
**State ex rel. Evers v. Sullivan,
No. 924276, (Unpub)**

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

April 14, 1994

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 92-1276

**STATE EX REL. WILLIAM J. EVERS,
Petitioner-Appellant**

vs.

**MICHAEL J. SULLIVAN,
Respondent-Respondent**

APPEAL from an order of the circuit court for Dane County: P. CHARLES JONES,
Judge.

Before Eich, C.J., Dykman and Sundby, JJ.

PER CURIAM. William J. Evers appeals from an order affirming the decision of the Department of Corrections (DOC), of which Respondent Michael J. Sullivan is Secretary, determining his **mandatory release** date. We affirm.

In October 1988, Evers was convicted on twenty-three felony counts and one misdemeanor count. The dispute in this appeal is caused by the fact that some of the conduct for which Evers was convicted occurred before the effective date of a statute changing the way an inmate's **mandatory release** date is calculated, and some of the conduct occurred after. Section 302.11, STATS., applies to persons committing offenses

occurring on or after June 1, 1984. Section 302.1 l(9).

Evers's sentence was structured as follows: on Counts 1, 2 and 3, he received ten years concurrent to the sentence he was serving when arrested; on Count 4, five years concurrent to the ten-year terms; on Counts 5, 6, 28, 30 and 32, five years concurrent to each other, but consecutive to the ten-year sentence; on Counts 7, 8, 10, 12, 13, 14, 17, 19, 20, 22, 24, 25, 26 and 34, five years concurrent to each other and consecutive to the preceding five-year terms; on Count 36, nine months concurrent to the preceding sentence. In summary, the new sentences fall into three consecutive groups. The first group is ten years, and the other two are five years.

All the counts forming the first group were for continuing offenses committed before and after June 1, 1984. In the second group, one of the counts (No. 5) was a continuing offense before and after June 1, 1984, while the others were committed before that date. In the third group, all the offenses were committed after June 1, 1984.

The record contains a "Notification of Sentence Data," dated October 10, 1988, which shows that Evers was serving this sentence concurrently with a federal sentence. He was released from the federal sentence on January 9, 1991, and was transferred into the state corrections system at that time.

The DOC classified Evers as an inmate subject to the "new" law, 302.11, STATS., and calculated his mandatory release date by applying that law. In the spring of 1991, Evers wrote to the prison registrar to request that he be reclassified under the old law. Obtaining no relief, Evers filed a petition for writ of certiorari in the circuit court in August 1991. The court affirmed his classification and concluded that the new statute, as applied to Evers, was not an ex post facto law.

Review on certiorari is limited to whether: (1) the agency kept within its jurisdiction; (2) it acted according to law; (3) its action was arbitrary, oppressive or unreasonable and represented its will and not its judgment; and (4) the evidence was such that the agency might reasonably make the order or determination in question. *Coleman v. Percy*, 96 Wis.2d 578, 588, 292 N.W.2d 615,621 (1980).

Evers argues that he should be classified under the old law because some of his recent group of offenses occurred before the new law became effective. The Department argues that no law provides a dispositive answer to the problem posed by multiple sentences which cover conduct both before and after the effective date of the new law. Nor have we been able to find such a provision. The Department asserts that classifying Evers under the new law was the most rational choice because twenty of his twenty-four new convictions were offenses that occurred, at least in part, after the effective date of the new law, and because it was consistent with the intent of the Legislature in enacting the new law to provide for a later mandatory release date. We conclude that this choice was

not arbitrary, oppressive or unreasonable.

Evers argues that because all consecutive sentences should be computed as one continuous sentence, see 302.1 1(3), STATS., and the sentence he was serving before the most recent convictions was under the old law, all of his sentences must be computed together as one continuous sentence under the old law. We reject this argument. The result of this interpretation would be that **once** a person was sentenced under the old law, he would remain forever under that law, even if he committed new offenses in or from prison well after the effective date of the new law, and even though the original sentence under the old law had long expired. This would be an absurd result, and we are to avoid absurd results in construing statutes. See *State v. Moore*, 167 Wis.2d 491, 496, 481 N.W.2d 633,635 (1992).

Evers argues that the DOC changed the effective date of the new law from June 1, 1984, to March 1, 1987, in the administrative rules it promulgated, and, therefore, the Department's choice was not rational because the majority of his sentences are for conduct under the old law. His argument is based on the fact that the rules became effective March 1, 1987. However, the effective date of the rules did not change the effective date of the statute. The rules themselves make it clear that their provisions cover persons committing offenses on or after June 1, 1984. See, e.g., WIS. ADM. CODE DOC 302.2 1 (l)(c) and (3)(b)2 and 302.25.

Evers also argues that applying the new law to him under these circumstances has an unconstitutional ex post facto effect. He argues that the state sentence he was serving when he was arrested was under the old law, and that bringing him under the new law has an ex post facto effect because his expectation was to serve out his original sentence under the old law. He also argues that, with respect to his new convictions that were based on conduct before June 1, 1984, it is an ex post facto violation for him to serve those sentences under the new law.

“No ... ex post facto law shall be passed.” U.S. CONST. art. I, 9, cl. 3. This prohibition forbids states from imposing punishment in addition to that prescribed when an offense was committed. *Weaver v. Graham*, 450 U.S. 24, 30, 67 L. Ed. 2d 17, 101 S. Ct. 960 (1981). The purpose of this provision is to assure that legislative acts give fair warning of their effect and permit individuals to rely on their meaning until they are explicitly changed. *Id.* at 28-29. The *Weaver* Court held that a provision which restricted an inmate's opportunity to earn early release, and thereby made more onerous the punishment for crimes committed before its enactment, was an ex post facto law. *Id.* at 35-36.

If Evers had not been convicted of any new offenses, and the Department reclassified him under the new law while he was serving only his original sentence under the old law, that would be an ex post facto law of the type held invalid in *Weaver*. However, the

prohibition against ex post facto laws does not guarantee that a person sentenced under the old law will forever remain under the old law, without regard to whether the person commits new offenses. “The critical question is whether the law changes the legal consequences of acts completed before its effective date.” Id. at 31 (emphasis added). Here, it is not the new law that caused Evers’s reclassification, but his conviction for new offenses which were committed after the effective date of the new law, and for which the trial court imposed sentences to run concurrently **with Evers’s** previous sentence. This concurrent sentence for new offenses may have had the effect of disrupting Evers’s expectation of serving the entirety of his original sentence under the old law, but Evers himself put that expectation at risk by continuing to commit offenses after the effective date of the new law. This disruption of his expectation does not, by itself, render the law ex post facto, since an individual’s right to less punishment is not among the critical factors for relief. Id. at 30.

There is similarly no ex post facto violation regarding Evers’s new convictions based on pre-June 1, 1984, conduct. It is not the new law itself that results in these sentences being served under the new law, but his further criminal activity after the effective date of the new law and the concurrent sentence he received for that activity.

Therefore, we affirm the Department’s determination of Evers’s **mandatory release** date. Because we affirm on the merits, we do not address the Department’s argument that Evers’s petition should be dismissed for **laches**, since that defect is not jurisdictional. See *State ex rel. Braun v. Krenke*, 146 Wis.2d 31, 37 n.2, 429 N.W.2d 114, 117 n.2 (Ct. App. 1988).

By *the* Court.--Order affirmed.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.

DISPOSITION

Affirmed.



State of Wisconsin
1999 - 2000 LEGISLATURE

r.m.r. 3
LRB-3420/P7
JEO&MGD:kmg&wlj:hmh
Jlg

Monday 8/23
by end of the day

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WFO-Turn off
burning dots

regenerate catalog

1 AN ACT to repeal 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c),
2 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64, 939.641,
3 939.646, 939.647, 939.648, 940.09 (lb), 940.19 (3), 940.195 (3), 940.195 (6),
4 940.25 (lb), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23 (lm),
5 943.23 (lr), 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5),
6 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6.,
7 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (lm) (cm) 5., 961.41 (lm) (d) 5., 961.41
8 (lm) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41 (3g) (a)
9 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48
10 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2., 973.01 (2) (c) and 973.03 (3)
11 (e) 3.; to renumber 961.49 (1); to renumber and amend 49.95 (l), 125.075 (2),
12 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) l., 961.41
13 (lm) (cm) l., 961.41 (3g) (a) l., 961.46 (l), 961.48 (l), 971.17 (l), 973.01 (2) (b)
14 6. and 973.01 (2) (d); to amend 6.18, 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a),
15 13.05, 13.06, 13.69 (6m), 15.01 (2), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971

1 (1m) (c),29.971 (11m) (a) ,29.971 (11p) (a),30.80 (2g) (b) , 30.8(2g) (c),30.80
2 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m) (b)
3 2., 48.417 (1) (d), 48.57 (3p) (g)2., 48.685 (5) (bm)2., 48.685 (5) (bm)3., 48.685
4 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141
5 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b) 1., 49.49 (2) (a),
6 49.49(2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4)(b), 51.15(12), 55.06 (11) (am) ,
7 66.4025 (1)(b), 66.4025 (1)(c), 69.24 (1) (intro.), 70.47 (18)(a), 71.83 (2)(b),
8 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2),
9 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.94 (8) (b), 102.835 (11), 102.835 (18),
10 102.85 (3), 108.225 (11), 108.225 (18), 110.07 (5) (a), 114.20 (18) (c), 115.31 (2g),
11 118.19 (4) (a), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68
12 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.1134.20 (1) (intro.) ,
13 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.95 (2),
14 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a), 154.15 (2),
15 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2),
16 185.825, 200.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06
17 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b),
18 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2.,
19 301.035 (2), 301.035 (4), 301.26 (4) (cm) 1., 302.095 (2), 302.11 (1g) (a) 2., 302.11
20 (1p), 302.113 (2), 302.113 (7), 302.113 (9), 302.114 (5) (f), 302.114 (6) (b), 302.114
21 (6) (c) , 302.114(9), 302.33 (1) , 303.065 (1) (b)1.,303.08 (2), 303.08(5) (intro.),
22 303.08 (6), 303.08 (12), 304.06 (1) (b) , 304.071 (2), 341.605 (3), 342.06 (2),
23 342.065 (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.31
24 (3) (c),343.31(3) (f) , 343.44(2) (b) (intro.), 344.48 (2),346.17(3) (a) , 346.17 (3)
25 (b), 346.17(3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b),

1 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e),
2 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 351.07 (2)
3 (b), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1),
4 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4),
5 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.),
6 768.07, 783.07, 801.50 (5), 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34
7 (4m) (b) l., 938.355 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30
8 (1), 939.30 (2), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50
9 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m)
10 (a) 2m. a., 939.62 (2m) (a) 2m. b., 939.632 (1) (e) l., 939.632 (2), 939.645 (2),
11 939.72 (l), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.),
12 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1)
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16 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201
17 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21,
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20 lg., 940.285 (2) (b) lm., 940.285 (2) (b) lr., 940.285 (2) (b) 2., 940.29, 940.295 (3)
21 (b) lg., 940.295 (3) (b) lm., 940.295 (3) (b) lr., 940.295 (3) (b) 2., 940.295 (3) (b)
22 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2)
23 (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.),
24 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (l), 941.20 (2) (intro.),
25 941.20 (3) (a) (intro.), 941.21, 941.235 (l), 941.26 (2) (a), 941.26 (2) (b), 941.26

1 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3),
2 941.29 (2) (intro.), 941.295 (l), 941.296 (2) (intro.), 941.298 (2), 941.30 (l),
3 941.30 (2), 941.31 (l), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325,
4 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327
5 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01
6 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2),
7 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017 (2m) (b) (intro.),
8 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (l), 943.07 (2), 943.10 (1)
9 (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3) (c),
10 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
11 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (lg), 943.23 (2), 943.23 (3),
12 943.23 (4m), 943.23 (5), 943.24 (l), 943.24 (2), 943.25 (l), 943.25 (2) (intro.),
13 943.26 (2); 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (l), 943.30 (2),
14 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2),
15 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39
16 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8)
17 (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c),
18 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50 (4) (a), 943.50 (4) (b), 943.50
19 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c),
20 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3)
21 (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
22 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34
23 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (l), 946.02 (1) (intro.), 946.03
24 (1) (intro.), 946.03 (2), 946.05 (l), 946.10 (intro.), 946.11 (1) (intro.), 946.12
25 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.),

