



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3420/78

JEO&MGD:kmg&jlg&wj:hmh

v.m.r.

Weds 8/25
by 11:00 a.m.

to Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 **AN ACT to repeal 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),**
2 939.615 (7) (c), 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64,
3 939.641, 939.646, 939.647, 939.648, 940.09 (lb), 940.19 (3), 940.195 (3), 940.195
4 (6), 940.25 (lb), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23
5 (lm), 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 (1m) (d) 5., 961.41
8 (lm) (d) 6., 961.41 (lm) (e) 5., 961.41 (lm) (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. and 973.03 (3) (e) 3.; **to**
11 **renumber** 351.07 (2) (a) and 961.49 (1); **to renumber and amend 49.95** (l),
12 125.075 (2), 939.63 (l), 943.20 (3) (d) 2., 948.025 (l), 948.025 (2), 961.41 (1) (cm)
13 l., 961.41 (lm) (cm) l., 961.41 (3g) (a) l., 961.46 (1), 961.48 (1), 971.17 (l),
14 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d); **to amend** 6.18, 11.61 (1) (a),
15 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 15.01 (2), 23.33 (13) (cg),

1 961.41 (lm) (cm) lg., 961.41 (lm) (h) 4., 961.41 (lm) (h) 5., 961.41 (3g) (b) (title),
 2 961.48 (1) (a) and(b), 971.17 (1) (b), 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2)
 3 (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6.,
 4 973.017, 973.15 (2) (am), 973.30 and 977.05 (4) (jm) of the statutes; and to
 5 **affect** 1997 Wisconsin Act 283, section 454 (1) (f) and 1997 Wisconsin Act 283,
 6 section 454 (2); **relating** to: classification and elements of felony offenses and
 7 certain misdemeanor offenses; } revocation of extended supervision;
 8 modification of a bifurcated sentence in certain cases; } the creation of a
 9 sentencing commission and temporary sentencing guidelines; making an
 10 appropriation; and providing penalties.

Analysis by the Legislative Reference Bureau

1997 Wisconsin Act 283 (often called the "truth in sentencing" act) changed felony penalties and created a new structure for sentences for felony offenses. 1997 Wisconsin Act 283 also created a criminal penalties study committee, which was directed to study various issues related to the implementation of the act, make recommendations based on its study and submit a report concerning its study and recommendations. The report must include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

This bill is the proposed legislation necessary to implement the recommendations made by the committee. The rest of this analysis contains a general description of current law, the changes made to current law by 1997 Wisconsin Act 283, and some of the most significant changes recommended by the committee and incorporated into this bill.

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Felony penalties

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

Class B	40 years
Class BC	20 years
Class C	10 years

Class D	5 years
Class E	2 years

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

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

Except for Class A and Class B felonies, which are not punishable by a fine, each classified felony has a maximum fine of \$10,000. 1997 Wisconsin Act 283 did not change the maximum fines for any of the classified felonies.

1997 Wisconsin Act 283 also increased the maximum terms of imprisonment for all unclassified felony offenses committed on or after December 31, 1999. The terms of imprisonment were increased by 50% or one year, whichever was greater. Thus, under 1997 Wisconsin Act 283, a maximum term of imprisonment of one year was increased to two years of imprisonment, while a maximum term of imprisonment of five years was increased to seven years and six months. 1997 Wisconsin Act 283 did not change any maximum fine provided for any unclassified felony.

This bill makes the following changes to penalties for offenses committed on or after December 31, 1999:

1. *New felony classes.* The bill expands the number of felony classes from six to nine and, except for Class A and Class B felonies, creates new maximum terms of imprisonment and new maximum fines. The felony classes under the bill and their respective maximum terms of imprisonment and maximum fines are as follows:

<u>Class of Felony</u>	<u>Maximum Imprisonment</u>	<u>Maximum Fine</u>
Class A	Life imprisonment	Not applicable
Class B	60 years	Not applicable
Class C	40 years	\$100,000
Class D	25 years	\$100,000
Class E	15 years	\$50,000
Class F	12 years, 6 months	\$25,000
Class G	10 years	\$25,000
Class H	6 years	\$10,000
Class I	3 years, 6 months	\$10,000

2. *Classification of felonies.* The bill places felony offenses that are classified under current law into the new felony classes, with the exception of a few classified felony offenses that are reduced to misdemeanor offenses. In addition, the bill places

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unclassified felony offenses into the new felony classes, with the exception of certain unclassified felony offenses that are reduced to misdemeanor offenses and offenses that are felonies only because of the application of a penalty enhancer.

As a general rule, the bill places a felony offense into a felony class based on the amount of time that a person who is given a maximum sentence for the offense under current law would serve in prison before being released on parole under the mandatory release law (see below, ~~item 1~~ ***The structure of felony sentences***). However, in some cases a felony is placed in a higher or lower felony class than the one based on the current mandatory release date for a maximum sentence under current law. For those felony offenses that are reduced to misdemeanor offenses under the bill, the new penalty for the offense is a fine of not more than \$10,000 or imprisonment of not more than nine months or both.

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3. Changes in property offenses. This bill changes penalties for certain crimes against property. Under current law, the penalties for certain crimes against property (such as theft, criminal damage to property, receiving stolen property, issuing worthless checks and various kinds of fraud) are based on the value of the property stolen, damaged or otherwise involved in the offense. Generally, the current threshold between misdemeanor and felony penalties for these crimes is \$1,000. Thus, if the value of the property involved is \$1,000 or less, the crime is a misdemeanor. If the value of the property involved is more than \$1,000, the crime is a felony. This bill increases the threshold between misdemeanor and felony penalties to \$2,000 for property crimes cases in which the penalty depends on the value of the property involved in the offense.

~~In addition, the bill reduces the penalty for some theft offenses that are felonies regardless of the value of the property involved. Specifically, theft of telecommunications service, theft of cellular telephone service, theft of cable television service or theft of satellite cable programming is currently a felony if the theft is committed for commercial advantage or private financial gain. This bill provides that these types of theft are misdemeanors if the theft is committed for commercial advantage or private financial gain and is a first offense. A second or subsequent offense will remain a felony, as under current law. The new penalty for a first offense involving one of these types of theft is a fine of not more than \$10,000 or imprisonment for not more than nine months or both.~~

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4. Felony murder. Under current law, a person commits felony murder if he or she causes the death of another while committing or attempting to commit certain felonies (such as sexual assault, arson or armed robbery). If a person commits felony murder, the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 20 years. This bill provides that the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 15 years.

5. Changes to the crime of carjacking resulting in death. Under current law, a person is guilty of carjacking if he or she intentionally takes any vehicle without the consent of the owner while possessing a dangerous weapon and by using or ⁵⁶⁴⁵ ~~h e r~~. ~~If a person causes the death of another while committing a carjacking, the person is guilty of a Class A~~

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~~felony. This bill provides that a person who commits a carjacking and causes the death of another commits felony murder. Carjacking is classified under the bill as a Class C felony, which carries a maximum bifurcated sentence of not more than 40 years. Thus, under the bill, the bifurcated sentence of a person who causes the death of another while committing or attempting to commit a carjacking could be increased by 15 years.~~

7. *Elimination of certain minimum penalty provisions.* Current law requires a court to impose a minimum sentence of imprisonment in certain cases. In other cases current law specifies a minimum sentence of imprisonment but also allows a court, in the exercise of its discretion, to impose a lesser sentence of imprisonment or no imprisonment at all. This bill eliminates both mandatory and presumptive minimum prison sentences for felony offenses, except for Class A felonies, which carry a mandatory sentence of life imprisonment (see below, **Sentences of life imprisonment**), and the persistent repeater penalty enhancers (often called the "three strikes, you're out" and "two strikes, you're out" laws), which require a sentence of life imprisonment without possibility of release. In addition, the bill does not change the minimum mandatory sentence of six months for fifth and subsequent offenses of operating a motor vehicle while intoxicated.

8. *Elimination of mandatory consecutive sentences.* Under current law, a court sentencing a person convicted of a crime generally may provide that any sentence imposed run concurrent with or consecutive to any other sentence imposed at the same time or any sentence imposed previously. However, a court must impose a consecutive sentence if the person was convicted of certain escape offenses, possession or discharge of a firearm in a school zone, using or possessing a handgun and armor-piercing bullet while committing another crime or violating conditions of lifetime supervision by committing another crime. This bill eliminates the requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to bifurcated sentences and sentences imposed under current law that are ordered to run consecutively to each other (see below, **The structure of felony sentences**, item 3-C).

6. *Increase in certain misdemeanor penalties.* The bill increases penalties for a few misdemeanor offenses by classifying them as felony offenses. The misdemeanor offenses that are changed to felony offenses by the bill (and the classification into which the offense is placed) are as follows:

- a) Stalking (Class I felony).
- b) Criminal damage to railroad property (Class I felony).
- c) Possession of a firearm in a school zone (Class I felony).
- d) Discharge of a firearm in a school zone (Class G felony).

Penalty enhancers

Current law contains various penalty enhancers that allow the penalties for a crime to be increased if the crime is committed under certain circumstances. For instance, current law provides penalty enhancers for committing a crime using a dangerous weapon, committing a crime while wearing a bulletproof garment, committing a crime against a victim chosen because of his or her race, religion, color, disability, sexual orientation, national origin or ancestry (the "hate crime"

enhancer), committing certain violent crimes against an elder person and committing certain sex crimes while infected with a sexually transmitted disease. Current law also provides for penalty enhancers that may be triggered by the defendant's status at the time he or she committed the crime. For instance, current law provides a penalty enhancer for habitual criminals (persons who commit a crime after having been previously convicted of a crime) and for persons responsible for the welfare of a child who commit certain crimes against the child.

~~This bill eliminates most of the penalty enhancers contained in current law.~~
~~Under the bill, the penalty enhancers that are eliminated are included in a list of aggravating factors that must be considered by a court when sentencing the person.~~

The bill retains the penalty enhancers for: 1) habitual criminals; 2) using a dangerous weapon in the commission of a crime; 3) committing a violent crime in a school zone; 4) committing certain domestic abuse offenses within 72 hours after an arrest for a domestic abuse incident; 5) committing a "hate crime"; 6) distributing a controlled substance to a person under the age of 17; and 7) distributing a controlled substance within 1,000 feet of a school, park, correctional institution or certain other facilities.

