 SECTION 453. 980.02 (4) (am) of the statutes is amended to read:

6 980.02 (4) (am) The circuit court for the county in which the person will reside
7 or be placed upon his or her discharge from a sentence, release on parole ~~or extended~~^{strike}
8 ~~supervision.~~^{plain comma} release from imprisonment, from a secured correctional facility, as
9 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
10 (15g), or from a commitment order.

11 SECTION 454. Nonstatutory provisions.

12 (1) CRIMINAL PENALTIES STUDY COMMITTEE.

13 (a) In this subsection, "criminal code" means chapters 939 to 951 of the statutes.

14 (b) There is established a committee under section 15.01 (3) of the statutes
15 called the criminal penalties study committee consisting of the following members:

- 16 1. Two judges appointed by the supreme court.
- 17 2. The majority leader in each house, or his or her designee.
- 18 3. The minority leader in each house, or his or her designee.
- 19 4. One faculty member from the law school of the University of
20 Wisconsin-Madison appointed by the governor.
- 21 5. One faculty member from the law school of Marquette University appointed
22 by the governor.
- 23 6. The attorney general or his or her designee.
- 24 7. One current district attorney appointed by the attorney general.
- 25 8. The state public defender or his or her designee.

- 1 9. One representative of crime victims appointed by the attorney general.
- 2 10. One member of the criminal law section of the state bar appointed by the
- 3 governor.
- 4 11. One representative of law enforcement agencies appointed by the
- 5 governor.
- 6 12. Three public members appointed by the governor.
- 7 13. The secretary of corrections or his or her designee.
- 8 (c) The governor shall appoint one member of the committee to be chairperson
- 9 and one member of the committee to be reporter for the committee.
- 10 (d) The department of administration shall provide staff services to the
- 11 committee.
- 12 (e) The committee shall study the classification of criminal offenses in the
- 13 criminal code, the penalties for all felonies and Class A misdemeanors and issues
- 14 relating to the implementation of the changes in sentencing made by this act. In
- 15 addition, the committee shall make recommendations concerning all of the following:
- 16 1. Creating a uniform classification system for all felonies, including felonies
- 17 outside of the criminal code.
- 18 2. Classifying each felony and Class A misdemeanor in a manner that places
- 19 crimes of similar severity into the same classification.
- 20 3. Consolidating all felonies into a single criminal code.
- 21 4. The creation of a sentencing commission to promulgate advisory sentencing
- 22 guidelines for use by judges when imposing sentence under section 973.01 of the
- 23 statutes, as created by this act.
- 24 5. Temporary advisory sentencing guidelines for use by judges when imposing
- 25 sentence under section 973.01 of the statutes, as created by this act, during the

1 period before the promulgation of advisory sentencing guidelines by a sentencing
2 commission.

3 6. Changing the administrative rules of the department of corrections to
4 ensure that a person who violates a condition of extended supervision imposed as
5 part of a sentence under section 973.01 of the statutes, as created by this act, is
6 returned to prison promptly and for an appropriate period of time.

7 (f) No later than April 30, 1999, the committee shall submit a report of its
8 findings and recommendations to the legislature in the manner provided under
9 section 13.172 (2) of the statutes and to the governor. The report shall include any
10 proposed legislation that is necessary to implement the recommendations made by
11 the committee in its report.

12 (2) ATTORNEY PROJECT POSITION. The authorized FTE positions for the
13 department of administration are increased by 1.0 GPR attorney project position, to
14 be funded from the appropriation under section 20.505 (3) (c) of the statutes, for the
15 purpose of providing legal services to the criminal penalties study committee
16 established under subsection (1), for the period ending on April 30, 1999.