1 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.),
2 946.425 (l), 946.425 (lm) (b), 946.425 (lr) (b), 946.43 (intro.), 946.44 (1) (intro.),
3 946.44 (lg), 946.44 (lm), 946.47 (1) (intro.), 946.48 (l), 946.49 (1) (b), 946.49 (2),
4 946.60 (l), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (l), 946.68 (lr) (a),
5 946.68 (lr) (b), 946.68 (lr) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (l), 946.74
6 (2), 946.76, 946.82 (4), 946.84 (l), 946.85 (l), 947.013 (It), 947.013 (1v), 947.013
7 (lx) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03
8 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b),
9 948.04 (l), 948.04 (2), 948.05 (1) (intro.), 948.05 (lm), 948.05 (2), 948.055 (2) (a),
10 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2) (intro.),
11 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21 (l),
12 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.),
13 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51
14 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b),
15 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 950.04 (1v) (g), 951.18
16 (l), 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b),
17 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4.,
18 961.41 (1) (d) (intro.), 961.41 (1) (d) l., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41
19 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) l., 961.41 (1) (e) 2., 961.41 (1) (e)
20 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41
21 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) l., 961.41 (1) (g) 2., 961.41 (1) (g)
22 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3.,
23 961.41 (1) (i), 961.41 (l)(j), 961.41 (lm) (intro.), 961.41 (lm) (a), 961.41 (lm) (b),
24 961.41 (lm) (cm) (intro.), 961.41 (lm) (cm) 2., 961.41 (lm) (cm) 3., 961.41 (lm)
25 (cm) 4., 961.41 (lm) (d) (intro.), 961.41 (lm) (d) l., 961.41 (lm)(d) 2., 961.41 (lm)

1 (d) 3., 961.41 (lm) (d) 4., 961.41 (lm) (e) (intro.), 961.41 (lm) (e) l., 961.41 (lm)
2 (e) 2., 961.41 (lm) (e) 3., 961.41 (lm) (e) 4., 961.41 (lm) (f) (intro.), 961.41 (lm)
3 (f) l., 961.41 (lm) (f) 2., 961.41 (lm) (f) 3., 961.41 (lm) (g) (intro.), 961.41 (lm)
4 (g) l., 961.41 (lm) (g) 2., 961.41 (lm) (g) 3., 961.41 (lm) (h) (intro.), 961.41 (lm)
5 (h) l., 961.41 (lm) (h) 2., 961.41 (lm) (h) 3., 961.41 (lm) (i), 961.41 (lm) (j),
6 961.41 (1n) (c), 961.41 (lq), 961.41 (lr), 961.41 (2) (intro.), 961.41 (2) (a), 961.41
7 (2) (b), 961.41 (2) (d), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g)
8 (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.455 (l), 961.455 (3), 961.472
9 (2), 961.48 (2m) (a), 961.48 (3), 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3),
10 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (c), 971.365 (2), 973.01 (l),
11 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) l., 973.01 (2) (b) 3., 973.01 (2)
12 (b) 4., 973.01 (2) (b) 5., 973.01 (4), 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2.,
13 973.032 (4) (c) 2., 973.075 (1) (b) lm. e., 973.075 (2) (d), 973.09 (2) (b) l., 977.06
14 (2) (b) and 978.13 (1) (c); **to** repeal and **recreate** 944.15 (title); **to create**
15 15.105 (26), 19.42 (10) (o), 19.42 (13) (n), 20.505 (4) (dr), 20.505 (4) (mr), 20.923
16 (4) (b) 7., 20.923 (6) (hr), 49.95 (1) (e) and (f), 125.075 (2) (b), 227.01 (13) (sm),
17 230.08 (2) (L) 6., 230.08 (2) (of), 302.113 (7g), 302.113 (7m), 302.113 (8m),
18 302.113 (9) (am), 302.113 (9) (d), 302.113 (9g), 302.114 (8g), 302.114 (8m),
19 302.114 (9) (d), 346.04 (2t), 346.04 (4), 346.17 (2t), 801.50 (5c), 939.50 (1) (f),
20 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50
21 (3) (h), 939.50 (3) (i), 940.09 (lc), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm),
22 943.50 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b),
23 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm)
24 lg., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (lm) (cm) lg., 961.41 (lm) (h) 4.,
25 961.41 (lm) (h) 5., 961.41 (3g) (b) (title), 961.48 (1) (a) and (b), 971.17 (1) (b),

1 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b)
 2 9., 973.01 (2) (d) 1. to 6., 973.01 (2) (e), 973.017, 973.30 and 977.05 (4) (jm) of the
 3 statutes; and **to affect** 1997 Wisconsin Act 283, section 454 (1) (g) and 1997
 4 Wisconsin Act 283, section 454 (2); **relating to:** classification and elements of
 5 and certain misdemeanor offenses felony offenses; revocation of extended supervision; modification of a bifurcated
 6 sentence in certain cases; the creation of a sentencing commission and
 7 temporary sentencing guidelines; making an appropriation; and providing
 8 penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of
 the draft.
 For further information see the *state* fiscal estimate, which will be printed as
 an appendix to this bill.

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

9 ***-3266/P1.1*** SECTION 1. 6.18 of the statutes is amended to read:

10 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
 11 which the elector has moved, any former qualified Wisconsin elector may vote an
 12 absentee ballot in the ward of the elector's prior residence in any presidential election
 13 occurring within 24 months after leaving Wisconsin by requesting an application
 14 form and returning it, properly executed, to the municipal clerk of the elector's prior
 15 Wisconsin residence, When requesting an application form for an absentee ballot,
 16 the applicant shall specify the applicant's eligibility for only the presidential ballot.
 17 The application form shall require the following information and be in substantially
 18 the following form:

1 This blank shall be returned to the municipal clerk's office. Application must
2 be received in sufficient time for ballots to be mailed and returned prior to any
3 presidential election at which applicant wishes to vote. Complete all statements in
4 full.

5 APPLICATION FOR PRESIDENTIAL
6 ELECTORS ABSENT BALLOT.

7 (To be voted at the Presidential Election
8 on November, (year)

9 I,.... hereby swear or affirm that I am a citizen of the United States, formerly
10 residing at in the ward aldermanic district (city, town, village) of County
11 of for 10 days prior to leaving the State of Wisconsin. I, do solemnly swear or
12 affirm that I do not qualify to register or vote under the laws of the State of ... (State
13 you now reside in) where I am presently residing. A citizen must be a resident of:
14 State ... (Insert time) County ... (Insert time) City, Town or Village ... (Insert time),
15 in order to be eligible to register or vote therein. I further swear or affirm that my
16 legal residence was established in the State of ... (the State where you now reside)
17 on Month Day Year.

18 Signed

19 Address ... (Present address)

20 (City) (State)

21 Subscribed and sworn to before me this day of (year)

22 ... (Notary Public, or other officer authorized to administer oaths.)

23 ... (County)

24 My Commission expires

25 MAIL BALLOT TO:

1 NAME

2 ADDRESS

3 CITY STATE ZIP CODE

4 ***Penalties for Violations.*** Whoever swears falsely to any absent elector affidavit
5 under this section may be fined not more than **\$1,000** or imprisoned for not more than
6 6 months, or both. Whoever intentionally votes more than once in an election may
7 be fined not more than **\$10,000** or imprisoned for not more than 3 years, and 6 months
8 or both.

9(Municipal Clerk)

10(Municipality)

11 ***-3266/P1.2* SECTION 2. 11.61 (1)** (a) of the statutes, as affected by **1997**
12 Wisconsin Act 283, is amended to read:

13 **11.61 (1)** (a) Whoever intentionally violates s. 11.05 (l), (2), (2g) or (2r), 11.07
14 (1) or (5), 11.10 (l), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
15 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
16 felony

17 ***-3266/P1.3* SECTION 3. 11.61 (1)** (b) of the statutes, as affected by 1997
18 Wisconsin Act 283, is amended to read:

19 **11.61 (1)** (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
20 or 11.38 where is guilty of a Class I felony if the intentional violation does not involve
21 a specific figure, or ~~where~~ if the intentional violation concerns a figure which exceeds
22 \$100 in amount or value may be fined ~~more than \$10,000 or imprisoned for not~~
23 ~~more than 4 years and 6 months or both.~~

24 ***-3266/P1.4* SECTION 4. 12.60 (1)** (a) of the statutes, as affected by 1997
25 Wisconsin Act 283, is amended to read:

1 12.60 **(1)** (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),
2 (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not~~
3 ~~more than 4 years and 6 months or both~~ is guilty of a Class I felony.

4 ***-3266/P1.5*** SECTION 5. 13.05 of the statutes, as affected by 1997 Wisconsin
5 Act 283, is amended to read:

6 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
7 offers or promises to give his or her vote or influence in favor of or against any
8 measure or proposition pending or proposed to be introduced? in the legislature in
9 consideration or upon condition that any other person elected to the same legislature
10 will give or will promise or agree to give his or her vote or influence in favor of or
11 against any other measure or proposition pending or proposed to be introduced in
12 such legislature, or who gives, offers or promises to give his or her vote or influence
13 for or against any measure on condition that any other member will give his or her
14 vote or influence in favor of any change in any other bill pending or proposed to be
15 introduced in the legislature ~~may be fined less than \$500 or more than \$1,000~~
16 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~
17 is guilty of a Class I felony

18 ***-3266/P1.6*** SECTION 6. 13.06 of the statutes, as affected by 1997 Wisconsin
19 Act 283, is amended to read:

20 **13.06 Executive favor.** Any member of the legislature who gives, offers or
21 promises to give his or her vote or influence in favor of or against any measure or
22 proposition pending or proposed to be introduced in the legislature, or that has
23 already been passed by either house of the legislature, in consideration of or on
24 condition that the governor approve, disapprove, veto or sign, or agree to approve,
25 disapprove, veto or sign, any other measure or proposition pending or proposed to be

1 introduced in the legislature or that has already been passed by the legislature, or
2 either house thereof, or in consideration or upon condition that the governor
3 nominate for appointment or appoint or remove any person to or from any office or
4 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
5 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
6 of a Class I felony.

7 ***-3266/P1.7*** SECTION 7. 13.69 (6m) of the statutes, as affected by 1997
8 Wisconsin Act 283, is amended to read:

9 13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a
10 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
11 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~
12 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
13 felony.

14 ***-3361/P2.1*** SECTION 8. 15.01 (2) of the statutes is amended to read:

15 15.01 (2) "Commission" means a 3-member governing body in charge of a
16 department or independent agency or of a division or other subunit within a
17 department, except for the Wisconsin waterways commission which shall consist of
18 5 members, the parole commission which shall consist of 6 members and the Fox
19 river management commission which shall consist of 7 members. A Wisconsin group
20 created for participation in a continuing interstate body, or the interstate body itself,
21 shall be known as a "commission", but is not a commission for purposes of s. 15.06.
22 The parole commission created under s. 15.145 (1) shall be known as a "commission",
23 but is not a commission for purposes of s. 15.06. The sentencing commission created
24 under s. 15.105 (26) shall be known as a "commission" but is not a commission for
25 purposes of s. 15.06 (1) to (4m), (7) and (9).

1 ***-3361/P2.2*** SECTION 9. 15.105 (26) of the statutes is created to read:

2 15.105 (26) **SENTENCING COMMISSION.** (a) *Creation; membership.* There is
3 created a sentencing commission which is attached to the department of
4 administration under s. 15.03 and which shall consist of the following members:

5 1. The attorney general or his or her designee.

6 2. The state public defender or his or her designee.

7 3. Seven members, at least 2 of whom are not employed by any unit of federal,
8 state or local government, appointed by the governor.

9 4. One majority party member from each house of the legislature, appointed
10 as are the members of standing committees in their respective houses.

11 5. One member appointed by the senate majority leader or, if the senate
12 majority leader and the governor are members of the same political party, by the
13 senate minority leader.

14 6. Two circuit judges, appointed by the supreme court.

15 7. One representative of crime victims and one district attorney, each appointed
16 by the attorney general.

17 8. One attorney in private practice engaged primarily in the practice of criminal
18 defense, appointed by the criminal law section of the State Bar of Wisconsin.

19 (b) *Nonvoting members.* The secretary of corrections or his or her designee, the
20 chairperson of the parole commission or his or her designee and the director of state
21 courts or his or her designee shall be nonvoting members of the commission.

22 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
23 3. and 5. to 8. shall serve 3-year terms and are eligible for reappointment.

1 2. The term of a circuit judge appointed under par. (a) 6. shall end when such
2 person ceases to be a circuit judge. The term of a district attorney appointed under
3 par. (a) 7. shall end when such person ceases to be a district attorney.

4 (d) Officers. The governor shall designate annually one of the members of the
5 commission as chairperson. The commission may elect officers other than a
6 chairperson from among its members as its work requires.

7 (e) *Reimbursement and compensation.* Members of the commission shall be
8 reimbursed for their actual and necessary expenses incurred in the performance of
9 their duties. An officer or employe of the state shall be reimbursed by the agency that
10 pays the member's salary. Members who are full-time state officers or employes
11 shall receive no compensation for their services. Other members shall be paid \$25
12 per day, in addition to their actual and necessary expenses, for each day on which
13 they are actually and necessarily engaged in the performance of their duties.

14 (f) *Sunset.* This subsection does not apply after December 31, 2004.

15 ***-3361/P2.3*** SECTION 10. 19.42 (10) (o) of the statutes is created to read:

16 19.42 (10) (o) A member, the executive director or the deputy director of the
17' sentencing commission.

18 ***-3361/P2.4*** SECTION 11. 19.42 (13) (n) of the statutes is created to read:

19 19.42 (13) (n) The position of member, executive director or deputy director of
20 the sentencing commission.