In addition, under current law, if a person violates certain prohibitions relating to operating a motor vehicle while intoxicated and, at the time of the offense, a child under the age of 16 is in the vehicle, the penalties for the offense double. This bill retains this penalty enhancer for most of the offenses involving operating a motor vehicle while intoxicated, but the bill eliminates the enhancer for the crimes of homicide by intoxicated use of a vehicle and injury by intoxicated use of a vehicle.

The structure of felony sentences (other than life sentences)

1. The structure of prison sentences for felony offenses committed before December 31, 1999. If a person commits a felony before December 31, 1999, and is sentenced to prison, the person will usually have three possible ways of being released from prison on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or six months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding). However, the person could be subject to more restrictive discretionary parole eligibility provisions or to restrictions on mandatory release under certain circumstances (for example, if the person has one or more prior convictions for certain serious felonies).

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

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of extended supervision or a rule promulgated by DOC relating to extended supervision. A person returned to prison after a revocation of extended supervision may not petition for rerelease to extended supervision until he or she has served a period of time back in prison. The time period, which must be at least five years, is determined by an administrative law judge or, if the person waived a revocation hearing, by DOC.

This bill allows DOC to take custody of a person who is on extended supervision under a life sentence in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail. In addition, the bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison. Both the recommendation and the court's final decision must provide for the person to be returned to prison for at least five years.

Sentencing commission

The bill creates a sentencing commission (commission) consisting of 17 voting members and three nonvoting members, all of whom serve three year terms. Under the bill, the commission is responsible for studying sentencing practices throughout the state. Using the information it obtains, the commission must adopt advisory sentencing guidelines for use by judges when imposing sentences for felonies committed on or after December 31, 1999. The commission must also assist the legislature in assessing the cost of changes in statutes affecting criminal sentencing and provide information regarding sentencing to judges, lawyers, state agencies, the legislature. In addition, the commission must study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the governor, the legislature and the supreme court. The duties of the commission end on December 31, 2004.

~~For further information, see the August 31, 1999, report of the criminal penalties study committee created under 1997 Wisconsin Act 288.~~

For further information see the ***state and local*** 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:

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SECTION 1. 6.18 of the statutes is amended to read:

S. 940.09 (1), 1997 stats., s. 943.23
(1m), 1997 stats., s. 948.35 (1) (b) or (c),
1997 stats., or s. 948.36, 1997 stats. 2 or

SECTION 134

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SECTION 134. 302.11 (1g) (a) 2. of the statutes is amended to read:

302.11 (1g) (a) 2. Any felony under ^{r/s} s. 940.02, 940.03, 940.05, 940.09 (1) (1c),
940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305 (2), 940.31 (1) or (2) (b),
943.02, 943.10 (2), 943.23 (1g) ~~or (1m)~~, 943.32 (2), 946.43, 948.02(1) or (2), 948.025,
948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c)~~
~~or 948.36.~~

SECTION 135. 302.11 (1p) of the statutes is amended to read:

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

SECTION 136. 302.113 (2) of the statutes is amended to read:

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

SECTION 137. 302.113 (7) of the statutes is amended to read:

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

SECTION 138. 302.113 (7m) of the statutes is created to read:

1 extended supervision. If a person subject to this section files a petition authorized
2 by this subsection after his or her release from confinement, the person may not file
3 another petition until one year after the date of filing the former petition.

4 **SECTION 139.** 302.113 (8m) of the statutes is created to read:

5 302.113 (8m) (a) Every person released to extended supervision under this
6 section remains in the legal custody of the department. If the department alleges
7 that any condition or rule of extended supervision has been violated by the person,
8 the department may take physical custody of the person for the investigation of the
9 alleged violation.

10 (b) If a person released to extended supervision under this section signs a
11 statement admitting a violation of a condition or rule of extended supervision, the
12 department may, as a sanction for the violation, confine the person for up to 90 days
13 in a regional detention facility or, with the approval of the sheriff, in a county jail.
14 If the department confines the person in a county jail under this paragraph, the
15 department shall reimburse the county for its actual costs in confining the person
16 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
17 the person is not eligible to earn good time credit on any period of confinement
18 imposed under this subsection.

19 **SECTION 140.** 302.113 (9) of the statutes is amended to read:

20 302.113 (9) (a) If a person released to extended supervision under this section
21 violates a condition of extended supervision, the division of hearings and appeals in
22 the department of administration, upon proper notice and hearing, or the
23 department of corrections, if the person on extended supervision waives a hearing,
24 may revoke the extended supervision of the person and ~~return~~ ~~the person to prison.~~
25 If the extended supervision of the person is revoked, the person shall be returned to

1 the circuit court for the county in which the person was convicted of the offense for
2 which he or she was on extended supervision, and the court shall order the person
3 to be returned to prison, he or she shall be returned to prison for any specified period
4 of time that does not exceed the time remaining on the bifurcated sentence. The time
5 remaining on the bifurcated sentence is the total length of the bifurcated sentence,
6 less time served by the person in custody under the sentence before release to
7 extended supervision under sub. (6) ~~ss all time served in custody for previous~~
8 revocations of extended supervision under the sentence. The ~~revocation court~~ order
9 returning a person to prison under this paragraph shall provide the person on whose
10 extended supervision was revoked with credit in accordance with ss. 304.072 and
11 973.155.

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

21 (c) A person who is subsequently released to extended supervision after service
22 of the period of time specified by the ~~department of corrections in the case of a waiver~~
23 ~~or by the division of hearings and appeals in the department of administration in the~~
24 ~~case of a hearing court~~ under par. (a) is subject to all conditions and rules under sub.
25 subs. (7) and, if applicable, (7m) until the expiration of the term of remaining

1 extended supervision portion of the bifurcated sentence. The remaining extended
 2 supervision portion of the bifurcated sentence is the total length of the bifurcated
 3 sentence. less the time served by the person in ~~custody~~ ^{confinement} under the ~~sent~~ ^{bifurcated} sentence before
 4 release to extended supervision under sub. (2) and less all time served in ~~custody~~ ^{confinement} for
 5 previous revocations of extended supervision under the ~~sent~~ ^{bifurcated} sentence.

6 SECTION 141. 302.113 (9) (am) of the statutes is created to read:

7 302.113 (9) (am) When a person is returned to court under par. (a) after
 8 revocation of extended supervision, the division of hearings and appeals in the
 9 department of administration, in the case of a hearing, or the department of
 10 corrections, in the case of a waiver, shall make a recommendation to the court
 11 concerning the period of time for which the person should be returned to prison. The
 12 recommended time period may not exceed the time remaining on the bifurcated
 13 sentence, as calculated under par. (a).

14 SECTION 142. 302.113 (9) (d) of the statutes is created to read:

15 302.113 (9) (d) In any case in which there is a hearing before the division of
 16 hearings and appeals in the department of administration concerning whether to
 17 revoke of a person's extended supervision, the person on extended supervision may
 18 seek review of a decision to revoke extended supervision and the department of
 19 corrections may seek review of a decision to not revoke extended supervision. Review
 20 of a decision under this paragraph may be sought only by an action for certiorari.

21 SECTION 143. 302.113 (9g) of the statutes is created to read:

22 302.113 (9g) (a) In this subsection, "program review committee" means the
 23 committee at a correctional institution that reviews the security classifications,
 24 institution assignments and correctional programming assignments of inmates
 25 confined in the institution.

who is serving a bifurcated sentence for a crime other than a Class B felony

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(b) An inmate ~~subject to this section~~ may seek modification of ~~his or her~~ ^{the}

2 bifurcated sentence in the manner specified in par. (f) if he or she meets one of the
3 following criteria:

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

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

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(c) An inmate who meets ~~one of~~ the criteria under par. (b) may submit a petition

9 to the program review committee at the correctional institution in which the inmate
10 is confined requesting a modification of the inmate's bifurcated sentence in the
11 manner specified in par. (f). If the program review committee determines that the
12 public interest would be served by a modification of the inmate's bifurcated sentence
13 in the manner provided under par. (f), the committee shall approve the petition for
14 referral to the sentencing court and notify the department of its approval. The
15 department shall then refer the inmate's petition to the sentencing court and request
16 the court to conduct a hearing on the petition. If the program review committee
17 determines that the public interest would not be served by a modification of the
18 inmate's bifurcated sentence in the manner specified in par. (f), the committee shall
19 deny the inmate's petition.

20 (d) When a court is notified by the department that it is referring to the court
21 an inmate's petition for modification of the inmate's bifurcated sentence, the court
22 shall set a hearing to determine whether the public interest would be served by a
23 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
24 The inmate and the district attorney have the right to be present at the hearing, and
25 any victim of the inmate's crime has the right to be present at the hearing and to

1 at any time earlier than 90 days before the date on which he or she is eligible to be
2 released to extended supervision, the court shall deny the petition without a hearing.
3 The procedures specified in sub. (5) (am) to (f) apply to a petition filed under this
4 paragraph.

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

8 **SECTION 149.** 302.114 (9) (d) of the statutes is created to read:

9 302.114 (9) (d) In any case in which there is a hearing before the division of
10 hearings and appeals in the department of administration concerning whether to
11 revoke a person's extended, supervision, the person on extended supervision may
12 seek review of a decision to revoke extended supervision and the department of
13 corrections may seek review of a decision to not revoke extended supervision. Review
14 of a decision under this paragraph may be sought only by an action for certiorari.

15 **SECTION 150.** 302.33 (1) of the statutes is amended to read:

16 302.33 (1) The maintenance of persons who have been sentenced to the state
17 penal institutions; persons in the custody of the department, except as provided in
18 sub. (2) and ~~s. ss.~~ ss. 301.048 (7), [↓]302.113(8m) and 302.114(8m); persons accused of
19 crime and committed for trial; ^{score} persons committed for the nonpayment of fines and
20 expenses; and persons sentenced to imprisonment therein, while in the county jail,
21 shall be paid out of the county treasury. No claim may be allowed to any sheriff for
22 keeping or boarding any person in the county jail unless the person was lawfully
23 detained therein.