17 **SECTION 455. Initial applicability.**

A.R. & "A"

18 (1) ~~INCREASE IN~~ FELONY PENALTIES. The treatment of sections 11.61 (1) (a) ✓ and
19 (b) ✓, 12.60 (1) (a) ✓, 13.05 ✓, 13.06 ✓, 13.69 (6m) ✓, 23.33 (13) (cg) ✓, 26.14 (8) ✓, 29.971 (1) (c), (1m) ✓
20 (c) ✓, (11m) (a) ✓ and (11p) (a) ✓, 30.80 (2g) (b) ✓, (c) ✓ and (d) ✓ and (3m) ✓, 36.25 (6) (d) ✓, 47.03 (3) ✓
21 (d) ✓, 49.127 (8) (a) 2 ✓, (b) 2 ✓ and (c) ✓, 49.141 (7) (a) ✓ and (b) ✓, (9) (a) ✓ and (b) ✓ and (10) (b) ✓,
22 49.49 (1) (b) 1 ✓, (2) (a) ✓ and (b) ✓, (3) ✓, (3m) (b) ✓ and (4) (b) ✓, 49.95 (1) ✓, 51.15 (12) ✓, 55.06 (11) ✓
23 (am) ✓, 66.4025 (1) (b) ✓ and (c) ✓, 69.24 (1) (intro.) ✓, 70.47 (18) (a) ✓, 71.83 (2) (b) ✓, 86.192 (4) ✓,
24 97.43 (4) ✓, 97.45 (2) ✓, 100.171 (7) (b) ✓, 100.26 (2) ✓, (5) ✓ and (7) ✓, 101.143 (10) (b) ✓, 101.94 (8) ✓
25 (b) ✓, 102.835 (11) ✓ and (18) ✓, 102.85 (3) ✓, 108.225 (11) ✓ and (18) ✓, 114.20 (18) (c) ✓, 125.075 ✓

1 (2), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b) and (c), 132.20 (2),
 2 133.03 (1) and (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44
 3 (1), (1m), (2) and (8) (c), 139.95 (2) and (3), 146.345 (3), 146.35 (5), 146.60 (9) (am),
 4 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b) 1. and 2., 167.10 (9) (g), 175.20
 5 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6) (b), 215.12,
 6 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2),
 7 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.) and (c), 299.53 (4) (c)
 8 2., 302.095 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b),
 9 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a), (b), (c) and (d), 346.65 (5), 346.74
 10 (5) (b), (c) and (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2),
 11 551.58 (1), 552.19 (1), 553.52 (1) and (2), 562.13 (3) and (4), 565.50 (2) and (3), 601.64
 12 (4), 641.19 (4) (a) and (b), 765.30 (1) (intro.) and (2) (intro.), 768.07, 783.07, 939.50
 13 (3) (b), (bc), (c), (d) and (e), 939.615 (3) (b), 946.85 (1), 961.41 (1) (a), (b), (cm) 1., 2., 3., 4. and 5., (d)
 14 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1.,
 15 2. and 3., (i) and (j), (1m) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e)
 16 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1n)
 17 (c), (2) (a), (b), (c) and (d), (3g) (a) 1. and 2. and (4) (am) 3., 961.42 (2), 961.43 (2),
 18 961.455 (1), 968.31 (1) (intro.), 968.34 (3), 968.43 (3) and 977.06 (2) (b) of the statutes
 19 applies to offenses committed on or after the effective date of this subsection.

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20 **SECTION 456. Effective dates.** This act takes effect on the day after
 21 publication, except as follows:

22 (1) INCREASE IN FELONY PENALTIES. The treatment of sections 11.61 (1) (a) and
 23 (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.97 (1) (c), (1m)
 24 (c), (11m) (a) and (11p) (a), 30.80 (2g) (b), (c) and (d) and (3m), 36.25 (6) (d), 47.03 (3)
 25 (d), 49.127 (8) (a) 2., (b) 2. and (c), 49.141 (7) (a) and (b), (9) (a) and (b) and (10) (b),