21 ***-3361/P2.5*** SECTION 12. 20.005 (3) (schedule) of the statutes: at the

22 appropriate place, insert the following amounts for the purposes indicated:

1999-00 2000-01

20.505 Administration, department of

(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND
COMMISSIONS

(dr) Sentencing commission GPR A 415,000 380,000

-3361/P2.6 SECTION 13. 20.505 (4) (dr) of the statutes is created to read:

20.505 (4) (dr) Sentencing commission. The amounts in the schedule for the general program operations of the sentencing commission. No money may be encumbered from the appropriation under this paragraph after December 31, 2004.

-3361/P2.7 SECTION 14. 20.505 (4) (mr) of the statutes is created to read:

20.505 (4) (mr) Sentencing commission; federal aid. All moneys received as federal aid as authorized by the governor under s. 16.54 to carry out the purposes for which the aid is provided. No money may be encumbered from the appropriation under this paragraph after December 31, 2004.

-3361/P2.8 SECTION 15. 20.923 (4) (b) 7. of the statutes is created to read:

20.923 (4) (b) 7. Sentencing commission: executive director.

-3361/P2.9 SECTION 16. 20.923 (6) (hr) of the statutes is created to read:

20.923 (6) (hr) Sentencing commission: deputy director.

-3266/P1.8 SECTION 17. 23.33 (13) (cg) of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

23.33 (13) (cg) Penalties related to causing death or injury; interference with signs and standards. A person who violates sub. (8) (f) 1. or ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony

1 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
2 person.

3 ***-3266/P1.9*** SECTION 18. 26.14 (8) of the statutes, as affected by 1997
4 Wisconsin Act 283, is amended to read:

5 26.14 (8) Any person who intentionally sets fire to the land of another or to a
6 marsh ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years~~
7 ~~and 6 months or both~~ is guilty of a Class H felony

8 ***-3266/P1.10*** SECTION 19. 29.971 (1) (c) of the statutes, as affected by 1997
9 Wisconsin Act 283, is amended to read:

10 29.971 (1) (c) ~~For A person~~ having fish in his or her possession in violation of
11 this chapter ~~and is guilty of a Class I felony if the value of the fish under par. (d)~~
12 ~~e x c e e d s , \$ 1 , 0 0 7~~
13 ~~3 years or both.~~

14 ***-3266/P1.11*** SECTION 20. 29.971 (1m) (c) of the statutes, as affected by 1997
15 Wisconsin Act 283, is amended to read:

16 29.971 (1m) (c) ~~For A person~~ possessing clams in violation of s. 29.537, is guilty
17 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine~~
18 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both~~

19 ***-3266/P1.12*** SECTION 21. 29.971 (11m) (a) of the statutes, as affected by 1997
20 Wisconsin Act 283, is amended to read:

21 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
22 possessing a bear without a valid Class A bear license, or for possessing a bear which
23 does not have a carcass tag attached or possessing a bear during the closed season,
24 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
25 more than 6 months or both for the first violation, or by a fine of not more than \$5,000

1 ~~\$10,000~~ or imprisonment for not more than ~~2 years 9 months~~ or both for any
2 subsequent violation, and, in addition, the court shall revoke all hunting approvals
3 issued to the person under this chapter and shall prohibit the issuance of any new
4 hunting approval under this chapter to the person for 3 years.

5 ***-3266/P1.13*** SECTION 22. 29.971 (11p) (a) of the statutes, as affected by 1997
6 Wisconsin Act 283, is amended to read:

7 **29.971 (11p)** (a) For entering the den of a hibernating black bear and harming
8 the bear, by a fine of not more than \$10,000 or imprisonment for not more than ~~2~~
9 ~~years 9 months~~ or both.

10 ***-3266/P1.14*** SECTION 23. 30.80 (2g) (b) of the statutes, as affected by 1997
11 Wisconsin Act 283, is amended to read:

12 30.80 (2g) (b) Shall be fined not ~~less than \$300 nor more than \$5,000~~ ~~\$10,000~~
13 or imprisoned for not more than ~~2 years 9 months~~ or both if the accident involved
14 injury to a person but the person did not suffer great bodily harm.

15 ***-3266/P1.15*** SECTION 24. 30.80 (2g) (c) of the statutes, as affected by 1997
16 Wisconsin Act 283, is amended to read:

17 3 0 . 8 0 (2g) (c) ~~d~~ i m -
18 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
19 person and the person suffered great bodily harm.

20 ***-3266/P1.16*** SECTION 25. 30.80 (2g) (d) of the statutes, as affected by 1997
21 Wisconsin Act 283, is amended to read:

22 30.80 (2g)(d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
23 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
24 death to a person.

1 ***-3266/P1.17*** SECTION 26. 30.80 (3m) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 30.80 (3m) Any person violating s. 30.547(1), (3) or (4) ~~shall be fined not more~~
4 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
5 a Class H felony.

6 ***-3266/P1.18*** SECTION 27. 36.25 (6) (d) of the statutes, as affected by 1997
7 Wisconsin Act 283, is amended to read:

8 36.25 (6) (d) Any officer, agent, clerk or employe of the survey or department
9 of revenue who makes known to any person except the officers of the survey or
10 department of revenue, in any manner, any information given to such person in the
11 discharge of such person's duties under par. (c), which information was given to such
12 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
13 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
14 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
15 the use for assessment purposes of any information obtained under this subsection.

16 ***-3266/P1.19*** SECTION 28. 47.03 (3) (d) of the statutes, as affected by 1997
17 Wisconsin Act 283, is amended to read:

18 47.03 (3) (d) Any person who violates this subsection shall be fined not more
19 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

20 ***-0590/P5.1*** SECTION 29. 48.355 (2d) (b) 3. of the statutes is amended to read:

21 48.355 (2d) (b) 3. That the parent has committed ^{a violation of s. 940.19 (3), 1997 statute.} a violation of s. 940.19 (2), (3),
22 (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
23 violation of the law of any other state or federal law, if that violation would be a
24 violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
25 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in

1 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
2 defined in s. 939.22 (38), to the child or another child of the parent.

3 ***-0590/P5.2*** SECTION 30. 48.415 (9m) (b) 2. of the statutes is amended to read: ✓

4 48.415 (9m) (b) 2. The commission of ^{a violation of s. 940.19 (3), 1997 stats.} a violation of s. 940.19 (2), (3), (4) or (5),
5 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
6 or 948.08 or a violation of the law of any other state or federal law, if that violation
7 would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2),
8 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 if committed in this state.

9 ***-0590/P5.3*** SECTION 31. 48.417 (1) (d) of the statutes is amended to read:

10 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
11 committed a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or
12 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
13 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225
14 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,
15 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
16 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
17 of the parent.

18 ***-0590/P5.4*** SECTION 32. 48.57 (3p) (g) 2. of the statutes is amended to read:

19 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
20 in ^{s. 939.64 or 939.641, 1997 stats. or} s. 939.62, 939.621, 939.63, 939.64, 939.641 or 939.645 or has been convicted of a
21 violation of the law of any other state or federal law under circumstances under
22 which the person would be subject to a penalty specified in any of those sections if
23 convicted in this state.

24 ***-0590/P5.5*** SECTION 33. 48.685 (5) (bm) 2. of the statutes is amended to read:

S. 940.19 (3) ✓ 1997 statute, or of SECTION 33

1

48.685 (5)(bm) 2. A violation of s. 940.19 (2), (3), (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

3

-0590/P5.6 SECTION 34. 48.685 (5) (bm) ³ of the statutes is amended to read:
S. 943.23 (1m) - (1r), 1997 statute, or of

4

48.685 (5) (bm) 3. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), (1m) or (1r) or 943.32 (2).

7

-0590/P5.7 SECTION 35. 48.685 (5) (bm) 4. of the statutes is amended to read:

8

48.685 (5) (bm) 4. A violation of s. 940.19 (2), (3), (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

11

-3266/P1.20 SECTION 36. 49.127 (8) (a) 2. of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

13

49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

16

-3266/P1.21 SECTION 37. 49.127 (8) (b) 2. of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

18

49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

22

-3266/P1.22 SECTION 38. 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283, is amended to read:

23

1 49.127 (8) (c) For any offense under this section, if the value of the food coupons
2 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
3 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

4 ***-3266/P1.23*** SECTION 39. 49.141 (7) (a) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
7 the furnishing by that person of items or services for which payment is or may be
8 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
9 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

10 ***-3266/P1.24*** SECTION 40. 49.141 (7) (b) of the statutes, as affected by 1997
11 Wisconsin Act 283, is amended to read:

12 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of
13 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
14 ~~2 years~~ 9 months or both.

15 ***-3266/P1.25*** SECTION 41. 49.141 (9) (a) of the statutes, as affected by 1997
16 Wisconsin Act 283, is amended to read:

17 49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,
18 in return for referring an individual to a person for the furnishing or arranging for
19 the furnishing of any item or service for which payment may be made in whole or in
20 part under Wisconsin works, or in return for purchasing, leasing, ordering, or
21 arranging for or recommending purchasing, leasing, or ordering any good, facility,
22 service, or item for which payment may be made in whole or in part under Wisconsin
23 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
24 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
25 ~~imprisoned for not more than 7 years and 6 months or both.~~

1 ***-3266/P1.26*** SECTION 42. 49.141 (9) (b) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to
4 any person to induce the person to refer an individual to a person for the furnishing
5 or arranging for the furnishing of any item or service for which payment may be made
6 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
7 for or recommend purchasing, leasing, or ordering any good, facility, service or item
8 for which payment may be made in whole or in part under any provision of Wisconsin
9 works, is guilty of a Class H felony. except that. notwithstanding the maximum fine
10 snecified in s. 939.50 (3) (h). the person may be fined not more than \$25,000 ~~or~~
11 ~~imprisoned for not more than 7 years and 6 months or both.~~

12 ***-3266/P1.27*** SECTION 43. 49.141 (10) (b) of the statutes, as affected by 1997
13 Wisconsin Act 283, is amended to read:

14 49.141 (10) (b) A person who violates this subsection is guilty of a Class H
15 felony. except that. notwithstanding the maximum fine snecified in s. 939.50 (3) (h),
16 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~
17 ~~years and 6 months or both.~~

18 ***-3266/P1.28*** SECTION 44. 49.49 (1) (b) 1. of the statutes, as affected by 1997
19 Wisconsin Act 283, is amended to read:

20 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,
21 failure, or conversion by any person in connection with the furnishing by that person
22 of items or services for which medical assistance is or may be made, a person
23 ~~convicted of~~ violating this subsection is guilty of a Class H felony! except that.
24 notwithstanding the maximum fine snecified in s. 939.50 (3) (h), the person may be

1 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
2 ~~or both.~~

3 ***-3266/P1.29*** SECTION 45. 49.49 (2) (a) of the statutes, as affected by 1997
4 Wisconsin Act 283, is amended to read:

5 *49.49 (2) (a) Solicitation or receipt of remuneration.* Any person who solicits
6 or receives any remuneration, including any kickback, bribe, or rebate, directly or
7 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual
8 to a person for the furnishing or arranging for the furnishing of any item or service
9 for which payment may be made in whole or in part under a medical assistance
10 program, or in return for purchasing, leasing, ordering, or arranging for or
11 recommending purchasing, leasing, or ordering any good, facility, service, or item for
12 which payment may be made in whole or in part under a medical assistance program,
13 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
14 in s. 939.50(3) the person may be fined not more than \$25,000 ~~or imprisoned for~~
15 ~~not more than 7 years and 6 months or both.~~

16 ***-3266/P1.30*** SECTION 46. 49.49 (2) (b) of the statutes, as affected by 1997
17 Wisconsin Act 283, is amended to read:

18 *49.49 (2) (b) Offer or payment of remuneration.* Whoever offers or pays any
19 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
20 or covertly, in cash or in kind to any person to induce such person to refer an
21 individual to a person for the furnishing or arranging for the furnishing of any item
22 or service for which payment may be made in whole or in part under a medical
23 assistance program, or to purchase, lease, order, or arrange for or recommend
24 purchasing, leasing, or ordering any good, facility, service or item for which payment
25 may be made in whole or in part under a medical assistance program, is guilty of a

1 ~~Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50~~
2 ~~(3)(h), the person may be fined not more than \$25,000 or imprisoned for not more~~
3 ~~than 7 years and 6 months or both.~~

4 ***-3266/P1.31*** SECTION 47. 49.49 (3) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 49.49 (3) FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly
7 and wilfully make or cause to be made, or induce or seek to induce the making of, any
8 false statement or representation of a material fact with respect to the conditions or
9 operation of any institution or facility in order that such institution or facility may
10 qualify either upon initial certification or upon recertification as a hospital, skilled
11 nursing facility, intermediate care facility, or home health agency. Violators of A
12 person who violates this subsection is guilty of a Class H felony, except that,
13 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
14 fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months
15 or both.

16 ***-3266/P1.32*** SECTION 48. 49.49 (3m) (b) of the statutes, as affected by 1997
17 Wisconsin Act 283, is amended to read:

18 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H
19 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
20 the person may be fined not more than \$25,000 or imprisoned for not more than 7
21 years and 6 months or both.