24 **SECTION 151.** 303.065 (1) (b) 1. of the statutes is amended to read:

1 **SECTION 168.** 343.44 (2) (b) (intro.) of the statutes, as affected by 1997
2 Wisconsin Act 84, is amended to read:

3 343.44 (2) (b) ^(intro.) ~~Except~~ as provided in par. (am), any person who violates sub. (1)
4 (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more than one
5 year in the county jail or both. In imposing a sentence under this paragraph, or a
6 local ordinance in conformity with this paragraph, the court shall review the record
7 and consider the following:

8 **SECTION 169.** 344.48 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is amended to read:

10 344.48 (2) Any person violating this section may be fined not more than ~~\$1,000~~
11 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

12 **SECTION 170.** 346.04 (2t) of the statutes is created to read:

13 346.04 (2t) No operator of a vehicle, after having received a visible or audible
14 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall
15 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as
16 safety reasonably permits.

17 **SECTION 171.** 346.04 (4) of the statutes is created to read:

18 346.04 (4) Subsection (2t) is not an included offense of sub. (3), but a person may
19 not be convicted of violating both subs. (2t) and (3) for acts arising out of the same
20 incident or occurrence.

21 **SECTION 172.** 346.17 (2t) of the statutes is created to read:

22 346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than
23 \$10,000 or imprisoned for not more than 9 months or both.

24 **SECTION 173.** 346.17 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

1 939.22 (21) (d) Battery, ~~substantial battery or aggravated battery~~, as
2 prohibited in s. 940.19 or 940.195.

3 **SECTION 223.** 939.30 (1) of the statutes is amended to read:

4 939.30 (1) Except as provided in sub. (2) and ~~ss. 948.35 and s.~~ 961.455, whoever,
5 with intent that a felony be committed, advises another to commit that crime under
6 circumstances that indicate unequivocally that he or she has the intent is guilty of
7 a Class ~~D~~ H felony.

8 **SECTION 224.** 939.30 (2) of the statutes is amended to read:

9 939.30 (2) For a solicitation to commit a crime for which the penalty is life
10 imprisonment, the actor is guilty of a Class ~~C~~ F felony. For a solicitation to commit
11 a Class E I felony, the actor is guilty of a Class ~~E~~ I felony.

12 **SECTION 225.** 939.32 (1) (intro.) of the statutes is amended to read:

13 939.32 (1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime
14 specified in s. 940.19, ~~940.195~~ or 943.20 may be fined or imprisoned or both ~~not to~~
15 ~~exceed one-half the maximum penalty for the completed crime; as provided under~~
16 sub. (1g), except:

17 **SECTION 226.** 939.32 (1) (b) of the statutes is repealed.

18 **SECTION 227.** 939.32 (1) (bm) of the statutes is created to read:

19 939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one
20 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. orb. is being
21 applied, is guilty of a Class A misdemeanor.

22 **SECTION 228.** 939.32 (lg) of the statutes is created to read:

23 939.32 (lg) MAXIMUM PENALTY. The maximum penalty for an attempt to commit
24 a crime that is punishable under sub. (1) (intro.) is as follows:

25 (a) The maximum fine is one-half of the maximum fine for the completed crime.

1 (b) 1. Ifs. 939.62 is not being applied, the maximum term of imprisonment is
2 one-half of the maximum term of imprisonment, as increased by any penalty
3 enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the completed crime.

4 2. If s. 939.62 is being applied, the maximum term of imprisonment is
5 determined by the following method:

6 a. Multiplying by one-half of the maximum term of imprisonment, as increased
7 by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
8 completed crime.

9 b. Applying s. 939.62 to the product under subd. 2. a.

10 SECTION 229. 939.32 (1m) of the statutes is created to read:

11 939.32 (1m) BIFURCATED SENTENCES. If the court imposes a bifurcated sentence
12 under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub.
13 (1) (intro.), the following requirements apply:

14 (a) *Maximum term of confinement for attempt to commit classified felony. 1.*
15 Subject to the minimum term of extended supervision required under s. 973.01 (2)
16 (d), if the crime is a classified felony and s. 939.62 is not being applied, the maximum
17 term of confinement in prison is one-half of the maximum term of confinement in
18 prison specified in s. 973.01 (2) (b), as increased by any penalty enhancement statute
19 listed in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

20 2. Subject to the minimum term of extended supervision required under s.
21 973.01 (2) (d), if the crime is a classified felony and s. 939.62 is being applied, the
22 court shall determine the maximum term of confinement in prison by the following
23 method:

①

a. Multiplying by on-half ~~of~~ the maximum term of confinement in prison specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

b. Applying s. 939.62 to the product under subd. 2. a.

(b) **Maximum term of extended supervision for attempt to commit classified felony.** The maximum term of extended supervision for an attempt to commit a classified felony is one-half of the maximum term of extended supervision for the completed crime under s. 973.01 (2) (d).

(c) **Maximum term of confinement for attempt to commit unclassified felony or misdemeanor.** The court shall determine the maximum term of confinement in prison for an attempt to commit a crime other than a classified felony by applying s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (g) (b).

SECTION 230. 939.32 (2) (title) of the statutes is created to read:

939.32 (2) (title) **MISDEMEANORS.**

SECTION 231. 939.32 (3) (title) of the statutes is created to read:

939.32 (3) (title) **REQUIREMENTS.**

SECTION 232. 939.50 (1) (intro.) of the statutes is amended to read:

939.50 (1) (intro.) ~~Except as provided in ss. 946.83 and 946.85, felonies~~ **Felonies**
in ~~chs. 939 to 951~~ the statutes are classified as follows:

SECTION 233. 939.50 (1) (bc) of the statutes is repealed.

SECTION 234. 939.50 (1) (f) of the statutes is created to read:

939.50 (1) (f) Class F felony.

SECTION 235. 939.50 (1) (g) of the statutes is created to read:

939.50 (1) (g) Class G felony.

1 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
2 not to exceed 10 years, or both.

3 SECTION 245. 939.50 (3) (h) of the statutes is created to read:

4 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
5 not to exceed 6 years, or both.

6 SECTION 246. 939.50 (3) (i) of the statutes is created to read:

7 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment
8 not to exceed 3 years and 6 months, or both.

9 SECTION 247. 939.615 (7) (b) 2. of the statutes is amended to read:

10 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ I felony if the.
11 same conduct that violates par. (a) also constitutes a crime that is a felony.

12 SECTION 248. 939.615 (7) (c) of the statutes is repealed.

13 SECTION 249. 939.62 (1) (a) of the statutes is amended to read:

14 939.62 (1) (a) A maximum term of one year or less may be increased to not more
15 than ~~3~~ 2 years. *of imprisonment*

16 SECTION 250. 939.62 (1) (b) of the statutes is amended to read:

17 939.62 (1) (b) A maximum term of more than one year but not more than 10
18 years may be increased by not more than 2 years if the prior convictions were for
19 misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for a felony.

20 SECTION 251. 939.62 (1) (c) of the statutes is amended to read:

21 939.62 (1) (c) A maximum term of more than 10 years may be increased by not
22 more than 2 years if the prior convictions were for misdemeanors and by not more
23 than ~~10~~ 6 years if the prior conviction was for a felony.

24 SECTION 252. 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

1 **SECTION 746.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.
2 and amended to read:

3 973.01 (2) (b) 10. For any ~~felony~~ crime other than a felony specified in subds.
4 1. to ~~5. 9.~~, the term of confinement in prison may not exceed 75% of the total length
5 of the bifurcated sentence.

6 **SECTION 747.** 973.01 (2) (b) 6m. of the statutes is created to read:

7 973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may
8 not exceed 7 years and 6 months.

9 **SECTION 748.** 973.01 (2) (b) 7. of the statutes is created to read:

10 973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may
11 not exceed 5 years.

12 **SECTION 749.** 973.01 (2) (b) 8. of the statutes is created to read:

13 973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may
14 not exceed 3 years.

15 **SECTION 750.** 973.01 (2) (b) 9. of the statutes is created to read:

16 973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not
17 exceed one year and 6 months.

18 **SECTION 751.** 973.01 (2) (c) of the statutes is renumbered 973.01 (2) (c) 1. and
19 amended to read:

20 973.01 (2) (c) 1. The Subject to the minimum period of extended supervision
21 required under nar. (d). the maximum term of confinement in prison specified in par.

22 (b) may be increased by any applicable penalty enhancement ^{statute ✓} If the maximum term
23 of confinement in prison specified in par. (b) is increased under this paragraph, the
24 total length of the bifurcated sentence that may be imposed is increased by the same
25 amount.

1 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

2 **SECTION 755.** 973.01 (4) of the statutes is amended to read:

3 **973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
4 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
5 confinement in prison portion of the sentence without reduction for good behavior.
6 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
7 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (9g).

8 **SECTION 756.** 973.0135 (1) (b) 2. of the statutes is amended to read:

9 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m)
10 .3r (1), (b) 973 (c), 1997 stats., or s. 948.36, 1997 stats., s.
11 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19(5), 940.195 (5), 940.21,
12 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (lg),
13 (1m) or (1r), 943.32 (2), 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05,
14 948.06, 948.07, 948.08, or 948.30(2), ~~948.35(1)(b) or (c) or 948.36~~

15 **SECTION 757.** 973.017 of the statutes is created to read:

16 **973.017 Bifurcated sentences; use of guidelines; consideration of**
17 **aggravating and mitigating factors. (1) DEFINITION.** In this section, “sentencing
18 decision” means a decision as to whether to impose a bifurcated sentence under s.
19 973.01 or place a person on probation and a decision as to the length of a bifurcated
20 sentence, including the length of each component of the bifurcated sentence, the
21 amount of a fine and the length of a term of probation.

22 (2) **GENERAL REQUIREMENT.** When a court makes a sentencing decision
23 concerning a person convicted of a criminal offense committed on or after December
24 31, 1999, the court shall consider all of the following:

1 (a) If the offense is a felony, the sentencing guidelines adopted by the
2 sentencing commission under s. 973.30 or, if the sentencing commission has not
3 adopted a guideline for the offense, any applicable temporary sentencing guideline
4 adopted by the criminal penalties study committee created under 1997 Wisconsin
5 Act 283.