29.97
29.97

1 49.49 (1) (b) 1., (2) (a) and (b), (3), (3m) (b) and (4) (b), 49.95 (1), 51.15 (12), 55.06 (11)
 2 (am), 66.4025 (1) (b) and (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4),
 3 97.43 (4), 97.45 (2), ^{100.171} ~~100.171~~ (7) (b), 100.26 (2), (5) and (7), 101.143 (10) (b), 101.94 (8)
 4 (b), 102.835 (11) and (18), 102.85 (3), 108.225 (11) and (18), 114.20 (18) (c), 125.075
 5 (2), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b) and (c), 132.20 (2),
 6 133.03 (1) and (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44
 7 (1), (1m), (2) and (8) (c), 139.95 (2) and (3), 146.345 (3), 146.35 (5), 146.60 (9) (am),
 8 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b) 1. and 2., 167.10 (9) (g), 175.20
 9 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6) (b), 215.12,
 10 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2),
 11 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.) and (c), 299.53 (4) (c)
 12 2., 302.095 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b),
 13 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a), (b), (c) and (d), 346.65 (5), 346.74
 14 (5) (b), (c) and (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2),
 15 551.58 (1), 552.19 (1), 553.52 (1) and (2), 562.13 (3) and (4), 565.50 (2) and (3), 601.64
 16 (4), 641.19 (4) (a) and (b), 765.30 (1) (intro.) and (2) (intro.), 768.07, 783.07, 939.50
 17 (3) (b), (bc), (c), (d) and (e), ^{939.615 (3) (b)} 946.85 (1), 961.41 (1) (a), (b), (cm) 1., 2., 3., 4. and 5., (d)
 18 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1.,
 19 2. and 3., (i) and (j), (1m) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e)
 20 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1n)
 21 (c), (2) (a), (b), (c) and (d), (3g) (a) 1. and 2. and (4) (am) 3., 961.42 (2), 961.43 (2),
 22 961.455 (1), 968.31 (1) (intro.), 968.34 (3), 968.43 (3) and 977.06 (2) (b) of the statutes
 23 and SECTION 455 (1) of this act take effect on December 31, 1999.

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 and (2)

or on the day
 after publication,
 whichever is
 later

1 (2) MISCELLANEOUS PROVISIONS. The repeal and recreation of sections ~~302.11(1)~~
2 and ~~304.06(1)(b)~~ of the statutes takes effect on September 1, 1998.

3

(END)

1

ANALYSIS INSERT:

ANALYSIS BY THE ^(I) LEGISLATIVE REFERENCE BUREAU (Header)

This bill eliminates the changes made by 1997 Wisconsin Act 283 (the "truth in sentencing" act) to felony penalties and to the structure of felony sentences. Specifically, the bill does the following:

Felony penalties

Current law provides penalties for felonies, which are crimes punishable by imprisonment of more than one year. A felony created in the criminal code is put in one of six classes (Class A, B, BC, C, D or E) and each class has a specific maximum term of imprisonment and a maximum fine. Class A felonies are punishable by life imprisonment. For crimes committed before December 31, 1999, the maximum terms of imprisonment for the other classes of felonies are as follows:

Class B	40 years
Class BC	20 years
Class C	10 years
Class D	5 years
Class E	2 years

1997 Wisconsin Act 283 (the "truth in sentencing" act) increased these maximum terms of imprisonment for felonies that are committed on or after December 31, 1999. The maximum terms of imprisonment for the classes of felonies under 1997 Wisconsin Act 283 are as follows:

Class B	60 years
Class BC	30 years
Class C	15 years
Class D	10 years
Class E	5 years

1997 Wisconsin Act 283 also increased penalties for nonclassified felony offenses committed on or after December 31, 1999. The penalties are increased by 50% or one year, whichever is greater. Thus, under 1997 Wisconsin Act 283, a maximum penalty of one year of imprisonment will increase to two years of imprisonment, while a maximum penalty of five years of imprisonment will increase to seven years and six months.

This bill eliminates all of the penalty increases made by 1997 Wisconsin Act 283 and restores the penalty provided for offenses committed before December 31, 1999.