22 ***-3266/P1.33*** SECTION 49. 49.49 (4) (b) of the statutes, as affected by 1997
23 Wisconsin Act 283, is amended to read:

24 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony,
25 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the

1 ~~person may be fined not more than \$25,000 or imprisoned for not more than 7 years~~
2 ~~and 6 months or both.~~

3 ***-3266/P1.34*** SECTION 50. 49.95 (1) of the statutes, as affected by 1997
4 Wisconsin Act 283, is renumbered 49.95 (1) (intro.) and amended to read:

5 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
6 this chapter, whether for himself or herself or for some other person, wilfully makes
7 any false representations ~~may, if~~ is subject to the following penalties:

8 (a) If the value of the assistance so secured does not exceed \$300, the person
9 may be required to forfeit not more than \$1,000; if,

10 (b) If the value of the assistance exceeds \$300 but does not exceed \$1,000, the
11 person may be fined not more than \$250 or imprisoned for not more than 6 months
12 or both; if,

13 ~~(c) the value of the assistance exceeds \$1,000 but does not exceed \$2,500,~~
14 ~~\$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not~~
15 ~~more than 7 years and 6 9 months or both; and if,~~

16 ~~(d) the value of the assistance exceeds \$2,500, be punished as prescribed~~
17 ~~under s. 943.20 (2) (e) \$~~ 2 . 0 0 0

18 Class I felony.

19 **SECTION 51.** 49.95 (1) (e) and (f) of the statutes are created to read:

20 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
21 \$10,000, the person is guilty of a Class H felony.

22 (f) If the value of the assistance exceeds \$10,000, the person is guilty of a Class
23 G felony.

24 ***-3266/P1.35*** SECTION 52. 51.15 (12) of the statutes, as affected by 1997
25 Wisconsin Act 283, is amended to read:

1 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
2 knowing the information contained therein to be false ~~may be fined not more than~~
3 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
4 Class H felony.

5 ***-3266/P1.36*** SECTION 53. 55.06 (11) (am) of the statutes, as affected by 1997
6 Wisconsin Act 283, is amended to read:

7 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the
8 information contained therein to be false ~~may be fined not more than \$5,000 or~~
9 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
10 felony.

11 ***-3266/P1.37*** SECTION 54. 66.4025 (1) (b) of the statutes, as affected by 1997
12 Wisconsin Act 283, is amended to read:

13 66.4025 (1) (b) Any person who secures or assists in securing dwelling
14 accommodations under s. 66.402 by intentionally making false representations in
15 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
16 which the person would not otherwise be entitled ~~shall be fined not more than~~
17 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony

18 ***-3266/P1.38*** SECTION 55. 66.4025 (1) (c) of the statutes, as affected by 1997
19 Wisconsin Act 283, is amended to read:

20 66.4025 (1) (c) Any person who secures or assists in securing dwelling
21 accommodations under s. 66.402 by intentionally making false representations in
22 order to receive more than \$25,000 in financial assistance for which the person would
23 not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not~~
24 ~~more than 7 years and 6 months or both~~ is guilty of a Class H felony.

1 ***-3266/P1.39*** SECTION 56. 69.24 (1) (intro.) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not~~
4 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
5 I felony:

6 ***-3266/P1.40*** SECTION 57. 70.47 (18) (a) of the statutes, as affected by 1997
7 Wisconsin Act 283, is amended to read:

8 70.47 (18) (a) Whoever with intent to injure or defraud alters, damages,
9 removes or conceals any of the items specified under subs. (8) (f) and (17) ~~may be fined~~
10 ~~not more than \$1,000 or imprisoned for not more than 3 years or both~~ is guilty of a
11 Class I felony.

12 ***-3266/P1.41*** SECTION 58. 71.83 (2) (b) of the statutes, as affected by 1997
13 Wisconsin Act 283, is amended to read:

14 71.83 (2) (b) *Felony.* 1. 'False income tax return; fraud.' Any person, other than
15 a corporation or limited liability company, who renders a false or fraudulent income
16 tax return with intent to defeat or evade any assessment required by this chapter
17 ~~shall be~~ is guilty of a Class H felony and may be fined not more than \$10,000 or
18 ~~imprisoned for not more than 7 years and 6 months or both, together with assessed~~
19 the cost of prosecution. In this subdivision, "return" includes a separate return filed
20 by a spouse with respect to a taxable year for which a joint return is filed under s.
21 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by
22 the spouses with respect to a taxable year for which a separate return is filed under
23 s. 71.03 (2) (m) after the filing of that joint return.

24 2. 'Officer of a corporation; false franchise or income tax return.' Any officer
25 of a corporation or manager of a limited liability company required by law to make,

1 render, sign or verify any franchise or income tax return, who makes any false or
2 fraudulent franchise or income tax return, with intent to defeat or evade any
3 assessment required by this chapter ~~shall be is~~ guilty of a Class H felony and may
4 be ~~fin~~ed not more than \$10,000 or imprisoned for not more than 7 years and 6 months
5 or both, together with ~~assessed~~ the cost of prosecution.

6 3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,
7 depositing or concealing any property upon which a levy is authorized with intent
8 to evade or defeat the assessment or collection of any tax administered by the
9 department ~~is guilty of a Class I felony and may be fined not more than \$5,000 or~~
10 ~~imprisoned for not more than 4 years and 6 months or both, together with assessed~~
11 the ~~costs~~ cost of prosecution.

12 4. 'Fraudulent claim for credit.' ~~The~~ A claimant who ~~filed~~ files a claim for credit
13 under s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and ~~was~~
14 filed with fraudulent intent and any person who ~~assisted, with fraudulent intent,~~
15 assists in the preparation or filing of the false or excessive claim or supplied
16 information upon which the false or excessive claim was prepared-
17 ~~intent, is guilty of a Class H felony and may be fined not more than \$10,000 or~~
18 ~~imprisoned for not more than 7 years and 6 months or both, together with assessed~~
19 the cost of prosecution.

20 ***-3266/P1.42*** SECTION 59. 86.192 (4) of the statutes, as affected by 1997
21 Wisconsin Act 283, is amended to read:

22 86.192 (4) Any person who violates this section ~~shall be fin~~ ~~more than~~
23 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
24 if the injury, defacement or removal causes the death of a person.

1 ***-3266/P1.43*** SECTION 60. 97.43 (4) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 97.43 (4) Whoever violates this section ~~may be fined not less than \$500 nor~~
4 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
5 guilty of a Class H felony

6 ***-3266/P1.44*** SECTION 61. 97.45 (2) of the statutes, as affected by 1997
7 Wisconsin Act 283, is amended to read:

8 97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor~~
9 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
10 guilty of a Class H felony.

11 ***-3266/P1.45*** SECTION 62. 100.171 (7) (b) of the statutes is amended to read:

12 100.171 (7) (b) Whoever intentionally violates this section ~~may be fined not~~
13 ~~more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class~~
14 I felony. A person intentionally violates this section if the violation occurs after the
15 department or a district attorney has notified the person by certified mail that the
16 person is in violation of this section.

17 ***-3266/P1.46*** SECTION 63. 100.2095 (6) (d) of the statutes is amended to read:

18 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less
19 ~~than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more than ~~one year~~
20 9 months or both. Each day of violation constitutes a separate offense.

21 ***-3266/P1.47*** SECTION 64. 100.26 (2) of the statutes, as affected by 1997
22 Wisconsin Act 283, is amended to read:

23 100.26 (2) Any person violating s. 100.02 ~~shall be fined not less than \$50 nor~~
24 ~~more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and~~
25 6 months or both is guilty of a Class I felony.

1 ***-3266/P1.48*** SECTION 65. 100.26 (5) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 100.26 (5) Any person violating s. 100.06 or any order or regulation of the
4 department thereunder, or s. 100.18 (9), ~~shall~~ may be fined not ~~less than \$100 nor~~
5 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.
6 Each day of violation constitutes a separate offense.

7 ***-3266/P1.49*** SECTION 66. 100.26 (7) of the statutes, as affected by 1997
8 Wisconsin Act 283, is amended to read:

9 100.26 (7) Any person violating s. 100.182 ~~shall~~ may be fined not ~~less than \$500~~
10 ~~nor~~ more than ~~\$5,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or
11 both for each offense. Each unlawful advertisement published, printed or mailed on
12 separate days or in separate publications, hand bills or direct mailings is a separate
13 violation of this section.

14 ***-3266/P1.50*** SECTION 67. 101.143 (10) (b) of the statutes, as affected by 1997
15 Wisconsin Act 283, is amended to read:

16 101.143 (10) (b) Any owner or operator, person owning a home oil tank system
17 or service provider who intentionally destroys a document that is relevant to a claim
18 for reimbursement under this section ~~may be fined not more than \$10,000 or~~
19 ~~imprisoned for not more than 15 years or both~~ is guilty of a Class G felony.

20 ***-3266/P1.51*** SECTION 68. 101.94 (8) (b) of the statutes, as affected by 1997
21 Wisconsin Act 283, is amended to read:

22 101.94 (8) (b) Any individual or a director, officer or agent of a corporation who
23 knowingly and wilfully violates this subchapter in a manner which threatens the
24 health or safety of a purchaser ~~shall~~ may be fined not more than ~~\$1,000~~ \$10,000 or
25 imprisoned for not more than ~~2 years~~ 9 months or both.

1 ***-3266/P1.52*** SECTION 69. 102.835 (11) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 102.835 (11) **EVASION.** Any person who removes, deposits or conceals or aids in
4 removing, depositing or concealing any property upon which a levy is authorized
5 under this section with intent to evade or defeat the assessment or collection of any
6 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
7 ~~6 months or both,~~ is guilty of a Class I felony and shall be liable to the state for the
8 costs of prosecution.

9 ***-3266/P1.53*** SECTION 70. 102.835 (18) of the statutes, as affected by 1997
10 Wisconsin Act 283, is amended to read:

11 102.835 (18) **RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY.** No
12 employer may discharge or otherwise discriminate with respect to the terms and
13 conditions of employment against any employe by reason of the fact that his or her
14 earnings have been subject to levy for any one levy or because of compliance with any
15 provision of this section. Whoever wilfully violates this subsection may be fined not
16 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

17 ***-3266/P1.54*** SECTION 71. 102.85 (3) of the statutes, as affected by 1997
18 Wisconsin Act 283, is amended to read:

19 102.85 (3) An employer who violates an order to cease operations under s.
20 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3~~
21 ~~years or both~~ is guilty of a Class I felony.

22 ***-3266/P1.55*** SECTION 72. 108.225 (11) of the statutes, as affected by 1997
23 Wisconsin Act 283, is amended to read:

24 108.225 (11) **EVASION.** Any person who removes, deposits or conceals or aids in
25 removing, depositing or concealing any property upon which a levy is authorized

1 under this section with intent to evade or defeat the assessment or collection of any
2 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
3 ~~6 months or both~~, is guilty of a Class I felony and shall be liable to the state for the
4 costs of prosecution.

5 ***-3266/P1.56*** SECTION 73. 108.225 (18) of the statutes, as affected by 1997
6 Wisconsin Act 283, is amended to read:

7 108.225 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
8 employer may discharge or otherwise discriminate with respect to the terms and
9 conditions of employment against any employe by reason of the fact that his or her
10 earnings have been subject to levy for any one levy or because of compliance with any
11 provision of this section. Whoever wilfully violates this subsection may be fined not
12 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

13 ***-0590/P5.9*** SECTION 74. 110.07 (5) (a) of the statutes is amended to read:

14 110.07 (5) (a) In this subsection, "bulletproof garment" ~~has the meaning given~~
15 ~~n.s. 939.64 (1) means a vest or other garment designed, redesigned or adapted to~~
16 prevent bullets from penetrating through the garment.

17 ***-3266/P1.57*** SECTION 75. 114.20 (18) (c) of the statutes, as affected by 1997
18 Wisconsin Act 283, is amended to read:

19 114.20 (18) (c) Any person who knowingly makes a false statement in any
20 application or in any other document required to be filed with the department? ~~or who~~
21 knowingly foregoes the submission of any application, document, or any registration
22 certificate or transfers ~~shall be fined not more than \$5,000 or imprisoned for not more~~
23 ~~than 7 years and 6 months or both~~ is guilty of a Class H felony

24 ***-0590/P5.10*** SECTION 76. 115.31 (2g) of the statutes is amended to read:

1 115.31 (2g) Notwithstanding subch. II of ch. 111, the state superintendent shall
2 revoke a license granted by the state superintendent, without a hearing, if the
3 licensee is convicted of any Class A, B, C ~~or~~, D, E, F, G or H felony under ch. 940 or
4 948, except ss. 940.08 and 940.205, for a violation that occurs on or after September
5 12, 1991.

6 *~~-0590/P5.11~~* SECTION 77. 118.19 (4) (a) of the statutes is amended to read:

7 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
8 may not grant a license to any person who has been convicted of any Class A, B, C
9 ~~or~~, D, E, F, G or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of
10 an equivalent crime in another state or country, for a violation that occurs on or after
11 September 12, 1991, for 6 years following the date of the conviction, and may grant
12 the license only if the person establishes by clear and convincing evidence that he or
13 she is entitled to the license.