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

8 (3) **AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for
9 any crime, the court shall consider all of the following as aggravating factors:

10 (a) The fact that the person committed the crime while his or her usual
11 appearance was concealed, disguised or altered, with the intent to make it less likely
12 that he or she would be identified with the crime.

13 (b) The fact that the person committed the crime using information that was
14 disclosed to him or her under s. 301.46.

15 (c) The fact that the person committed the crime for the benefit of, at the
16 direction of or in association with any criminal gang, with the specific intent to
17 promote, further or assist in any criminal conduct by criminal gang members.

18 (d) The fact that the person committed the felony while wearing a vest or other
19 garment designed, redesigned or adapted to prevent bullets from penetrating the
20 garment.

21 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the
22 intent to influence the policy of a governmental unit or to punish a governmental unit
23 for a prior policy decision, if any of the following circumstances also applies to the
24 felony committed by the person:

25 a. The person caused bodily harm, great bodily harm or death to another.

1 b. The person caused damage to the property of another and the total property
2 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.
3 b., property is reduced in value by the amount that it would cost either to repair or
4 to replace it, whichever is less.

5 c. The person used force or violence or the threat of force or violence.

6 2. a. In this subdivision, "labor dispute" includes any controversy concerning
7 terms, tenure or conditions of employment, or concerning the association or
8 representation of persons in negotiating, fixing, maintaining, changing or seeking
9 to arrange terms or conditions of employment, regardless of whether the disputants
10 stand in the proximate relation of employer and employe.

11 b. Subdivision 1. does not apply to conduct arising out of or in connection with
12 a labor dispute.

13 **(4) AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH**
14 **CERTAIN DISEASES.** (a) In this subsection:

15 1. "HIV" means any strain of human immunodeficiency virus, which causes
16 acquired immunodeficiency syndrome.

17 2. "Serious sex crime" means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2)
18 or 948.025.

19 3. "Sexually transmitted disease" means syphilis, gonorrhea, hepatitis B,
20 hepatitis C or chlamydia.

21 4. "Significantly exposed" means sustaining a contact which carries a potential
22 for transmission of a sexually transmitted disease or HIV by one or more of the
23 following:

1 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
2 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
3 amniotic fluid; or other body fluid that is visibly contaminated with blood.

4 b. Exchange, during the accidental or intentional infliction of a penetrating
5 wound, including a needle puncture, of blood; semen; vaginal secretions;
6 cerebrospinal, synovial, pleural, peritoneal, pericardial or amniotic fluid; or other
7 body fluid that is visibly contaminated with blood.

8 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
9 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
10 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial or
11 amniotic fluid; or other body fluid that is visibly contaminated with blood.

12 (b) When making a sentencing decision concerning a person convicted of a
13 serious sex crime, the court shall consider as an aggravating factor the fact that the
14 serious sex crime was committed under all of the following circumstances:

15 1. At the time that he or she committed the serious sex crime, the person
16 convicted of committing the serious sex crime had a sexually transmitted disease or
17 acquired immunodeficiency syndrome or had had a positive test for the presence of
18 HIV, antigen or nonantigenic products of HIV or an antibody to HIV.

19 2. At the time that he or she committed the serious sex crime, the person
20 convicted of committing the serious sex crime knew that he or she had a sexually
21 transmitted disease or acquired immunodeficiency syndrome or that he or she had
22 had a positive test for the presence of HIV, antigen or nonantigenic products of HIV
23 or an antibody to HIV.

1 3. The victim of the serious sex crime was significantly exposed to HIV or to the
2 sexually transmitted disease, whichever is applicable, by the acts constituting the
3 serious sex crime.

4 **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON.** (a)
5 In this subsection:

- 6 1. "Elder person" means any individual who is 62 years of age or older.
7 2. "Violent felony" means any felony under s. 940.19 (2), (4), (5) or (6), 940.225
8 (1), (2) or (3), 940.23 or 943.32.

9 (b) When making a sentencing decision concerning a person convicted of a
10 violent felony, the court shall consider as an aggravating factor the fact that the
11 victim of the violent felony was an elder person. This paragraph applies even if the
12 person mistakenly believed that the victim had not attained the age of 62 years.

13 **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**
14 **PERSONS.** (a) In this subsection, "person responsible for the welfare the child"
15 includes the child's parent, stepparent, guardian, foster parent or treatment foster
16 parent; an employe of a public or private residential home, institution or agency; any
17 other person legally responsible for the child's welfare in a residential setting; or a
18 person employed by one who is legally responsible for the child's welfare to exercise
19 temporary control or care for the child.

20 (b) When making a sentencing decision concerning a person convicted of a
21 violation of s. 948.02 (1) or (2), 948.025 (1) or 948.03 (2) or (3), the court shall consider
22 as an aggravating factor the fact that the person was a person responsible for the
23 welfare of the child who was the victim of the violation.

24 **(7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.**
25 When making a sentencing decision concerning a person convicted of a violation of

1 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
2 that, at the time of the violation, there was a minor passenger under 16 years of age
3 or an unborn child in the person's motor vehicle.

4 (8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES. (a) *Distribution*
5 *or delivery to prisoners.* 1. In this paragraph, "precinct" means a place where any
6 activity is conducted by a prison, jail or house of correction.

7 2. When making a sentencing decision concerning a person convicted of
8 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
9 fact that the violation involved delivering, distributing or possessing with intent to
10 deliver or distribute a controlled substance or controlled substance analog to a
11 prisoner within the precincts of any prison, jail or house of correction.

12 (b) *Distribution or delivery on public transit vehicles.* When making a
13 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
14 the court shall consider as an aggravating factor the fact that the violation involved
15 delivering, distributing or possessing with intent to deliver or distribute a controlled
16 substance included in schedule I or II or a controlled substance analog of any
17 controlled substance included in schedule I or II and that the person knowingly used
18 a public transit vehicle during the violation.

19 (9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME. The aggravating factors
20 listed in this section are not elements of any crime. A prosecutor is not required to
21 charge any aggravating factor or otherwise allege the existence of an aggravating
22 factor in any pleading.

USE OF GUIDELINES

NO TP

23 (10) ~~LIMITATIONS; NO RIGHT TO OR BASIS FOR APPEAL. The requirement that a court~~
24 ~~consider a particular aggravating factor listed in subs. (3) to (8) does not require a~~
25 ~~court to give any specific weight to that factor in making a sentencing decision and~~

for a court to consider the aggravating factor when making a sentencing decision

1 ~~does not require a court to impose a greater or lesser sentence based on the presence~~
2 ~~or absence of the factor.~~ The requirement under sub. (2) (a) that a court consider

3 sentencing guidelines adopted by the sentencing commission or the criminal
4 penalties study committee does not require a court to make a sentencing decision
5 that is within any range or consistent with a recommendation specified in the
6 guidelines, and there is no right to appeal a court's sentencing decision based on the
7 court's decision to depart in any way from any guideline. In any appeal from a court's
8 sentencing decision, the appellate court may reverse the sentencing decision only if
9 it determines that the sentencing court erroneously exercised its discretion in
10 making the sentencing decision.

11 **SECTION 758.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

12 973.03 (3) (e) 1. A crime which is a Class A ~~or~~ B or C felony.

13 2. A crime which is a Class C, D, E, F or G felony listed in s. 969.08 (10) (b), but
14 not including any crime specified in s. 943.10.

15 **SECTION 759.** 973.03 (3) (e) 3. of the statutes is repealed.

16 **SECTION 760.** 973.032 (4) (c) 2. of the statutes is amended to read:

17 973.032 (4) (c) 2. The person is sentenced for the escape under ~~e. 946.42 (4) (b)~~
18 to a sentence of imprisonment concurrent with the sentence to the intensive
19 sanctions program.

20 **SECTION 761.** 973.075 (1) (b) lm. e. of the statutes is amended to read:

21 973.075 (1) (b) lm. e. To cause more than ~~\$1,000~~ \$2,000 worth of criminal
22 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

23 **SECTION 762.** 973.075 (2) (d) of the statutes is amended to read:

24 973.075 (2) (d) The officer has probable cause to believe that the property was
25 derived from or realized through a crime or that the property is a vehicle which was

1 (3) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing
2 commission created under section 973.30 of the statutes, as created by this act, are
3 appointed, the criminal penalties study committee shall provide information to
4 lawyers, judges, the legislature and the public regarding this act.

5 **SECTION 772. Appropriation changes.**

6 (1) CRIMINAL PENALTIES STUDY COMMITTEE. In the schedule under section 20.005
7 (3) of the statutes for the appropriation to the department of administration under
8 section 20.505 (3) (c) of the statutes, as affected by the acts of 1999, the dollar amount
9 is increased by \$112,500 for fiscal year 1999-00 to fund the activities of the criminal
10 penalties study committee created under 1997 Wisconsin Act 283, section 454 (1).