The structure of felony sentences

1. *The structure of prison sentences for felony offenses committed before December 31, 1999.* If a person who commits a felony before December 31, 1999, is sentenced to prison, the person will usually have three possible ways of being

released from prison on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or six months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding).

However, the person could be subject to different parole eligibility provisions if the person is a serious felony offender. If a serious felony offender has one or more prior convictions for a serious felony, a judge may set a discretionary parole eligibility date for the offender that is later than 25% of the sentence or ^{six} 6 months but not later than the mandatory release date of two-thirds of the sentence. In addition, serious felony offenders need not be automatically released when they reach their mandatory release dates. Instead, the parole commission may deny mandatory release to such an offender in order to protect the public or because the offender refused to participate in counseling or treatment. The serious felony offenders covered by these parole provisions include persons convicted of serious violations such as homicide, battery, sexual assault, mayhem, kidnapping, taking hostages, tampering with household products, arson, armed burglary, armed robbery, carjacking, assault by a prisoner, crimes against children and controlled substances.

If a person is sentenced to life imprisonment for an offense committed before December 31, 1999, the person usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, four months. However, a judge may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. Also, if a person has two convictions for any of certain serious felonies and is then convicted a third time for another serious felony, he or she must be sentenced to life without parole (the so-called "three strikes, you're out" law). Likewise, if a person ^{has} one conviction for any of certain serious child sex offenses and is then convicted a second time for another serious child sex offense, he or she must be sentenced to life without parole (the so-called "two strikes, you're out" law for serious child sex offenders). No person serving a life sentence of any kind is entitled to mandatory release.

2. *The structure of prison sentences for felony offenses committed on or after December 31, 1999.* Under 1997 Wisconsin Act 283, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence that includes a term of confinement in prison followed by a term of community supervision. The offender is not eligible for parole. A bifurcated sentence imposed under the bill must be structured as follows:

- 1) The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.
- 2) The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for

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a Class BC felony, ^{ten}10 years for a Class C felony, five years for a Class D felony, ²or two years for a Class E felony. If the person is being sentenced for a felony that is not in one of these classes, the term of confinement in prison portion of the sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

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3. The term of community supervision must equal at least 25% of the length of the term of confinement in prison.

Thus, for example, if a person is convicted of a Class B felony committed on or after December 31, 1999, and a judge sentenced the person to the maximum allowable 40-year term of confinement in prison, the term of community supervision would have to be at least ^{ten}10 years but could not be more than 20 years.

After the person completes the term of confinement in prison portion of the sentence, he or she serves the term of community supervision in which he or she is subject to conditions set by both the court and the department of corrections (DOC) and is subject to supervision by DOC. If a person violates a condition of community supervision, community supervision may be revoked and the person may be returned to serve a period of time in prison.

If a person is sentenced to life imprisonment for a crime committed on or after December 31, 1999, he or she is not eligible for parole. Instead, the judge who is sentencing the person to life imprisonment must do one of the following: 1) provide that the person is eligible for community supervision after serving 20 years; 2) set a date on which the person becomes eligible for community supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for community supervision. If the court provides that the person is eligible for community supervision, the person may petition the sentencing court for release to community supervision on or after the community supervision eligibility date. A person sentenced to life who is released to community supervision is on community supervision for the remainder of his or her life and, like a person on community supervision under a bifurcated sentence (see above), may have his or her community supervision revoked and be returned to prison if he or she violates a condition of community supervision. The bill does not affect persons sentenced to life imprisonment without the possibility of parole under the "three strikes, you're out" or "two strikes, you're out" laws.

3. *What this bill does.* This bill eliminates the sentencing procedure created in 1997 Wisconsin Act 283. Thus, under the bill a prison sentence for a felony that is committed on or after the date the bill becomes law will be structured in the same way as prison sentences for offenses committed before December 31, 1999.

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

INSERT 10-5:

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SECTION 1. 29.971 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 283, is repealed and recreated to read:

Insert
10-5
cont.