14 *~~-3266/P1.58~~* SECTION 78. 125.075 (2) of the statutes, as affected by 1997
15 Wisconsin Act 283, is renumbered 125.075 (2) (a) and amended to read:

16 125.075 (2) (a) Whoever violates sub. (1) ~~may be fined not more than \$10,000~~
17 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
18 felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

19 *~~-3266/P1.59~~* SECTION 79. 125.075 (2) (b) of the statutes is created to read:

20 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
21 underage person dies.

22 *~~-3266/P1.60~~* SECTION 80. 125.085 (3) (a) 2. of the statutes, as affected by 1997
23 Wisconsin Act 283, is amended to read:

1 125.085 (3) (a) 2. Any person who violates subd. 1. for money or other
2 consideration ~~may be fined not more than \$10,000 or imprisoned for not more than~~
3 ~~3 years or both~~ is guilty of a Class I felony.

4 ***-3266/P1.61*** SECTION 81. 125.105 (2) (b) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of,
7 a crime ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years~~
8 ~~and 6 months or both~~ is guilty of a Class H felony

9 ***-3266/P1.62*** SECTION 82. 125.66 (3) of the statutes, as affected by 1997
10 Wisconsin Act 283, is amended to read:

11 125.66 (3) Any person manufacturing or rectifying intoxicating liquor without
12 holding appropriate permits under this chapter, or any person who sells such liquor,
13 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or~~
14 ~~both. Second or subsequent convictions shall be punished by both the fine and~~
15 ~~imprisonment~~ is guilty of a Class F felony.

16 ***-3266/P1.63*** SECTION 83. 125.68 (12) (b) of the statutes, as affected by 1997
17 Wisconsin Act 283, is amended to read:

18 125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor~~
19 ~~more than \$5,000 or imprisoned for not less than one year nor more than 15 years~~
20 ~~or both~~ is guilty of a Class F felony

21 ***-3266/P1.64*** SECTION 84. 125.68 (12) (c) of the statutes, as affected by 1997
22 Wisconsin Act 283, is amended to read:

23 125.68 (12) (c) Any person causing the death of another human being through
24 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol

1 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
2 ~~for not more than 15 years~~ is guilty of a Class E felony.

3 ***-3266/P1.65*** SECTION 85. 132.20 (2) of the statutes, as affected by 1997
4 Wisconsin Act 283, is amended to read:

5 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
6 in this state in a counterfeit mark or in any goods or service bearing or provided
7 under a counterfeit mark ~~shall is aulty of a Class H felony. except that,~~
8 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
9 individual, he or she may be fined not more than \$250,000 ~~or imprisoned for not more~~
10 ~~than 7 years and 6 months or both, or, and~~ if the person is not an individual? the
11 person may be fined not more than \$1,000,000.

12 ***-3266/P1.66*** SECTION 86. 133.03 (1) of the statutes, as affected by 1997
13 Wisconsin Act 283, is amended to read:

14 133.03 (1) Every contract, combination in the form of trust or otherwise, or
15 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any
16 contract or engages in any combination or conspiracy in restraint of trade or
17 commerce is guilty of a Class H felony. except that. notwithstandinrr the maximum
18 fine specified in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if
19 a corporation, or, if any other person, may be fined not more than \$50,000 ~~or~~
20 ~~imprisoned for not more than 7 years and 6 months or both.~~

21 ***-3266/P1.67*** SECTION 87. 133.03 (2) of the statutes, as affected by 1997
22 Wisconsin Act 283, is amended to read:

23 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
24 combines or conspires with any other person or persons to monopolize any part of
25 trade or commerce is guilty of a Class H felony. except that. notwithstanding the

1 ~~maximum fine specified in s. 939.50 (3) (h), the person~~ may be fined not more than
2 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
3 ~~or imprisoned for not more than 5 years and 6 months or both.~~

4 ***-3266/P1.68*** SECTION 88. 134.05 (4) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~
7 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~
8 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
9 9 months or both.

10 ***-3266/P1.69*** SECTION 89. 134.16 of the statutes, as affected by 1997
11 Wisconsin Act 283, is amended to read:

12 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
13 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
14 brokerage or deposit company, corporation or institution, or of any person, company
15 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
16 business in any way, or any person engaged in such business in whole or in part, who
17 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
18 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
19 bills of exchange, bank checks or other commercial paper for safekeeping or for
20 collection, when he or she knows or has good reason to know that such bank, company
21 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~
22 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
23 ~~not more than \$10,000~~ is guilty of a Class F felony.

24 ***-3266/P1.70*** SECTION 90. 134.20 (1) (intro.) of the statutes, as affected by
25 1997 Wisconsin Act 283, is amended to read:

1 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
2 ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6~~
3 ~~months or both~~ is guilty of a Class H felony:

4 ***-3266/P1.71*** **SECTION 91.** 134.205 (4) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
7 without entering the same in a register as required by this section ~~shall be fined not~~
8 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
9 guilty of a Class H felony.

10 ***-3266/P1.72*** **SECTION 92.** 134.58 of the statutes, as affected by 1997
11 Wisconsin Act 283, is amended to read:

12 **134.58 Use of unauthorized persons as officers.** Any person who,
13 individually, in concert with another or as agent or officer of any firm, joint-stock
14 company or corporation, uses, employs, aids or assists in employing any body of
15 armed persons to act as militia, police or peace officers for the protection of persons
16 or property or for the suppression of strikes, not being authorized by the laws of this
17 state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than~~
18 ~~one year nor more than 4 years and 6 months or both~~ is guilty of a Class I felony.

19 ***-3266/P1.73*** **SECTION 93.** 139.44 (1) of the statutes, as affected by 1997
20 Wisconsin Act 283, is amended to read:

21 139.44 **(1)** Any person who falsely or fraudulently makes, alters or counterfeits
22 any stamp or procures or causes the same to be done, or who knowingly utters,
23 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
24 affixes the same to any package or container of cigarettes, or who possesses with the
25 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps

1 have been affixed shall be imprisoned ~~for not less than one year nor more than 15~~
2 years is guilty of a Class G felony.

3 *~~3266/P1.74~~* SECTION 94. 139.44 (1m) of the statutes, as affected by 1997
4 Wisconsin Act 283, is amended to read:

5 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
6 meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than~~
7 ~~one year ~~or more than 15 years~~~~ is guilty of a Class G felony.

8 *~~3266/P1.75~~* SECTION 95. 139.44 (2) of the statutes, as affected by 1997
9 Wisconsin Act 283, is amended to read:

10 139.44 (2) Any person who makes or signs any false or fraudulent report or who
11 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
12 evasion or attempted evasion of that tax ~~shall~~ may be fined not less than \$1,000 ~~nor~~
13 more than ~~\$5,000~~ \$10,000 or imprisoned for not less than ~~90 days~~ 9 months ~~nor~~ more than ~~2~~
14 years or both.

15 *~~3266/P1.76~~* SECTION 96. 139.44 (8) (c) of the statutes, as affected by 1997
16 Wisconsin Act 283, is amended to read:

17 139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than~~
18 ~~\$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a
19 Class I felony.

20 *~~3266/P1.77~~* SECTION 97. 139.95 (2) of the statutes, as affected by 1997
21 Wisconsin Act 283, is amended to read:

22 139.95 (2) A dealer who possesses a schedule I controlled substance or schedule
23 II controlled substance that does not bear evidence that the tax under s. 139.88 has
24 been paid ~~may be fined not more than~~ ~~imprisoned for not more than~~ 7
25 years and 6 months or both is guilty of a Class H felony.

1 ***-3266/P1.78*** SECTION 98. 139.95 (3) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits
4 any stamp or procures or causes the same to be done or who knowingly utters,
5 publishes, passes or tenders as true any false, altered or counterfeit stamp or who
6 affixes a counterfeit stamp to a schedule I controlled substance or schedule II
7 controlled substance or who possesses a schedule I controlled substance or schedule
8 II controlled substance to which a false, altered or counterfeit stamp is affixed ~~may~~
9 ~~be fined not more than \$10,000 or imprisoned for not less than one year nor more~~
10 ~~than 15 years or both~~ is guilty of a Class F felony.

11 ***-3266/P1.79*** SECTION 99. 146.345 (3) of the statutes, as affected by 1997
12 Wisconsin Act 283, is amended to read:

13 146.345 (3) Any person who violates this section is guilty of a Class H felony,
14 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
15 person may be fined not more than \$50,060 or imprisoned for not more than 7 years
16 and 6 months or both.

17 ***-3266/P1.80*** SECTION 100. 146.35 (5) of the statutes, as affected by 1997
18 Wisconsin Act 283, is amended to read:

19 146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~
20 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
21 felony.

22 ***-3266/P1.81*** SECTION 101. 146.60 (9) (am) of the statutes, as affected by 1997
23 Wisconsin Act 283, is amended to read:

1 146.60 (9) (am) For a 2nd or subsequent violation under par. (ag), a person ~~shall~~
2 ~~map~~ be fined not less than ~~\$1,000~~ nor more than \$50,000 or imprisoned for not more
3 than ~~2 years~~ 9 months or both.

4 ***-3266/P1.82*** SECTION 102. 146.70 (10) (a) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 146.70 (10) (a) Any person who intentionally dials the telephone number "911"
7 to report an emergency, knowing that the fact situation which he or she reports does
8 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
9 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~
10 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
11 felony for any other offense committed within 4 years after the first offense.

12 ***-3266/P1.83*** SECTION 103. 154.15 (2) of the statutes, as affected by 1997
13 Wisconsin Act 283, is amended to read:

14 154.15 (2) Any person who, with the intent to cause a withholding or
15 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
16 the declarant, illegally falsifies or forges the declaration of another or conceals a
17 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
18 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~
19 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
20 felony.

21 ***-3266/P1.84*** SECTION 104. 154.29 (2) of the statutes, as affected by 1997
22 Wisconsin Act 283, is amended to read:

23 154.29 (2) Any person who, with the intent to cause the withholding or
24 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
25 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation

1 under s. 154.21 of a do-not-resuscitate order or any responsible person who
2 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~
3 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
4 felony.

5 ***-3266/P1.85*** SECTION 105. 166.20 (11) (b) of the statutes, as affected by 1997
6 Wisconsin Act 283, is amended to read:

7 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
8 release of a hazardous substance covered under 42 USC 11004 as required under sub.
9 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall be subject to the following~~
10 penalties:

11 1. For the first offense, the person is guilty of a Class I felony except that,
12 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
13 fined not less than \$100 nor more than \$25,000 or imprisoned for not more than 3
14 years or both.

15 2. For the 2nd and subsequent offenses, the person is guilty of a Class I felony.
16 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the
17 person may be fined not less than \$200 nor more than \$50,000 or imprisoned for not
18 more than 3 years or both.

19 ***-3266/P1.86*** SECTION 106. 167.10 (9) (g) of the statutes, as affected by 1997
20 Wisconsin Act 283, is amended to read:

21 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
22 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~
23 ~~than 15 years or both~~ is guilty of a Class G felony.

24 ***-3266/P1.87*** SECTION 107. 175.20 (3) of the statutes, as affected by 1997
25 Wisconsin Act 283, is amended to read:

1 175.20 (3) Any person who violates any of the provisions of this section ~~shall~~
2 may be fined not less than \$25 nor more than \$1,000 and \$10,000 or may be
3 imprisoned for not ~~less than 30 days nor~~ more than ~~2 years 9 months~~ or both. In
4 addition, the court may revoke the license or licenses of the person or persons
5 convicted.

6 ***-3266/P1.88*** SECTION 108. 180.0129 (2) of the statutes, as affected by 1997
7 Wisconsin Act 283, is amended to read:

8 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
9 ~~or imprisoned for not more than 3 years or both~~ is aulvty of a Class I felony.

10 ***-3266/P1.89*** SECTION 109. 181.0129 (2) of the statutes, as affected by 1997
11 Wisconsin Act 283, is amended to read:

12 181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more~~
13 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is aulvty of a Class I
14 felony.

15 ***-3266/P1.90*** SECTION 110. 185.825 of the statutes, as affected by 1997
16 Wisconsin Act 283, is amended to read:

17 **185.825 Penalty for false document.** Whoever causes a document to be
18 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
19 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is aulvty of a
20 Class I felony.

21 ***-3266/P1.91*** SECTION 111. 200.09 (2) of the statutes, as affected by 1997
22 Wisconsin Act 283, is amended to read:

23 200.09 (2) Every director, president, secretary or other official or agent of any
24 public service corporation, who shall practice fraud or knowingly make any false
25 statement to secure a certificate of authority to issue any security, or issue under a

1 certificate so obtained and with knowledge of such fraud, or false statement, or
2 negotiate, or cause to be negotiated, any security, in violation of this chapter, shall
3 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
4 ~~15 years or both~~ is guilty of a Class I felony.