11 **SECTION 773. Initial applicability.**

12 (1) PENALTY PROVISIONS. The repeal of sections 351.07 (2) (b), 939.32 (1) (b),
13 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.623, 939.624, 939.625,
14 939.63 (2), 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (lb), 940.19
15 (3), 940.195 (3), 940.195 (6), 940.25 (lb), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3),
16 943.01 (2g), 943.23 (lm), 943.23 (lr), 946.42 (4), 946.425 (2), 948.02 (3m), 948.025
17 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5.,
18 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (lm) (cm) 5., 961.41 (lm)
19 (d) 5., 961.41 (lm) (d) 6., 961.41 (lm) (e) 5., 961.41 (lm) (e) 6., 961.41 (2) (c), 961.41
20 (3g) (a) 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
21 961.48 (4), 961.49 (2), 961.49 (3), 961.492 and 973.03 (3) (e) 3. of the statutes; the
22 renumbering of sections 351.07 (2) (a) and 961.49 (1) of the statutes; the renumbering
23 and amendment of sections 49.95 (l), 125.075 (2), 939.63 (l), 943.20 (3) (d) 2., 948.025
24 (l), 948.025 (2), 961.41 (1) (cm) l., 961.41 (lm) (cm) l., 961.41 (3g) (a) 1., 961.46 (1)
and 961.48 (1) of the statutes; the amendment of sections ~~6.118~~ 11.61 (1) (a), 11.61 (1)

auto ref A
SECTION 773. Initial applicability.
GENERALLY CS
auto ref B

12

25

1 (b), 12.60 (1)(a), 13.05, 13.06, 13.69(6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c),
2 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80
3 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127
4 (8) (c), 49.141 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.49
5 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12),
6 55.06 (11) (am), 66.4025 (1) (b), 66.4025 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83
7 (2)(b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171(7)(b), 100.2095 (6)(d), 100.26 (2),
8 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.94 (8) (b), 102.835 (11), 102.835(18),
9 102.85 (3), 108.225 (11), 108.225 (18), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a),
10 125.085 (3)(a) 2., 125.105 (2)(b), 125.66 (3), 125.68 (12)(b), 125.68 (12)(c), 132.20
11 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58,
12 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.95 (2), 139.95 (3), 146.345 (3),
13 146.35 (5), 146.60 (9) (am), 146.70 (10)(a), 154.15 (2), 154.29 (2), 166.20 (11) (b),
14 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93,
15 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.),
16 221.0636(2)221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b)
17 (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.035 (2), 301.085 (4), 302.095 (2),
18 302.11 (1) (g), 302.13 (1), 302.13 (1), 303.065 (1) (b), 303.08 (2), 303.08 (5) (intro.), 303.08
19 (6), 303.08 (12), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b),
20 342.30 (3) (a), 342.32 (3), 344.44 (2) (b) (intro.), 344.48 (2), 346.17 (3) (a), 346.17 (3)
21 (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b),
22 346.175 (4)(c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2)(e),
23 346.65 (5), 346.74 (5) (b), 346.74 (5)(c), 346.74 (5)(d), 350.11 (2m), 351.01 (2) (b),
24 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1),
25 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a).

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1 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 768.07, 783.07,
 2 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.351 (4) (b), 939.22 (21) (d),
 3 939.30 (l), 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c),
 4 939.50 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62
 5 (1) (c), 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (l), 939.75 (l), 940.02 (2)
 6 (intro.), 940.03, 940.04 (l), 940.04 (2) (intro.), 940.04 (4), 940.06 (l), 940.06 (2),
 7 940.07, 940.08 (l), 940.08 (2), 940.09 (1) (intro.), 940.10 (l), 940.10 (2), 940.11 (l),
 8 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5),
 9 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.20 (l), 940.20 (lm),
 10 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.),
 11 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2)
 12 (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1)
 13 (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (l), 940.24 (2), 940.25 (1) (intro.), 940.285 (2)
 14 (b) lg., 940.285 (2) (b) lm., 940.285 (2) (b) lr., 940.285 (2) (b) 2., 940.29, 940.295 (3)
 15 (b) lg., 940.295 (3) (b) lm., 940.295 (3) (b) lr., 940.295 (3) (b) 2., 940.295 (3) (b) 3.,
 16 940.30, 940.305 (l), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b),
 17 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43
 18 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a)
 19 (intro.), 941.21, 941.235 (l), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f),
 20 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1),
 21 941.296 (2) (intro.), 941.298 (2), 941.30 (l), 941.30 (2), 941.31 (l), 941.31 (2) (b),
 22 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2)
 23 (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38
 24 (2), 943.01 (2) (intro.), 943.01 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2)
 25 (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017

1 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (l), 943.07 (2),
2 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3)
3 (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) l., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
4 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (lg), 943.23 (2), 943.23 (3), 943.23
5 (4m), 943.23 (5), 943.24 (l), 943.24 (2), 943.25 (l), 943.25 (2) (intro.), 943.26 (2),
6 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4),
7 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (a), 943.34 (1) (b),
8 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (a), 943.395
9 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d),
10 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3)
11 (d), 943.50 (4) (a), 943.50 (4) (b), 943.50 (4) (c), 943.60 (l), 943.61 (5) (b), 943.61 (5)
12 (c), 943.62 (4) (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4.,
13 943.70 (3) (b) 2., 943.70 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.),
14 944.06, 944.16 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32,
15 944.33 (2), 944.34 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (l), 946.02 (1)
16 (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (l), 946.10 (intro.), 946.11 (1) (intro.),
17 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (l), 946.15 (3), 946.31 (1) (intro.),
18 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425
19 (l), 946.425 (lm) (b), 946.425 (lr) (b), 946.43 (intro.), 946.44 (1) (intro.), 946.44 (lg),
20 946.44 (lm), 946.47 (1) (intro.), 946.48 (l), 946.49 (1) (b), 946.49 (2), 946.60 (l), 946.60
21 (2), 946.61 (1) (intro.), 946.64, 946.65 (l), 946.68 (lr) (a), 946.68 (lr) (b), 946.68 (lr)
22 (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (l), 946.74 (2), 946.76, 946.82 (4), 946.84 (l),
23 946.85 (l), 947.013 (1t), 947.013 (1v), 947.013 (lx) (intro.), 947.015, 948.02 (2), 948.02
24 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03
25 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (l), 948.04 (2), 948.05 (1) (intro.), 948.05

1 (lm), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.),
2 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2),
3 948.20, 948.21 (l), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2)
4 (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b),
5 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2)
6 (b), 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (l), 951.18 (2),
7 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.),
8 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41
9 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e) (intro.),
10 961.41(1)(e) 1., 961.41(1)(e) 2., 961.41(1)(e) 3., 961.41(1)(e) 4., 961.41(1)(f)(intro.),
11 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g)
12 l., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41
13 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (lm) (intro.), 961.41 (lm)
14 (a), 961.41 (1m) (b), 961.41 (lm) (cm) (intro.), 961.41 (lm) (cm) 2., 961.41 (lm) (cm)
15 3., 961.41 (1m) (cm) 4., 961.41 (lm) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (lm) (d) 2.,
16 961.41 (lm) (d) 3., 961.41 (1m) (d) 4., 961.41 (lm) (e) (intro.), 961.41 (1m) (e) 1., 961.41
17 (lm) (e) 2., 961.41 (lm) (e) 3., 961.41 (1m) (e) 4., 961.41 (lm) (f) (intro.), 961.41 (lm)
18 (f) 1., 961.41 (lm) (f) 2., 961.41 (lm) (f) 3., 961.41 (lm) (g) (intro.), 961.41 (lm) (g) 1.,
19 961.41 (lm) (g) 2., 961.41 (lm) (g) 3., 961.41 (lm) (h) (intro.), 961.41 (lm) (h) 1.,
20 961.41 (1m) (h) 2., 961.41 (lm) (h) 3., 961.41 (lm) (i), 961.41 (lm) (j), 961.41 (1n) (c),
21 961.41 (lq), 961.41 (lr), 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (d),
22 961.41 (3g)(c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42
23 (2), 961.43 (2), 961.455 (l), 961.455 (3), 961.472 (2), 961.48 (2m) (a), 961.48 (3),
24 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10)
25 (b), 971.365 (1) (c), 971.365 (2), 973.03 (3) (e) 1. and 2., ~~973.03 (3) (e) 3.~~, 973.075 (1)

and

1 (b) Im. e., 973.075 (2) (d), 973.09 (2) (b) 1. ~~977.06~~ (2) (b) ~~978.13 (1) (a)~~ of the
 2 statutes; and the creation of sections 49.95 (1) (e) and (f), 125.075 (2) (b), ~~302.113~~
 3 ~~302.113 (8m), 302.113 (9) (am), 302.113 (9) (d), 302.113 (9) (e), 302.114 (8m),~~
 4 ~~302.114 (9) (d),~~ 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32
 5 (1m), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50
 6 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (lc), 943.20 (3) (bm), 943.23 (3m), 943.34
 7 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025
 8 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 961.41 (1) (cm) lg., 961.41 (1)
 9 (h) 4., 961.41 (1) (h) 5., 961.41 (lm) (cm) lg., 961.41 (lm) (h) 4., 961.41 (lm) (h) 5.,
 10 961.41 (3g) (b) (title) and 961.48 (1) (a) and (b) of the statutes first apply to offenses
 11 committed on the effective date of this subsection.

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SECTION 774. Effective dates.

This act takes effect on the day after publication, except as follows:

(1) **PENALTY PROVISIONS GENERALLY.** The repeal of sections 351.07 (2) (b), 939.32
 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.623, 939.624,
 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (lb),
 940.19 (3), 940.195 (3), 940.195 (6), 940.25 (lb), 940.285 (2) (b) 3., 941.29 (2m),
 941.296 (3), 943.01 (2g), 943.23 (1m), 943.23 (lr), 946.42 (4), 946.425 (2), 948.02 (3m),
 948.025 (2m), 948.03, (5), 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d)
 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1m) (cm) 5., 961.41 (1m)
 (d) 5., 961.41 (lm) (d) 6., 961.41 (lm) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41
 (3g) (a) 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
 961.48 (4), 961.49 (2), 961.49 (3), 961.492 and 973.03 (3) (e) 3. of the statutes; the
 renumbering of sections 351.07 (2) (a) and 961.49 (1) of the statutes; the renumbering
 and amendment of sections 49.95 (l), 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025

939.62 (2m) (a) 2m. a. and b.

938.78 (3)

- 1 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2)
- 2 (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), ~~351.07 (2m)~~
- 3 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1),
- 4 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a),
- 5 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), ~~768.07, 783.07,~~
- 6 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (4) (b), ~~939.22 (21) (d),~~
- 7 939.30 (1), 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c),
- 8 939.50 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62
- 9 (1) (c), 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2)
- 10 (intro.), 940.03, 940.04 (l), 940.04 (2) (intro.), 940.04 (4), 940.06 (l), 940.06 (2),
- 11 940.07, 940.08 (l), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1),
- 12 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5),
- 13 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.20 (l), 940.20 (lm),
- 14 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.),
- 15 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2)
- 16 (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1)
- 17 (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2)
- 18 (b) lg., 946.285 (2) (b) lm., 940.285 (2) (b) lr., 940.285 (2) (b) 2., 940.29, 940.295 (3)
- 19 (b) lg., 940.295 (3) (b) 1m., 940.295 (3) (b) lr., 940.295 (3) (b) 2., 940.295 (3) (b) 3.,
- 20 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b),
- 21 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43
- 22 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (l), 941.20 (2) (intro.), 941.20 (3) (a)
- 23 (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f),
- 24 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1),
- 25 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (l), 941.31 (2) (b),

1 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2)
2 (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38
3 (2), 943.01 (2) (intro.), 943.01 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2)
4 (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017
5 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2),
6 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3)
7 (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
8 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (lg), 943.23 (2), 943.23 (3), 943.23
9 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25 (2) (intro.), 943.26 (2),
10 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4),
11 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (a), 943.34 (1) (b),
12 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (a), 943.395
13 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d),
14 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3)
15 (d), 943.50 (4) (a), 943.50 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5)
16 (c), 943.62 (4) (b), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4.,
17 943.70 (3) (b) 2., 943.70 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.),
18 944.06, 944.16 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32,
19 944.33 (2), 944.34 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1)
20 (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.),
21 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.),
22 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425
23 (l), 946.425 (1m) (b), 946.425 (lr) (b), 946.43 (intro.), 946.44 (1) (intro.), 946.44 (lg),
24 946.44 (lm), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (l), 946.60
25 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (lr) (a), 946.68 (1r) (b), 946.68 (lr)

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

1 effect on the day after publication of this act or on the 2nd day after publication of
2 the 1999-2001 biennial budget act, whichever is later.