1 29.971 (1) (c) For having fish in his or her possession in violation of this chapter
2 and the value of the fish under par. (d) exceeds \$1,000, by a fine of not more than
3 \$10,000 or imprisonment for not more than 2 years or both.

4 **SECTION 2.** 29.971 (1m) (c) of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed and recreated to read:

6 29.971 (1m) (c) For possessing clams in violation of s. 29.537, if the value of the
7 clams under par. (d) exceeds \$1,000, by a fine of not more than \$10,000 or
8 imprisonment for not more than 2 years or both.

9 **SECTION 3.** 29.971 (11m) (a) of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
12 possessing a bear without a valid Class A bear license, or for possessing a bear ^{that} ~~which~~
13 does not have a carcass tag attached or possessing a bear during the closed season,
14 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
15 more than 6 months or both for the first violation, or by a fine of not more than \$5,000
16 or imprisonment for not more than one year or both for any subsequent violation,
17 and, in addition, the court shall revoke all hunting approvals issued to the person
18 under this chapter and shall prohibit the issuance of any new hunting approval
19 under this chapter to the person for 3 years.

20 **SECTION 4.** 29.971 (11p) (a) of the statutes, as affected by 1997 Wisconsin Act
21 283, is repealed and recreated to read:

22 29.971 (11p) (a) For entering the den of a hibernating black bear and harming
23 the bear, by a fine of not more than \$10,000 or imprisonment for not more than one
24 year or both.

25

INSERT

(A)

, as affected by 1997 Wisconsin
Act 283,

INSERT

(B)

repealed and recreated

INSERT 2410

Section #. 100.171 (7) (b) of the statutes is amended to read:

[Handwritten scribbles]

100.171 (7) (b) Whoever intentionally violates this section may be fined not more than \$10,000 or imprisoned for not more than ~~3~~² years or both. A person intentionally violates this section if the violation occurs after the department or a district attorney has notified the person by certified mail that the person is in violation of this section.

~~history. 1991 a. 269, 315; 1995 a. 27; 1997 a. 111 s. 28, Stats. 1997 s. 100.171; 1997 a. 283.~~

INSERT 102-17:

SECTION 5. 939.615 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 275, is repealed and recreated to read:

939.615 (3) (b) If the person is sentenced to prison for the serious sex offense, upon his or her discharge from parole.

SECTION 6. 939.62 (2m) (c) of the statutes is amended to read:

939.62 (2m) (c) If the actor is a persistent repeater, the term of imprisonment for the felony for which the persistent repeater presently is being sentenced under ch. 973 is life imprisonment without the possibility of parole or extended supervision.

~~NOTE: NOTE: Par. (c) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE.~~

History: 1977 c. 449; 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448; 1997 a. 219, 283, 295, 326; s. 13.93 (2) (c).

INSERT 117-18:

SECTION 7. 961.49 (2) (am) of the statutes is amended to read:

961.49 (2) (am) The court shall sentence a person to whom par. (a) applies to at least 3 years in prison, but otherwise the penalties for the crime apply. Except as provided in s. 961.438, the court shall not place the person on probation. Except as provided in s. 973.01 (6), the person is not eligible for parole until he or she has served at least 3 years, with no modification by the calculation under s. 302.11 (1).

~~NOTE: NOTE: Par. (am) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE.~~

History: 1985 a. 328; 1987 a. 332, 339, 403; 1989 a. 31, 107, 121; 1991 a. 39; 1993 a. 87, 98, 118, 281, 490, 491; 1995 a. 448 s. 289, 491; Stats. 1995 s. 961.49; 1997 a. 283, 327; s. 13.93 (2) (c).

INSERT 120-11:

SECTION 8. 972.13 (6) of the statutes is amended to read:

972.13 (6) The following forms may be used for judgments:

STATE OF WISCONSIN

.... County

In.... Court

The State of Wisconsin

[Handwritten scribbles and notes in the left margin, including "PLEASE READ IN SECTIONS" and "PLEASE READ IN SECTIONS"]

1 vs.