5 ***-3266/P1.92*** SECTION 112. 214.93 of the statutes, as affected by 1997
6 Wisconsin Act 283, is amended to read:

7 **214.93 False statements.** A person may not knowingly make, cause, or allow
8 another person to make or cause to be made, a false statement, under oath if required
9 by this chapter or on any report or statement required by the division or by this
10 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
11 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

12 ***-3266/P1.93*** SECTION 113. 215.02 (6) (b) of the statutes, as affected by 1997
13 Wisconsin Act 283, is amended to read:

14 215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any
15 debtor of any association or any information about the private account or
16 transactions of such association, discloses any fact obtained in the course of any
17 examination of any association, or discloses examination or other confidential
18 information obtained from any state or federal regulatory authority, including an
19 authority of this state or another state, for financial institutions, mortgage bankers,
20 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
21 I felony and shall forfeit his or her office or position ~~and may be fined not less than~~
22 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~
23 ~~3 years or both.~~

24 ***-3266/P1.94*** SECTION 114. 215.12 of the statutes, as affected by 1997
25 Wisconsin Act 283, is amended to read:

1 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
2 director, employe or agent of any association who steals, abstracts, or wilfully
3 misapplies any property of the association, whether owned by it or held in trust, or
4 who, without authority, issues or puts forth any certificate of savings accounts,
5 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
6 in any book, record, report or statement of the association with intent to injure or
7 defraud the association or any person or corporation, or to deceive any officer or
8 director of the association, or any other person, or any agent appointed to examine
9 the affairs of such association, or any person who, with like intent, aids or abets any
10 officer, director, employe or agent in the violation of this section, ~~shall be imprisoned~~
11 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

12 *~~3266/P1.95~~* **SECTION 115.** 215.21 (21) of the statutes, as affected by 1997
13 Wisconsin Act 283, is amended to read:

14 **215.21 (21) PENALTYFORGIVINGORACCEPTINGMONEYFORLOANS .** Every officer,
15 director, employe or agent of any association, or any appraiser making appraisals for
16 any association, who accepts or receives, or offers or agrees to accept or receive
17 anything of value in consideration of its loaning any money to any person; or any
18 person who offers, gives, presents or agrees to give or present anything of value to
19 any officer, director, employe or agent of any association or to any appraiser making
20 appraisals for any association in consideration of its loaning money to the person,
21 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~
22 ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this
23 subsection prohibits an association from employing an officer, employe or agent to
24 solicit mortgage loans and to pay the officer, employe or agent on a fee basis.

1 *~~3266/P1.96~~* **SECTION 116**. 218.21 (7) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 218.21 (7) Any person who knowingly makes a false statement in an
4 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
5 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
6 Class H felony.

7 *~~3266/P1.97~~* **SECTION 117**. 220.06 (2) of the statutes, as affected by 1997
8 Wisconsin Act 283, is amended to read:

9 220.06 (2) If any employe in the division or any member of the banking review
10 board or any employe thereof discloses the name of any debtor of any bank or
11 licensee, or anything relative to the private account or transactions of such bank or
12 licensee, or any fact obtained in the course of any examination of any bank or
13 licensee, except as herein provided, that person is guilty of a Class I felony and shall
14 be subject, upon conviction, to forfeiture of office or position ~~and may be fined not less~~
15 ~~than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more~~
16 ~~than 3 years or both.~~

17 *~~3266/P1.98~~* **SECTION 118**. 221.0625 (2) (intro.) of the statutes, as affected
18 by 1997 Wisconsin Act 283, is amended to read:

19 221.0625 (2) **PENALTY**. (intro.) An officer or director of a bank who, in violation
20 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~
21 ~~not more than 15 years~~ is guilty of a Class F felony:

22 *~~3266/P1.99~~* **SECTION 119**. 221.0636 (2) of the statutes, as affected by 1997
23 Wisconsin Act 283, is amended to read:

24 221.0636 (2) **PENALTY**. Any person who violates sub. (1) ~~may be imprisoned for~~
25 ~~not more than 30 years~~ is guilty of a Class H felony.

1 ***-3266/P1.100*** SECTION 120. 221.0637 (2) of the statutes, as affected by 1997
2 Wisconsin Act 283, is amended to read:

3 221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~
4 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
5 felony.

6 ***-3266/P1.101*** SECTION 121. 221.1004 (2) of the statutes, as affected by 1997
7 Wisconsin Act 283, is amended to read:

8 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
9 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
10 ~~than 15 years or both~~ is guilty of a Class F felony.

11 ***-3361/P2.10*** SECTION 122. 227.01 (13)(sm) of the statutes is created to read:
12 227.01 (13) (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

13 ***-3361/P2.11*** SECTION 123. 230.08 (2) (L) 6. of the statutes is created to read:
14 230.08 (2) (L) 6. Sentencing commission.

15 ***-3361/P2.12*** SECTION 124. 230.08 (2) (of) of the statutes is created to read:
16 230.08 (2) (of) The executive director of the sentencing commission.

17 ***-3266/P1.102*** SECTION 125. 253.06 (4) (b) of the statutes is amended to read:
18 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
19 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both,~~ is guilty
20 of a Class I felony for the first offense and ~~may be fined not more than \$10,000 or~~
21 ~~imprisoned for not more than 7 years and 6 months, or both,~~ is guilty of a Class H
22 felony for the 2nd or subsequent offense.

23 ***-3266/P1.103*** SECTION 126. 285.87 (2) (b) of the statutes, as affected by 1997
24 Wisconsin Act 283, is amended to read:

1 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
2 another conviction under par. (a), the person ~~shall~~ is guilty of a Class I felony, except
3 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may
4 be fined not more than \$50,000 per day of violation or imprisoned for not more than
5 3 years or both.

6 ***-3266/P1.104*** SECTION 127. 291.97 (2) (b) (intro.) of the statutes, as affected
7 by 1997 Wisconsin Act 283, is amended to read:

8 291.97 (2) (b) (intro.) Any person who wilfully does any of the following ~~shall~~
9 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
10 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than
11 \$100,000 or imprisoned for not more than 7 years and 6 months or both.

12 ***-3266/P1.105*** SECTION 128. 291.97 (2) (c) 1. and 2. of the statutes, as affected
13 by 1997 Wisconsin Act 283, are amended to read:

14 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person ~~shall~~
15 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
16 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000
17 or imprisoned for not more than 2 years or both.

18 2. For a 2nd or subsequent violation under par. (b), a person ~~shall~~ is guilty of
19 a Class F felony, except that, notwithstanding the maximum fine specified in s.
20 939.50(3)(f), the person may be fined not less than \$5,000 nor more than \$150,000
21 or imprisoned for not more than 15 years or both.

22 ***-3266/P1.106*** SECTION 129. 299.53 (4) (c) 2. of the statutes, as affected by
23 1997 Wisconsin Act 283, is amended to read:

24 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
25 representation in complying with sub. (2) (a) shall be fined not more than \$25,000

1 or imprisoned for not more than one year in the county jail or both. For a 2nd or
2 subsequent violation, the person ~~shall~~ is guilty of a Class I felony, except that,
3 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
4 fined not more than \$50,000 ~~or imprisoned for not more than 3 years or both.~~

5 ***-2889/P3.1*** SECTION 130. 301.035 (2) of the statutes is amended to read:

6 301.035 (2) Assign hearing examiners from the division to preside over
7 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
8 (2) and ch. 304.

9 ***-2889/P3.2*** SECTION 131. 301.035 (4) of the statutes is amended to read:

10 301.035 (4) Supervise employes in the conduct of the activities of the division
11 and be the administrative reviewing authority for decisions of the division under ss.
12 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
13 ch. 304.

14 ***-0590/P5.12*** SECTION 132. 301.26 (4) (cm) 1. of the statutes is amended to
15 read:

16 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
17 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
18 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile
19 correctional institutions, secured child caring institutions, as defined in s. 938.02
20 (15g), alternate care providers, aftercare supervision providers and corrective
21 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
22 care of any juvenile 14 years of age or over who has been placed in a juvenile
23 correctional facility based on a delinquent act that is a violation of s. 939.31, 939.32

24 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
25 (2), 943.23 (lg), ~~(1m) or (1r)~~, 943.32 (2), 948.02 (1), 948.025, ~~(1) or 948.30 (2), 948.35~~

1997 stats., s.

S. 943.23 (1m) or (1r), 948.35 or s. 948.36, 1997 stats., or

1997 stats.,

1 ~~(1)(b) or 948.36~~ and for the care of any juvenile 10 years of age or over who has been
2 placed in a juvenile correctional institution or a secured child caring institution for
3 attempting or committing a violation of s. 940.01 or for committing a violation of s.
4 940.02 or 940.05.

5 ***-3266/P1.107*** SECTION 133. 302.095 (2) of the statutes, as affected by 1997
6 Wisconsin Act 283, is amended to read:

7 302.095 (2) Any officer or other person who delivers or procures to be delivered
8 or has in his or her possession with intent to deliver to any inmate confined in a jail
9 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
10 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
11 prison, any article or thing whatever, with intent that any inmate confined in the jail
12 or prison shall obtain or receive the same, or who receives from any inmate any
13 article or thing whatever with intent to convey the same out of a jail or prison,
14 contrary to the rules or regulations and without the knowledge or permission of the
15 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
16 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~
17 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

18 ***-0590/P5.13*** SECTION 134. 302.11 (lg) (a) 2. of the statutes is amended to
19 read:

20 302.11 (**lg**) (a) 2. Any felony under s. 940.02, 940.03, 940.05, 940.09 ~~(1) (1c),~~
21 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305 (2), 940.31 (1) or (2) (b),
22 943.02, 943.10 (2), 943.23 (lg) ~~or (1m)~~, 943.32 (2), 946.43, 948.02 (1) or (2), 948.025,
23 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1)(b) or (c)
24 ~~or 948.36.~~

25 ***-3265/P1.2*** SECTION 135. 302.11 (lp) of the statutes is amended to read:

1 302.11 **(lp)** An inmate serving a term subject to s. 961.49 (2), 1997 stats. for
2 a crime committed before December 31, 1999, is entitled to mandatory release,
3 except the inmate may not be released before he or she has complied with s. 961.49
4 (2), 1997 stats.

5 ***-3370/P2.1*** SECTION 136. 302.113 (2) of the statutes is amended to read:

6 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
7 section is entitled to release to extended supervision after he or she has served the
8 term of confinement in prison portion of the sentence imposed under s. 973.01, as
9 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
10 applicable.

11 ***-3370/P2.2*** SECTION 137. 302.113 (7) of the statutes is amended to read:

12 302.113 (7) Any person released to extended supervision under this section is
13 subject to all conditions and rules of extended supervision until the expiration of the
14 term of extended supervision portion of the bifurcated sentence. The department
15 may set conditions of extended supervision in addition to any conditions of extended
16 supervision set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by
17 the department do not conflict with the court's conditions. y

18 **SECTION 138.** 302.113 (7g) of the statutes is created to read:

19 302.113 **(7g)** (a) In this subsection, "serious child sex offender" means a person
20 who has been convicted of committing a crime specified in s. 948.02 (1) or (2) or
21 948.025 (1) against a child who had not attained the age of 13 years.

22 (b) Subject to sub. (7), the department may require as a condition of extended
23 supervision that a serious child sex offender undergo pharmacological treatment
24 using an antiandrogen or the chemical equivalent of an antiandrogen. This
25 paragraph does not prohibit the department from requiring pharmacological

1 treatment using an antiandrogen or the chemical equivalent of an antiandrogen as
2 a condition of probation.

3 ***-3370/P2.3*** SECTION 139. 302.113 (7m) of the statutes is created to read:

4 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
5 or the department may petition the sentencing court to modify any conditions of
6 extended supervision set by the court.

7 (b) If the department files a petition under this subsection, it shall serve a copy
8 of the petition on the person who is the subject of the petition and, if the person is
9 represented by an attorney, on the person's attorney. If a person who is subject to this
10 section or his or her attorney files a petition under this subsection, the person or his
11 or her attorney shall serve a copy of the petition on the department. The court shall
12 serve a copy of a petition filed under this section on the district attorney. The court
13 may direct the clerk of the court to provide notice of the petition to a victim of a crime
14 committed by the person who is the subject of the petition.

15 (c) The court may conduct a hearing to consider the petition. The court may
16 grant the petition in full or in part if it determines that the modification would meet
17 the needs of the department and the public and would be consistent with the
18 objectives of the person's sentence.

19 (d) A person subject to this section or the department may appeal an order
20 entered by the court under this subsection. The appellate court may reverse the
21 order only if it determines that the sentencing court erroneously exercised its
22 discretion in granting or denying the petition.

23 (e) 1. An inmate may not petition the court to modify the conditions of extended
24 supervision earlier than one year before the date of the inmate's scheduled date of

1 release to extended supervision or more than once before the inmate's release to
2 extended supervision.

3 2. A person subject to this section may not petition the court to modify the
4 conditions of extended supervision within one year after the inmate's release to
5 extended supervision. If a person subject to this section files a petition authorized
6 by this subsection after his or her release from confinement, the person may not file
7 another petition until one year after the date of filing the former petition.