3 (END)

D-note

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

LRB-8361/P2dn

MGD:wlj:jf

JEO & +jlg
3420/1

new date Σ August 10, 1999

25

~~Repeal~~

Please note that s. 16.47 (2), stats., provides that, before the passage of the executive budget bill, neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passing the bill as an emergency appropriation. (Of course, s. 16.47 (2), stats., is a rule of legislative procedure; thus, the legislature determines the extent to which it is enforced.)

In addition, if this bill is enacted before the budget, the adoption of the budget, which repeals and recreates the schedule in ch. 20, stats., will eliminate the appropriations and the positions contained in the bill. ✓
A ✓

ADD
Jeo

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

1

INSERT 7-A:

~~NO~~ For further information, see the August 31, 1999, report of the criminal penalties study committee, which contains all of the committee's recommendations and the committee's explanation of and rationale for those recommendations.

2

INSERT 8-A:

~~NO~~, in part to provide additional time to be used for the imposition of extended supervision under the new bifurcated sentencing law (*see* below, **The structure of felony sentences**, item 2).

3

INSERT 9-A:

~~NO~~ This bill classifies every carjacking offense as a Class C felony, including an offense resulting in a person's death (currently a Class A felony), and adds carjacking to the list of offenses subject to the felony murder statute (see item 4 above, **Felony murder**). ✓

4

INSERT 199-11:

⑤

auto
ref B → (#)

OPERATING AFTER REVOCATION. ✓

The treatment of section 343.44 (2) (b) of the (intro.)

6

statutes first applies to offenses committed on the effective date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3420/1dn
JEO&MGD;jlg:hmh

August 25, 1999

Please note that s. 16.47 (2), stats., provides that, before the passage of the executive budget bill, neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passing the bill as an emergency appropriation. (Of course, s. 16.47 (2), stats., is a rule of legislative procedure; thus, the legislature determines the extent to which it is enforced.)

In addition, if this bill is enacted before the budget, the adoption of the budget, which repeals and recreates the schedule in ch. 20, stats., will eliminate the appropriations and the positions contained in the bill.

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Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

(1) ^{CS} PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b),

1 An Act to repeal 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622,
2 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646,
3 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.195 (6), 940.25 (1b),
4 940.285 (2) (b) 3., 941.29 (2m), & Editors / add: 3.23 (1m), 943.23 (1r),
5 946.42 (4), 946.425 (2), 948.02 of the changes to 3 (5), 948.35, 948.36,
6 948.60 (4), 961.41 (1) (cm) 5., 6, 3420/P3) (d) 6., 961.41 (1) (e)
7 5., 961.41 (1) (e) 6., 961.41 (1r , 20 ins c 5., 961.41 (1m) (d) 6.,
8 961.41 (1m) (e) 5., 961.41 (1m) (are not (3g) (a) 2., 961.41 (3g)
9 (a) 3., 961.438, 961.46 (2), 961.4 identical. 961.48 (4), 961.49 (2),

10 961.49 (3), 961.492, ~~973.01~~ Make a copy of the insert before altering. 973.03 (3) (e) 3; to amendment of sections
11 remember 961.49 (1) to renumber of the statutes 25.075 (2), 939.63 (1),

12 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1.,

13 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), ~~971.11 (1), 973.01 (2) (b) 6 and 973.01~~ of the statutes; the amendment of sections
14 (2) (d); to amend 6.18, 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69

15 (6m), ~~15.01 (2)~~ 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971

16 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m),

17 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m) (b) 2., 48.417 (1) (d),

18 48.57 (3p) (g) 2., 48.685 (5) (bm) 2., 48.685 (5) (bm) 3., 48.685 (5) (bm) 4., 49.127

19 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b), 49.141 (9)

20 (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49

21 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12), 55.06 (11) (am), 66.4025 (1) (b),

22 66.4025 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43

23 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7),

the renumbering of sections 351.07 (2) (a) and

1 101.143 (10)(b), 101.94(8)(b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225
 2 (11), 108.225 (18), 110.07 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a),
 3 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12)(b), 125.68 (12)(c),
 4 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205
 5 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.95 (2), 139.95
 6 (3), 146.345(3), 146.35(5), 146.60 (9) (am), 146.70 (10)(a), 154.15(2), 154.29
 7 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825,
 8 200.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2),
 9 221.0625(2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b),
 10 285.87 (2)(b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4)(c) 2.,
 11 301.035 (2), 301.035 (4), 301.26 (4) (cm) 1., 302.095 (2), 302.11 (1g) (a) 2., 302.11
 12 (1p), ~~302.11(3) (2), 302.11(3) (7), 302.11(3) (9), 302.11(4) (5) (f), 302.11(4) (6) (5), 302.11(4)~~
 13 ~~(6) (1), 302.11(4) (9)~~, 302.33(1), 303.065(1) (b) 1., 303.08(2), 303.08(5) (intro.),
 14 303.08 (6), 303.08 (12), 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2),
 15 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), ~~342.32~~
 16 ~~(3) (c), 343.31(3) (1)~~, 343.44 (2) (b(intro.)), 344.48 (2), 346.17(3) (a), 346.17 (3)
 17 (b), 346.17 (3) (c), 346.17 (3(d)), 346.175 (1)(a), 346.175(1) (b), 346.175 (4) (b),
 18 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e),
 19 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 351.07 (2)
 20 (b), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1),
 21 553.52 (1), 553.52(2), 562.13(3), 562.13(4), 565.50(2), 565.50 (3), 601.64 (4),
 22 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.),
 23 768.07, 783.07, ~~801.50(4), 911.01(4)(c)~~, 938.208 (1) (a), 938.34 (4h) (a), 938.34
 24 (4m) (b) 1., ~~938.35(2)(b), 938.35(2)(c)~~, 938.35(4) (b), ~~938.35(4)(c)~~, 939.22 (21) (d), 939.30
 25 (1), 939.30 (2), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50

939.32 (1) (intro.) ✓

1 (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3) (c),
2 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
3 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (lg), 943.23 (2), 943.23 (3),
4 943.23 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25 (2) (intro.),
5 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2),
6 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2),
7 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39
8 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8)
9 (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c),
10 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50 (4) (a), 943.50 (4) (b), 943.50
11 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c),
12 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3)
13 (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
14 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34
15 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.), 946.03
16 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.), 946.12
17 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.),
18 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.),
19 946.425 (1), 946.425 (lm) (b), 946.425 (lr) (b), 946.43 (intro.), 946.44 (1) (intro.),
20 946.44 (lg), 946.44 (lm), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2),
21 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (lr) (a),
22 946.68 (lr) (b), 946.68 (lr) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74
23 (2), 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (It), 947.013 (Iv), 947.013
24 (lx) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03
25 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b),

1 948.04 (l), 948.04 (2), 948.05 (1) (intro.), 948.05 (lm), 948.05 (2), 948.055 (2) (a),
2 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2) (intro.),
3 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21 (l),
4 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.),
5 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51
6 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b),
7 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), ~~949.03 (1) (a), 949.03 (1) (c), 949.03 (1) (d), 949.03 (1) (e), 949.03 (1) (f), 949.03 (1) (g), 949.03 (1) (h), 949.03 (1) (i), 949.03 (1) (j), 949.03 (1) (k), 949.03 (1) (l), 949.03 (1) (m), 949.03 (1) (n), 949.03 (1) (o), 949.03 (1) (p), 949.03 (1) (q), 949.03 (1) (r), 949.03 (1) (s), 949.03 (1) (t), 949.03 (1) (u), 949.03 (1) (v), 949.03 (1) (w), 949.03 (1) (x), 949.03 (1) (y), 949.03 (1) (z)~~ 951.18
8 (l), 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b),
9 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4.,
10 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41
11 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) l., 961.41 (1) (e) 2., 961.41 (1) (e)
12 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) l., 961.41 (1) (f) 2., 961.41
13 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g)
14 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3.,
15 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m) (a), 961.41 (lm) (b),
16 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (lm) (cm) 3., 961.41 (lm)
17 (cm) 4., 961.41 (lm) (d) (intro.), 961.41 (lm) (d) l., 961.41 (lm) (d) 2., 961.41 (lm)
18 (d) 3., 961.41 (lm) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (lm) (e) l., 961.41 (lm)
19 (e) 2., 961.41 (lm) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m)
20 (f) l., 961.41 (lm) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (lm)
21 (g) l., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (lm) (h) (intro.), 961.41 (lm)
22 (h) l., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j),
23 961.41 (1n) (c), 961.41 (lq), 961.41 (lr), 961.41 (2) (intro.), 961.41 (2) (a), 961.41
24 (2) (b), 961.41 (2) (d), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g)
25 (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.455 (1), 961.455 (3), 961.472