2(Name of defendant)

3 UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

4 IT IS ADJUDGED That the defendant has been convicted upon the defendant's
5 plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)
6 (no contest) on the.... day of...., (year), of the crime of.... in violation of s.....; and
7 the court having asked the defendant whether the defendant has anything to state
8 why sentence should not be pronounced, and no sufficient grounds to the contrary
9 being shown or appearing to the court.

10 *IT IS ADJUDGED That the defendant is guilty as convicted.

11 *IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin
12 state prisons (county jail of... county) for an indeterminate term of not more than....

13 ~~*IT IS ADJUDGED That the defendant is ordered to serve a bifurcated~~
14 ~~sentence consisting of year(s) of confinement in prison and months/years of~~
15 ~~extended supervision.~~

16 *IT IS ADJUDGED That the defendant is placed in the intensive sanctions
17 program subject to the limitations of section 973.032 (3) of the Wisconsin Statutes
18 and the following conditions:....

19 *IT IS ADJUDGED That the defendant is hereby committed to detention in
20 (the defendant's place of residence or place designated by judge) for a term of not
21 more than....

22 *IT IS ADJUDGED That the defendant is placed on lifetime supervision by the
23 department of corrections under section 939.615 of the Wisconsin Statutes.

24 *IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the
25 costs of this action).

[Handwritten scribbles]

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*IT IS ADJUDGED That the defendant pay restitution to....

*IT IS ADJUDGED That the defendant is restricted in his or her use of computers as follows:....

*The.... at.... is designated as the Reception Center to which the defendant shall be delivered by the sheriff.

*IT IS ORDERED That the clerk deliver a duplicate original of this judgment to the sheriff who shall forthwith execute the same and deliver it to the warden.

Dated this.... day of...., (year)

BY THE COURT...

Date of Offense....,

District Attorney....,

Defense Attorney....

*Strike inapplicable paragraphs.

STATE OF WISCONSIN

.... County

In.... Court

The State of Wisconsin

vs.

....(Name of defendant)

On the.... day of...., (year), the district attorney appeared for the state and the defendant appeared in person and by... the defendant's attorney.

UPON ALL THE FILES, RECORDS AND PROCEEDINGS

IT IS ADJUDGED That the defendant has been found not guilty by the verdict of the jury (by the court) and is therefore ordered discharged forthwith.

Dated this.... day of...., (year)

[Handwritten scribbles]

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BY THE COURT....

~~NOTE: NOTE: Sub. (6) is shown as affected by three acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
History: 1973 c. 39, 199, 1977 c. 553, 418; 1979 c. 89, 1983 a. 261, 438, 538; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1997 a. 250, 275, 283; s. 13.93 (2) (c).

INSERT 141-19:

A.R. 10/2/98
END OF BIFURCATED SENTENCES. The treatment of sections 302.11 (1g) (am),
(1p) and (1z), 304.02 (6), 304.06 (1) (b), 973.01, 973.0135 (2) (intro.), 973.014 (1)
(intro.) and (c), (1g) and (2) and 973.032 (1) of the statutes first applies to offenses
committed on the effective date of this subsection.

**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: 2/26/99

To: Representative Boyle

Relating to LRB drafting number: LRB-0456

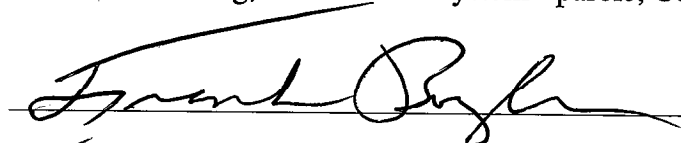
Topic

Restructuring of felony sentences; changes in felony penalties

Subject(s)

Criminal Law - miscellaneous, Criminal Law - sentencing, Correctional System - parole, Correctional System - prisons

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