8 SECTION 140. 302.113 (8m) of the statutes is created to read:

9 302.113 (8m) (a) Every person released to extended supervision under this
10 section remains in the legal custody of the department. If the department alleges
11 that any condition or rule of extended supervision has been violated by the person,
12 the department may take physical custody of the person for the investigation of the
13 alleged violation.

14 (b) If a person released to extended supervision under this section signs a
15 statement admitting a violation of a condition ^{or rule} of extended supervision, the
16 department may, as a sanction for the violation, confine the person for up to 90 days
17 in a regional detention facility or, with the approval of the sheriff, in a county jail.

18 If the department confines the person in a county jail, ^{under this paragraph} the department shall ^{provide}
19 reimbursement to the county for the ^{its} actual costs ^{incurred} in confining the person

20 ~~as authorized by the department,~~ from the appropriations under s. 20.410 (1) (ab)
21 and (b). Notwithstanding s. 302.43, the person is not eligible to earn good time credit
22 on any period of confinement imposed under this subsection.

23 *-2889/P3.3* SECTION 141. 302.113 (9) of the statutes is amended to read:

24 302.113 (9) (a) If a person released to extended supervision under this section
25 violates a condition of extended supervision, the division of hearings and appeals in

for the county in which the person was convicted of the offense for which he or she was on extended supervision.

If the extended supervision of the person is revoked, the person shall be returned to

1 the department of administration, upon proper notice and hearing, or the
 2 department of corrections, if the person on extended supervision waives a hearing,
 3 may revoke the extended supervision of the person and return the person to prison.
 4 If the extended supervision of the person is revoked, the person shall be returned to
 5 the court that sentenced the person and the court shall order the person to be
 6 returned to prison, he or she shall be returned to prison for any specified period of
 7 time that does not exceed the time remaining on the bifurcated sentence. The time
 8 remaining on the bifurcated sentence is the total length of the bifurcated sentence,
 9 less time served by the person in custody under the sentence before release to
 10 extended supervision under sub. (2) and less all time served in custody for previous
 11 revocations of extended supervision under the sentence. The revocation court order
 12 returning a person to prison under this paragraph shall provide the person on whose
 13 extended supervision was revoked with credit in accordance with ss. 304.072 and
 14 973.155.

15 (b) A person who is returned to prison after revocation of extended supervision
 16 shall be incarcerated for the entire period of time specified by the department of
 17 corrections in the case of a waiver or by the division of hearings and appeals in the
 18 department of administration in the case of a hearing court under par. (a). r i o d
 19 of time specified under par. (a) may be extended in accordance with sub. (3). If
 20 person is returned to prison under sar. (a) for a period of time that is less than the
 21 time remaining on the bifurcated sentence, the person shall be released to extended
 22 supervision after he or she has served the period of time specified by the court under
 23 par. (a) and any periods of extension imposed in accordance with sub. (3).

24 (c) A person who is subsequently released to extended supervision after service
 25 of the period of time specified by the department of corrections in the case of a waiver

1 or by the division of hearings and appeals in the department of administration in the
 2 case of a hearing court under par. (a) is subject to all conditions and rules under sub-
 3 ^{Subs.} (7) ^{and, if applicable, (7m)} until the expiration of the term of remaining extended supervision portion of the
 4 bifurcated sentence. The remaining extended supervision portion of the bifurcated
 5 sentence is the total length of the bifurcated sentence, less the time served by the
 6 person in custody under the sentence before release to extended supervision under
 7 sub. (2) and less all time served in custody for previous revocations of extended
 8 supervision under the sentence.

9 ***-2889/P3.4* SECTION 142.** 302.113 (9) (am) of the statutes is created to read:

10 302.113 (9) (am) When a person is returned to ~~the sentencing~~ court under par.
 11 (a) after revocation of extended supervision, the division of hearings and appeals in
 12 the department of administration, in the case of a hearing, or the department of
 13 corrections, in the case of a waiver, shall make a recommendation to the ~~sentencing~~
 14 court concerning the period of time for which the person should be returned to prison.
 15 The recommended time period may not exceed the time remaining on the bifurcated
 16 sentence, as calculated under par. (a).

17 ***-2889/P3.5* SECTION 143.** 302.113 (9) (d) of the statutes is created to read:

18 302.113 (9) (d) In any case in which there is a hearing before the division of
 19 hearings and appeals in the department of administration concerning whether to
 20 revoke of a person's extended supervision, the person on extended supervision may
 21 seek review of a decision to revoke extended supervision and the department of
 22 corrections may seek review of a decision to not revoke extended supervision. Review
 23 of a decision under this paragraph may be sought only by an action for certiorari.

24 ***-3370/P2.4* SECTION 144.** 302.113 (9g) of the statutes is created to read:

1 302.113 **(9g)** (a) In this subsection, “program review committee” means the
2 committee at a correctional institution that reviews the security classifications,
3 institution assignments and correctional programming assignments of inmates
4 confined in the institution.

5 (b) An inmate subject to this section may seek modification of his or her
6 bifurcated sentence in the manner specified in par. (f) if he or she meets one of the
7 following criteria:

8 1. The inmate is 65 years of age or older and has served at least 5 years of the
9 term of confinement in prison portion of the bifurcated sentence.

10 2. The inmate is 60 years of age or older and has served at least 10 years of the
11 term of confinement in prison portion of the bifurcated sentence.

12 (c) An inmate who meets one of the criteria under par. (b) may submit a petition
13 to the program review committee at the correctional institution in which the inmate
14 is confined requesting a modification of the inmate’s bifurcated sentence in the
15 manner specified in par. (f). If the program review committee determines that the
16 public interest would be served by a modification of the inmate’s bifurcated sentence
17 in the manner provided under par. (f), the committee shall approve the petition for
18 referral to the sentencing court and notify the department of its approval. The
19 department shall then refer the inmate’s petition to the sentencing court and request
20 the court to conduct a hearing on the petition. If the program review committee
21 determines that the public interest would not be served by a modification of the
22 inmate’s bifurcated sentence in the manner specified in par. (f), the committee shall
23 deny the inmate’s petition.

24 (d) When a court is notified by the department that it is referring to the court
25 an inmate’s petition for modification of the inmate’s bifurcated sentence, the court

1 shall set a hearing to determine whether the public interest would be served by a
2 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
3 The inmate and the district attorney have the right to be present at the hearing, and
4 any victim of the inmate's crime has the right to be present at the hearing and to
5 provide a statement concerning the modification of the inmate's bifurcated sentence.
6 The court shall order such notice of the hearing date as it considers adequate to be
7 given to the department, the inmate, the attorney representing the inmate, if
8 applicable, and the district attorney. Victim notification shall be provided as
9 specified under par. (g).

10 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
11 by the greater weight of the credible evidence that a modification of the bifurcated
12 sentence in the manner specified in par. (f) would serve the public interest. If the
13 inmate proves that a modification of the bifurcated sentence in the manner specified
14 in par. (f) would serve the public interest, the court shall modify the inmate's
15 bifurcated sentence in that manner. If the inmate does not prove that a modification
16 of the bifurcated sentence in the manner specified in par. (f) would serve the public
17 interest, the court shall deny the inmate's petition for modification of the bifurcated
18 sentence.

19 (f) A court may modify an inmate's bifurcated sentence under this section only
20 as follows:

21 1. The court shall reduce the term of confinement in prison portion of the
22 inmate's bifurcated sentence in a manner that provides for the release of the inmate
23 to extended supervision within 30 days after the date on which the court issues its
24 order modifying the bifurcated sentence.

1 2. The court shall lengthen the term of extended supervision imposed so that
2 the total length of the bifurcated sentence originally imposed does not change.

3 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

4 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
5 shall send a notice of hearing to the victim of the crime committed by the inmate, if
6 the victim has submitted a card under subd. 3. requesting notification. The notice
7 shall inform the victim that he or she may appear at the hearing scheduled under
8 par. (d) and shall inform the victim of the manner in which he or she may provide a
9 statement concerning the modification of the inmate's bifurcated sentence in the
10 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
11 attempt to send the notice of hearing to the last-known address of the inmate's
12 victim, postmarked at least 10 days before the date of the hearing.

13 3. The director of state courts shall design and prepare cards for a victim to send
14 to the clerk of the circuit court for the county in which the inmate was convicted and
15 sentenced. The cards shall have space for a victim to provide his or her name and
16 address, the name of the applicable inmate and any other information that the
17 director of state courts determines is necessary. The director of state courts shall
18 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
19 shall provide the cards, without charge, to victims. Victims may send completed
20 cards to the clerk of the circuit court for the county in which the inmate was convicted
21 and sentenced. All court records or portions of records that relate to mailing
22 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

23 (h) An inmate may appeal a court's decision to deny the inmate's petition for
24 modification of his or her bifurcated sentence. The state may appeal a court's
25 decision to grant an inmate's petition for a modification of the inmate's bifurcated

1 sentence. In an appeal under this paragraph, the appellate court may reverse a
2 decision granting or denying a petition for modification of a bifurcated sentence only
3 if it determines that the sentencing court erroneously exercised its discretion in
4 granting or denying the petition.

5 (i) If the program review committee denies an inmate's petition under par. (c),
6 the inmate may not file another petition within one year after the date of the program
7 review committee's denial. If the program review committee approves an inmate's
8 petition for referral to the sentencing court under par. (c) but the sentencing court
9 denies the petition, the inmate may not file another petition under par. (c) within one
10 year after the date of the court's decision.

11 (j) An inmate eligible to seek modification of his or her bifurcated sentence
12 under this subsection has a right to be represented by counsel in proceedings under
13 this subsection. An inmate, or the department on the inmate's behalf, may apply to
14 the state public defender for determination of indigency and appointment of counsel
15 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
16 committee under par. (c). If an inmate whose petition has been referred to the court
17 under par. (c) is without counsel, the court shall refer the matter to the state public
18 defender for determination of indigency and appointment of counsel under s. 977.05
19 (4) (jm).

20 **SECTION 145. 302.114 (5) (f) of the statutes is amended to read:**

21 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
22 release to extended supervision. In an appeal under this paragraph, the appellate
23 court may reverse an order denying a petition for release to extended supervision
24 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
25 discretion in denying the petition for release to extended supervision.

1 ***-2889/P3.6*** SECTION 146. 302.114 (6) (b) of the statutes is amended to read:

2 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for
3 release to extended supervision under this section, the clerk of the circuit court in
4 which the petition is filed shall send a copy of the petition and, if a hearing is
5 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
6 the victim has submitted a card under par. (e) requesting notification.

7 ***-2889/P3.7*** SECTION 147. 302.114 (6) (c) of the statutes is amended to read:

8 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
9 may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled,
10 and shall inform the victim of the manner in which he or she may provide written
11 statements concerning the inmate's petition for release to extended supervision.

12 **SECTION 148.** 302.114 (8g) of the statutes is created to read:

13 302.114 (8g) (a) In this subsection, "serious child sex offender" means a person
14 who has been convicted of committing a crime specified in s. 948.02 (1) or (2) or
15 948.025 (1) against a child who had not attained the age of 13 years.

16 (b) Subject to sub. (8), the department may require as a condition of extended
17 supervision that a serious child sex offender undergo pharmacological treatment
18 using an antiandrogen or the chemical equivalent of an antiandrogen. This
19 paragraph does not prohibit the department from requiring pharmacological
20 treatment using an antiandrogen or the chemical equivalent of an antiandrogen as
21 a condition of probation.

22 **SECTION 149.** 302.114 (8m) of the statutes is created to read:

23 302.114 (8m) (a) Every person released to extended supervision under this
24 section remains in the legal custody of the department. If the department alleges
25 that any condition or rule of extended supervision has been violated by the person,

1 the department may take physical custody of the person for the investigation of the
2 alleged violation.

3 (b) If a person released to extended supervision under this section signs a
4 statement admitting a violation of a condition ^{or rule} of extended supervision, the
5 department may, as a sanction for the violation, confine the person for up to 90 days
6 in a regional detention facility or, with the approval of the sheriff, in a county jail.
7 If the department confines the person in a county jail ^{under this paragraph}, the department shall ~~provide~~
8 reimbursement ^{to} the county for the actual costs ^{incurred} in confining the person
9 ~~as authorized by the department~~, from the appropriations under s. 20.410 (1) (ab)
10 and (b). Notwithstanding s. 302.43, the person is not eligible to earn good time credit
11 on any period of confinement imposed under this subsection.

12 ***-2889/P3.8*** SECTION 150. 302.114 (9) of the statutes is amended to read:

13 302.114 (9) (a) If a person released to extended supervision under this section
14 violates a condition of extended supervision, the division of hearings and appeals in
15 the department of administration, upon proper notice and hearing, or the
16 department of corrections, if the person on extended supervision waives a hearing,
17 may revoke the extended supervision of the person and ~~return~~ ~~the person to prison~~.
18 If the extended supervision of the person is revoked, the person shall be returned to
19 the court ^{circuit} that sentenced the person, and the court shall order the person to be
20 returned to prison, he or she shall be returned to prison for a specified period of time,
21 as provided under par. (b) before he or she is eligible for being released again to
22 extended supervision. The period of time specified under this paragraph may not be
23 less than 5 years and may be extended in accordance with sub. (3).