1 (2), 961.48 (2m) (a), 961.48 (3), 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3),
 ② 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (c), 971.365 (2), ~~978.01(1)(a)~~
 ③ 3 ~~973.01(2)(a), 973.01(2)(b) (intro), 973.01(2)(b) 1., 973.01(2)(b) 3., 973.01(2)(b) 4.,~~
 ④ 4 ~~973.01(2)(b) 5., 973.01(4), 973.01(35) (1)(b) 2.,~~ 973.03 (3) (e) 1. and 2.,
 5 973.032(4)(c) 2., 973.075 (1) (b) 1m. e., 973.075 (2) (d), 973.09 (2) (b) 1., 977.06
 ⑥ 6 of the statutes (2) (b) and 978.13 (1) (c); ~~to repeal and recreate 944.15 (title), to create 151.105~~
 ⑦ ~~(2), 19.42 (10) (b), 19.42 (13) (m), 20.505 (4) (d), 20.505 (4) (m), 20.923 (4) (b)~~
 ⑧ 8 and the creation of sections ~~120.923 (6) (m), 49.95 (1) (e) and (f), 125.075 (2) (b), 227.01 (13) (m), 230.08~~
 ⑨ 9 ~~12 (1) (b), 230.08 (2) (a), 302.113 (7b),~~ 302.113 (7m), 302.113 (8m), 302.113 (9)
 10 (am), 302.113 (9) (d), 302.113 (9g), ~~302.114 (8a),~~ 302.114 (8m), 302.114 (9) (d),
 ⑩ 11 939.32 (1) (bm), 939.32 (1g), 939.32 (1m), 346.04 (2t), 346.04 (4), 346.17 (2t), ~~801.20 (3a),~~ 939.50 (1) (f), 939.50 (1) (g),
 12 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50
 13 (3) (i), 940.09 (lc), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm),
 14 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a),
 ⑮ 15 948.51 (3) (c), 948.62 (1) (bm), ~~950.01 (1) (a),~~ 961.41 (1) (cm) lg., 961.41 (1) (h)
 16 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) lg., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5.,
 ⑰ 17 961.41 (3g) (b) (title), and 961.48 (1) (a) and (b), ~~971.17 (1) (b), 971.17 (1) (d), 973.01~~
 ⑱ 18 ~~(2) (b) 6m, 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (d) 1.~~
 ⑲ 19 ~~to 6., 973.01 (2) (e), 973.017, 973.30 and 977.05 (4) (m)~~ of the statutes; and ~~to~~

20 affect 1997 Wisconsin Act 283, section 454 (1) (g) and 1997 Wisconsin Act 283,
 21 section 454 (2); relating to: classification and elements of felony offenses;
 22 revocation of extended supervision; modification of a bifurcated sentence in
 23 certain cases; the creation of a sentencing commission and temporary
 24 sentencing guidelines; making an appropriation; and providing penalties.

APP: auto
 ref. - new stat
 on p. 14 of
 the draft

SECTION 768 (1) of this act take effect on
 December 31, 1999, or the day after publication,
 whichever is later.

T. v. ~~W. Hammer~~ P3 → 1

~~Search~~
~~one-half~~

P. 61 / ll. 3 & 5

bifurcated

✓ P. 61 // ll. 3 & 4

confinement instead of custody

✓ P. 61 l 20

writ of cert.
search draft too

* Double check report vs. draft non crime code
non drug felonies

Analysis

✓ → Beginning — refer to report

✓ → P. 8 → Increase penalties to
accommodate PS

✓ → combine → felony murder // conjuncting

Geriatric clause — B felony excluded

Proof IA / Eff date



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3420/1
JEO&MGD:kmg&jlg&wlj:hmh

Now

CMH

2

r.m.r.

1999 BILL

change on page 191
only

1 **AN ACT to repeal 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),**
2 939.615 (7) (c), 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64,
3 939.641, 939.646, 939.647, 939.648, 940.09 (lb), 940.19 (3), 940.195 (3), 940.195
4 (6), 940.25 (lb), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23
5 (lm), 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 (1m) (d) 5., 961.41
8 (lm) (d) 6., 961.41 (1m) (e) 5., 961.41 (lm) (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. and 973.03 (3) (e) 3.; to
11 **renumber** 351.07 (2) (a) and 961.49 (1); **to renumber and amend 49.95 (1),**
12 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025 (l), 948.025 (2), 961.41 (1) (cm)
13 1., 961.41 (lm) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (l), 971.17 (1),
14 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d); **to amend** 6.18, 11.61 (1) (a),

BILL

1 (h) Assist the legislature in assessing the cost of enacting new or revising
2 existing statutes affecting criminal sentencing.

3 (i) At least semiannually, submit reports to all circuit judges, and to the chief
4 clerk of each house of the legislature for distribution to the appropriate standing
5 committees under s. 13.172 (3), containing statistics regarding criminal sentences
6 imposed in this state. Each report shall have a different focus and need not contain
7 statistics regarding **every crime**. **Each** report shall contain information regarding
8 sentences imposed statewide and in each of the following geographic areas:

- 9 1. Milwaukee County.
- 10 2. Dane and Rock counties.
- 11 3. Brown, Outagamie, Calumet and Winnebago counties.
- 12 4. Racine and Kenosha counties.
- 13 5. All other counties.

INS
191-13

14 (2) **STAFF**. Subject to authorization under s. 16.505, the sentencing commission
15 may hire staff to assist it in the performance of its duties.

16 (3) **SUNSET**. This section does not apply after December 31, 2004.

17 **SECTION 766**. 977.05 (4) (jm) of the statutes is created to read:

18 977.05 (4) (jm) At the request of an inmate determined by the state public
19 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent
20 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
21 (9g) before a program review committee and the sentencing court, if the state public
22 defender determines the case should be pursued.

23 **SECTION 767**. 977.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

BILL

1 (4) (c) 2., 973.075 (1) (b) lm. e., 973.075 (2) (d), 973.09 (2) (b) l., 977.06 (2) (b) and
2 978.13 (1) (c) of the statutes; the creation of sections 49.95 (1) (e) and (f), 125.075 (2)
3 (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32 (lg), 939.32 (lm),
4 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g),
5 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm),
6 943.50 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b),
7 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 961.41 (1) (cm) lg., 961.41 (1) (h) 4.,
8 961.41 (1) (h) 5., 961.41 (1m) (cm) lg., 961.41 (lm) (h) 4., 961.41 (lm) (h) 5., 961.41
9 (3g) (b) (title) and 961.48 (1) (a) and (b) of the statutes; and SECTION 773 (1) of this
10 act take effect on December 31, 1999, or the day after publication, whichever is later.

11 (2) **OPERATING AFTER REVOCATION.** The treatment of section 343.44 (2) (b) (intro.)
12 of the statutes and SECTION 773 (2) of this act take effect on whichever of the following
13 dates is later:

14 (a) The day after publication.

15 (b) May 1, 2000, or the date stated in the notice published by the secretary of
16 transportation in the Wisconsin Administrative Register under section 85.515 of the
17 statutes, whichever is earlier.

18 (3) **CRIMINAL PENALTIES STUDY COMMITTEE APPROPRIATION.** SECTION 772 (1) of this
19 act takes effect on the day after publication of this act or on the 2nd day after
20 publication of the 1999-2001 biennial budget act, whichever is later.

21 **(END)**



LRB-3420/2 ins
TED : :

INSERT 191-13:

~~(i) ~~Study~~ the ~~likely~~ effects of
 various sentences ~~for~~ various types of
 offenders.~~

~~Study how sentencing options affect
 various types of offenses.~~

- w - m -

(i) Study how sentencing options affect
various types of offenders and offenses.

- m - w -

"I..."

I... I... I...



1999 BILL

1 **AN ACT to repeal** 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),
2 939.615 (7) (c), 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64,
3 939.641, 939.646, 939.647, 939.648, 940.09 (lb), 940.19 (3), 940.195 (3), 940.195
4 (6), 940.25 (lb), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23
5 (1m), 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 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41
8 (1m) (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. and 973.03 (3) (e) 3.; to
11 **renumber** 351.07 (2) (a) and 961.49 (1); **to renumber and amend 49.95** (l),
12 125.075 (2), 939.63 (l), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm)
13 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (l), 961.48 (l), 971.17 (1),
14 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d); **to** amend 6.18, 11.61 (1) (a),

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1 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 15.01 (2), 23.33 (13) (cg),
2 26.14 (8), 29.971 (1) (c), 29.971 (lm) (c), 29.971 (llm) (a), 29.971 (11p) (a), 30.80
3 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d),
4 48.355 (2d) (b) 3., 48.415 (9m) (b) 2., 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (5)
5 (bm) 2., 48.685 (5) (bm) 3., 48.685 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2.,
6 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141
7 (10) (b), 49.49 (1) (b) l., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49
8 (4) (b), 51.15 (12), 55.06 (11) (am), 66.4025 (1) (b), 66.4025 (1) (c), 69.24 (1)
9 (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7)
10 (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.94
11 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (ll), 108.225 (18), 110.07
12 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a), 125.085 (3) (a) 2., 125.105 (2)
13 (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (l), 133.03 (2),
14 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (l), 139.44
15 (lm), 139.44 (2), 139.44 (8) (c), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5),
16 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9)
17 (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6)
18 (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2),
19 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.),
20 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.035 (2), 301.035 (4), 301.26 (4) (cm)
21 l., 302.095 (2), 302.11 (lg) (a) 2., 302.11 (lp), 302.113 (2), 302.113 (7), 302.113
22 (9), 302.114 (5) (f), 302.114 (6) (b), 302.114 (6) (c), 302.114 (9), 302.33 (1), 303.065
23 (1) (b) l., 303.08 (1) (intro.), 303.08 (2), 303.08 (5) (intro.), 303.08 (6), 303.08 (12),
24 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4)
25 (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.31 (1) (i), 343.31 (3) (d) (intro.),

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1 343.44 (2) (b) (intro.), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c),
2 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c),
3 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5),
4 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11
5 (9) (b), 450.14 (5), 450.15 (2), 551.58 (l), 552.19 (l), 553.52 (1), 553.52 (2), 562.13
6 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4)(a), 641.19 (4)(b),
7 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 768.07, 783.07, 801.50 (5),
8 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) l., 938.355 (2d) (b)
9 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (l), 939.30 (2), 939.32 (1)
10 (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e),
11 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m.
12 a., 939.62 (2m) (a) 2m. b., 939.632 (1) (e) l., 939.632 (2), 939.645 (2), 939.72 (l),
13 939.75 (l), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4),
14 940.06 (l), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10
15 (l), 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6),
16 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4),
17 940.195 (5), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3),
18 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2)
19 (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21,
20 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23
21 (2) (a), 940.23 (2) (b), 940.24 (l), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b)
22 lg., 940.285 (2) (b) lm., 940.285 (2) (b) lr., 940.285 (2) (b) 2., 940.29, 940.295 (3)
23 (b) lg., 940.295 (3) (b) lm., 940.295 (3) (b) lr., 940.295 (3) (b) 2., 940.295 (3) (b)
24 3., 940.30, 940.305 (l), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2)
25 (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.),