24 (b) If ~~When~~ a person is returned to prison ~~the sentencing court~~ under par. (a)
25 after revocation of extended supervision, the department of corrections, in the case

for the county in which the person was
convicted of the offense for which he
or she was on extended supervision,

1 of a waiver, or the division of hearings and appeals in the department of
 2 administration, in the case of a hearing ~~under par. (a)~~, shall ~~specify a~~ make a
 3 recommendation to the sentencing court concerning the period of time for which the
 4 person shall ~~be incarcerated~~ should be returned to prison before being eligible for
 5 release to extended supervision. The period of time ~~specified~~ recommended under
 6 this paragraph may not be less than 5 years ~~and may be extended in accordance with~~
 7 ~~sub. (3)~~.

8 (bm) A person who is returned to prison under par. (a) after revocation of
 9 extended supervision may, upon petition to the sentencing court, be released to
 10 extended supervision after he or she has served the entire period of time specified
 11 ~~in~~ by the court under par. ~~(b)~~ (a), including any periods of extension imposed under
 12 sub. (3). A person may not file a petition under this paragraph earlier than 90 days
 13 before the date on which he or she is eligible to be released to extended supervision.
 14 If a person files a petition for release to extended supervision under this paragraph
 15 at any time earlier than 90 days before the date on which he or she is eligible to be
 16 released to extended supervision, the court shall deny the petition without a hearing.
 17 The procedures specified in sub. (5) (am) to (f) apply to a petition filed under this
 18 paragraph.

19 (c) A person who is subsequently released to extended supervision under par.
 20 ~~(b)~~ (bm) is subject to all conditions and rules under sub. (8) until the expiration of the
 21 sentence.

22 ***-2889/P3.9* SECTION 151.** 302.114 (9) (d) of the statutes is created to read:

23 302.114 (9) (d) In any case in which there is a hearing before the division of
 24 hearings and appeals in the department of administration concerning whether to
 25 revoke a person's extended supervision, the person on extended supervision may

1 seek review of a decision to revoke extended supervision and the department of
2 corrections may seek review of a decision to not revoke extended supervision. Review
3 of a decision under this paragraph may be sought only by an action for certiorari.

4 **SECTION 152.** 302.33 (1) of the statutes is amended to read:

5 302.33 (1) The maintenance of persons who have been sentenced to the state
6 penal institutions; persons in the custody of the department, except as provided in
7 sub. (2) and ~~s. ss. 301.048 (7), 302.113 (8m) and 302.114 (8m)~~; persons accused of
8 crime and committed for trial; persons committed for the nonpayment of fines and
9 expenses; and persons sentenced to imprisonment therein, while in the county jail,
10 shall be paid out of the county treasury. No claim may be allowed to any sheriff for
11 keeping or boarding any person in the county jail unless the person was lawfully
12 detained therein.

13 ***-2889/P3.10*** **SECTION 153.** 303.065 (1) (b) 1. of the statutes is amended to
14 read:

15 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
16 specified in subd. 2., may be considered for work release only after he or she has
17 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
18 is applicable, or he or she has reached his or her extended supervision eligibility date
19 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (lg) (a) 1. or 2., whichever is applicable.

20 **SECTION 154.** 303.08 (1) (intro.) of the statutes is amended to read:

21 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
22 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under
23 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
24 necessary and reasonable hours for any of the following purposes:

25 **SECTION 155.** 303.08 (2) of the statutes is amended to read:

1 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
2 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
3 the department, the ~~prisoner~~ person is sentenced to ordinary confinement. The A
4 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)
5 gr 302.114 (8m), may petition the court for such privilege at the time of sentence or
6 thereafter, and in the discretion of the court may renew the prisoner's petition. The
7 court may withdraw the privilege at any time by order entered with or without notice.

8 **SECTION 156.** 303.08 (5) (intro.) of the statutes is amended to read:

9 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
10 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the
11 wages, salary and unemployment insurance and employment training benefits
12 received by prisoners shall be disbursed by the sheriff for the following purposes, in
13 the order stated:

14 **SECTION 157.** 303.08 (6) of the statutes is amended to read:

15 303.08 (6) The department, for a person subject to a confinement sanction
16 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court ~~may,~~ by order, may
17 authorize the sheriff to whom the prisoner is committed to arrange with another
18 sheriff for the employment or employment training of the prisoner in the other's
19 county, and while so employed or trained to be in the other's custody but in other
20 respects to be and continue subject to the commitment.

21 **SECTION 158.** 303.08 (12) of the statutes is amended to read:

22 303.08 (12) In counties having a house of correction, any person violating the
23 privilege granted under sub. (1) may be transferred by the county jailer to the house
24 of correction for the remainder of the term of the person's sentence or, if applicable,

1 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
2 (8m).

3 ***-3265/P1.3* SECTION 159.** 304.06 (1) (b) of the statutes is amended to read:

4 304.06 (1) (b) Except as provided in s. 961.49 (2), 1997 stats., sub. (1m) or s.
5 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an
6 inmate of the Wisconsin state prisons or any felon or any person serving at least one
7 year or more in a county house of correction or a county reforestation camp organized
8 under s. 303.07, when he or she has served 25% of the sentence imposed for the
9 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)
10 or 973.014 (1) (b) or (c), (lg) or (2), the parole commission may parole an inmate
11 serving a life term when he or she has served 20 years, as modified by the formula
12 under s. 302.11 (1) and subject to extension under s. 302.11 (lq) and (2), if applicable.
13 The person serving the life term shall be given credit for time served prior to
14 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
15 may grant special action parole releases under s. 304.02. The department or the
16 parole commission shall not provide any convicted offender or other person
17 sentenced to the department's custody any parole eligibility or evaluation until the
18 person has been confined at least 60 days following sentencing.

19 ***-3265/P1.4* SECTION 160.** 304.071 (2) of the statutes is amended to read:

20 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1997 stats.,
21 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (lg) or 973.032 (5), he
22 or she is not eligible for parole under this section.

23 ***-3266/P1.108* SECTION 161.** 341.605 (3) of the statutes, as affected by 1997

24 Wisconsin Act 283, is amended to read:

1 341.605 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
2 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~
3 guilty of a Class H felony

4 ***-3266/P1.109*** SECTION 162. 342.06 (2) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 342.06 (2) Any person who knowingly makes a false statement in an
7 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
8 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

9 ***-3266/P1.110*** SECTION 163. 342.065 (4) (b) of the statutes, as affected by
10 1997 Wisconsin Act 283, is amended to read:

11 342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be~~
12 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
13 ~~e&e&~~ is guilty of a Class H felony

14 ***-3266/P1.111*** SECTION 164. 342.155 (4) (b) of the statutes, as affected by
15 1997 Wisconsin Act 283, 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 7 years and 6 months
18 or both is aulty of Class H felony.

19 ***-3266/P1.112*** SECTION 165. 342.156 (6) (b) of the statutes, as affected by
20 1997 Wisconsin Act 283, is amended to read:

21 342.156 (6) (b) Any person who violates this section with intent to defraud ~~may~~
22 ~~be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
23 ~~or both~~ is guilty of a Class H felony.

24 ***-3266/P1.113*** SECTION 166. 342.30 (3) (a) of the statutes is amended to read:

1 342.30 (3) (a) Any person who violates sub. (lg) ~~may be fined not more than~~
2 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
3 Class H felony.

4 ***-3266/P1.114*** SECTION 167. 342.32 (3) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
7 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~
8 guilty of a Class H felony.

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SECTION 168. 343.31 (3) (c) of the statutes is amended to read:

10 ~~343.31 (3) (c) Any person convicted under s. 940.09 of causing the death of~~
11 ~~another or of an unborn child by the operation or handling of a motor vehicle shall~~
12 ~~have his or her operating privilege revoked for 5 years. If there was a minor~~
13 ~~passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the~~
14 ~~motor vehicle at the time of the violation that gave rise to the conviction under s.~~
15 ~~940.09, the revocation period is 10 years.~~

SECTION 169. 343.31 (3) (f) of the statutes is amended to read:

16 343.31 (3) (f) Any person convicted under s. 940.25 shall have his or her
17 operating privilege revoked for 2 years. ~~If there was a minor passenger under 16~~
18 ~~years of age or an unborn child, as defined in s. 939.75 (1), in the motor vehicle at the~~
19 ~~time of the violation that gave rise to the conviction under s. 940.25, the revocation~~
20 ~~period is 4 years.~~

21
22 ***-3266/P1.115*** SECTION 170. 343.44 (2) (b) (intro.) of the statutes, as affected
23 by 1997 Wisconsin Act 84, is amended to read:

24 343.44 (2) (b) Except as provided in par. (am), any person who violates sub. (1)
25 (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more than one

1 year in the county jail or both. In imposing a sentence under this paragraph, or a
2 local ordinance in conformity with this paragraph, the court shall review the record
3 and consider the following:

4 ***-3266/P1.116*** SECTION 171. 344.48 (2) of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 344.48 (2) Any person violating this section may be fined not more than ~~\$1,000~~
7 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

8 ***-0590/P5.14*** SECTION 172. 346.04 (2t) of the statutes is created to read:

9 346.04 (2t) No operator of a vehicle, after having received a visible or audible
10 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall
11 ^{Knowingly} ~~intentionally~~ resist the traffic officer by failing to stop his or her vehicle as promptly
12 as safety reasonably permits.

13 ***-0590/P5.15*** SECTION 173. 346.04 (4) of the statutes is created to read:

14 346.04 (4) ~~A~~ person may not be convicted of violating both subs. (2t) and (3) for
15 acts arising out of the same incident or occurrence.

16 ***-0590/P5.16*** SECTION 174. 346.17 (2t) of the statutes is created to read:

17 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
18 \$10,000 or imprisoned for not more than 9 months or both.

19 ***-3266/P1.117*** SECTION 175. 346.17 (3) (a) of the statutes, as affected by 1997
20 Wisconsin Act 283, is amended to read:

21 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
22 346.04 (~~shall be fined not less than \$600 nor more than \$10,000 and may be~~
23 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

24 ***-0590/P5.18*** SECTION 176. 346.17 (3) (b) of the statutes, as affected by 1997
25 Wisconsin Act 283, is amended to read:

Subsection (2t) ✓ is not an included offense
of sub. (3) ✓, but a

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

5 ***-0590/P5.19*** SECTION 177. 346.17 (3) (c) of the statutes, as affected by 1997
6 Wisconsin Act 283, is amended to read:

7 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
8 (14), to another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000~~
9 ~~and may be imprisoned for not more than 3 years~~ is aulity of a Class F felony,

10 ***-0590/P5.20*** SECTION 178. 346.17 (3) (d) of the statutes, as affected by 1997
11 Wisconsin Act 283, is amended to read:

12 346.17 (3) (d) If the violation results in the death of another, the person shall
13 ~~be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not~~
14 ~~more than 7 years and 6 months~~ is guilty of a Class E felony.

15 ***-0590/P5.21*** SECTION 179. 346.175 (1) (a) of the statutes is amended to read:

16 346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a
17 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for
18 the violation as provided in this section.

19 ***-0590/P5.22*** SECTION 180. 346.175 (1) (b) of the statutes is amended to read:

20 346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a
21 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this
22 section if the person operating the vehicle or having the vehicle under his or her
23 control at the time of the violation has been convicted for the violation under this
24 section or under s. 346.04 (2t) or (3).

25 ***-0590/P5.23*** SECTION 181. 346.175 (4) (b) of the statutes is amended to read:

1 346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by
2 the authority issuing the citation with the name and address of the person operating
3 the vehicle or having the vehicle under his or her control at the time of the violation
4 and sufficient information for the officer to determine that probable cause does not
5 exist to believe that the owner of the vehicle was operating the vehicle at the time
6 of the violation, then the owner of the vehicle shall not be liable under this section
7 or under s. 346.04 (2t) or (3).

8 ***-0590/P5.24*** SECTION 182. 346.175 (4) (c) of the statutes is amended to read:

9 346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of
10 the violation the vehicle was in the possession of a lessee, and the lessor provides a
11 traffic officer employed by the authority issuing the citation with the information
12 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
13 this section or under s. 346.04 (2t) or (3).

14 ***-0590/P5.25*** SECTION 183. 346.175 (4) (d) of the statutes is amended to read:

15 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
16 (intro.> but including the persons specified in s. 340.01 (11) (a) to (d), and at the time
17 of the violation the vehicle was being operated by or was under the control of any
18 person on a trial run, and if the dealer provides a traffic officer employed by the
19 authority issuing the citation with the name, address and operator's license number
20 of the person operating the vehicle, then that person, and not the dealer, shall be
21 liable under this section or under s. 346.04 (2t) or (3).

22 ***-0590/P5.26*** SECTION 184. 346.175 (5) (intro.) of the statutes is amended to
23 read:

24 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
25 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):