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1 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.),
2 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26
3 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3),
4 941.29 (2) (intro.), 941.295 (l), 941.296 (2) (intro.), 941.298 (2), 941.30 (1),
5 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325,
6 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327
7 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01
8 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2),
9 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017 (2m) (b) (intro.),
10 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2), 943.10 (1)
11 (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3) (c),
12 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
13 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (lg), 943.23 (2), 943.23 (3),
14 943.23 (4m), 943.23 (5), 943.24 (l), 943.24 (2), 943.25 (1), 943.25 (2) (intro.),
15 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (l), 943.30 (2),
16 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2),
17 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39
18 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8)
19 (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c),
20 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50 (4) (a), 943.50 (4) (b), 943.50
21 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c),
22 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3)
23 (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
24 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34
25 (intro.), 945.03 (intro.), 945.05 (1) (intro.), 945.08 (l), 946.02 (1) (intro.), 946.03

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3 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.),
4 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (intro.), 946.44 (1) (intro.),
5 946.44 (lg), 946.44 (lm), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2),
6 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a),
7 946.68 (lr) (b), 946.68 (lr) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74
8 (2), 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (It), 947.013 (Iv), 947.013
9 (lx) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03
10 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b),
11 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05 (lm), 948.05 (2), 948.055 (2) (a),
12 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2) (intro.),
13 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21 (l),
14 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.),
15 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51
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19 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4.,
20 961.41 (1) (d) (intro.), 961.41 (1) (d) l., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41
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23 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) l., 961.41 (1) (g) 2., 961.41 (1) (g)
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12 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (c), 971.365 (2), 973.01 (1),
13 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01
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15 973.032 (4) (c) 2., 973.075 (1) (b) lm. e., 973.075 (2) (d), 973.09 (2) (b) 1., 977.06
16 (2) (b) and 978.13 (1) **(c); to repeal and recreate** 944.15 (title); **to create**
17 15.105 (26), 19.42 (10) (o), 19.42 (13) (n), 20.505 (4) (dr), 20.505 (4) (mr), 20.923
18 (4) (b) 7., 20.923 (6) (hr), 49.95 (1) (e) and (f), 125.075 (2) (b), 227.01 (13) (sm),
19 230.08 (2) (L) 6., 230.08 (2) (of), 302.113 (7m), 302.113 (8m), 302.113 (9) (am),
20 302.113 (9) (d), 302.113 (9g), 302.114 (8m), 302.114 (9) (d), 346.04 (2t), 346.04
21 (4), 346.17 (2t), 801.50 (5c), 939.32 (1) (bm), 939.32 (lg), 939.32 (lm), 939.32 (2)
22 (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1)
23 (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (lc), 943.20
24 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h),
25 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1)

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1 (bm), 950.04 (1v) (nt), 961.41 (1) (cm) lg., 961.41 (1) (h) 4., 961.41 (1) (h) 5.,
 2 961.41 (lm) (cm) lg., 961.41 (lm) (h) 4., 961.41 (lm) (h) 5., 961.41 (3g) (b) (title),
 3 961.48 (1) (a) and (b), 971.17 (1) (b), 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2)
 4 (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6.,
 5 973.017, 973.15 (2) (am), 973.30 and 977.05 (4) (jm) of the statutes; and to
 6 **affect** 1997 Wisconsin Act 283, section 454 (1) (f) and 1997 Wisconsin Act 283,
 7 section 454 (2); **relating to:** classification and elements of felony offenses and
 8 certain misdemeanor offenses; modification of a bifurcated sentence in certain
 9 cases; revocation of extended supervision; the creation of a sentencing
 10 commission and temporary sentencing guidelines; making an appropriation;
 11 and providing penalties.

Analysis by the Legislative Reference Bureau

1997 Wisconsin Act 283 (often called the “truth in sentencing” act) changed felony penalties and created a new structure for sentences for felony offenses. 1997 Wisconsin Act 283 also created a criminal penalties study committee, which was directed to study various issues related to the implementation of the act, make recommendations based on its study and submit a report concerning its study and recommendations. The report must include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

This bill is the proposed legislation necessary to implement the recommendations made by the committee. The rest of this analysis contains a general description of current law, the changes made to current law by 1997 Wisconsin Act 283, and some of the most significant changes recommended by the committee and incorporated into this bill. For further information, see the August 31, 1999, report of the criminal penalties study committee, which contains all of the committee’s recommendations and the committee’s explanation of and rationale for those recommendations.

Felony penalties

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

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

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

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

Except for Class A and Class B felonies, which are not punishable by a fine, each classified felony has a maximum fine of \$10,000. 1997 Wisconsin Act 283 did not change the maximum fines for any of the classified felonies.

1997 Wisconsin Act 283 also increased the maximum terms of imprisonment for all unclassified felony offenses committed on or after December 31, 1999, in part to provide additional time to be used for the imposition of extended supervision under the new bifurcated sentencing law (see below, *The structure of felony sentences*, item 2). The terms of imprisonment were increased by 50% or one year, whichever was greater. Thus, under 1997 Wisconsin Act 283, a maximum term of imprisonment of one year was increased to two years of imprisonment, while a maximum term of imprisonment of five years was increased to seven years and six months. 1997 Wisconsin Act 283 did not change any maximum fine provided for any unclassified felony.

This bill makes the following changes to penalties for offenses committed on or after December 31, 1999:

1. New **felony classes**. The bill expands the number of felony classes from six to nine and, except for Class A and Class B felonies, creates new maximum terms of imprisonment and new maximum fines. The felony classes under the bill and their respective maximum terms of imprisonment and maximum fines are as follows:

<u>Class of Felony</u>	<u>Maximum Imprisonment</u>	<u>Maximum Fine</u>
Class A	Life imprisonment	Not applicable
Class B	60 years	Not applicable
Class C	40 years	\$100,000
Class D	25 years	\$100,000
Class E	15 years	\$50,000
Class F	12 years, 6 months	\$25,000

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Class G	10 years	\$25,000
Class H	6 years	\$10,000
Class I	3 years, 6 months	\$10,000

2. Classification of felonies. The bill places felony offenses that are classified under current law into the new felony classes, with the exception of a few classified felony offenses that are reduced to misdemeanor offenses. In addition, the bill places unclassified felony offenses into the new felony classes, with the exception of certain unclassified felony offenses that are reduced to misdemeanor offenses and offenses that are felonies only because of the application of a penalty enhancer.

As a general rule, the bill places a felony offense into a felony class based on the amount of time that a person who is given a maximum sentence for the offense under current law would serve in prison before being released on parole under the mandatory release law (see below, item 1 under **The structure of felony sentences**, item 1). However, in some cases a felony is placed in a higher or lower felony class than the one based on the current mandatory release date for a maximum sentence under current law. For those felony offenses that are reduced to misdemeanor offenses under the bill, the new penalty for the offense is a fine of not more than \$10,000 or imprisonment of not more than nine months or both.

3. Changes in property offenses. This bill changes penalties for certain crimes against property. Under current law, the penalties for certain crimes against property (such as theft, criminal damage to property, receiving stolen property, issuing worthless checks and various kinds of fraud) are based on the value of the property stolen, damaged or otherwise involved in the offense. Generally, the current threshold between misdemeanor and felony penalties for these crimes is \$1,000. Thus, if the value of the property involved is \$1,000 or less, the crime is a misdemeanor. If the value of the property involved is more than \$1,000, the crime is a felony. This bill increases the threshold between misdemeanor and felony penalties to \$2,000 for property crimes cases in which the penalty depends on the value of the property involved in the offense.

4. Felony murder. Under current law, a person commits felony murder if he or she causes the death of another while committing or attempting to commit certain felonies (such as sexual assault, arson or armed robbery). If a person commits felony murder, the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 20 years. This bill provides that the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 15 years.

5. Changes to the crime of carjacking. Under current law, a person is guilty of carjacking if he or she intentionally takes any vehicle without the consent of the owner while possessing a dangerous weapon and by using or threatening the use of force or the weapon against another. This bill classifies every carjacking offense as a Class C felony, including an offense resulting in a person's death (currently a Class A felony), and adds carjacking to the list of offenses subject to the felony murder statute (see item 4 above, **Felony murder**).

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6. Increase in certain misdemeanor penalties. The bill increases penalties for a few misdemeanor offenses by classifying them as felony offenses. The misdemeanor offenses that are changed to felony offenses by the bill (and the classification into which the offense is placed) are as follows:

- a) Stalking (Class I felony).
- b) Criminal damage to railroad property (Class I felony).
- c) Possession of a firearm in a school zone (Class I felony).
- d) Discharge of a firearm in a school zone (Class G felony).

7. Elimination of certain minimum penalty provisions. Current law requires a court to impose a minimum sentence of imprisonment in certain cases. In other cases current law specifies a minimum sentence of imprisonment but also allows a court, in the exercise of its discretion, to impose a lesser sentence of imprisonment or no imprisonment at all. This bill eliminates both mandatory and presumptive minimum prison sentences for felony offenses, except for Class A felonies, which carry a mandatory sentence of life imprisonment (see below, Sentences **of life imprisonment**), and the persistent repeater penalty enhancers (often called the “three strikes, you’re out” and “two strikes, you’re out” laws), which require a sentence of life imprisonment without possibility of release. In addition, the bill does not change the minimum mandatory sentence of six months for fifth and subsequent offenses of operating a motor vehicle while intoxicated.

8. Elimination of mandatory consecutive sentences. Under current law, a court sentencing a person convicted of a crime generally may provide that any sentence imposed run concurrent with or consecutive to any other sentence imposed at the same time or any sentence imposed previously. However, a court must impose a consecutive sentence if the person was convicted of certain escape offenses, possession or discharge of a firearm in a school zone, using or possessing a handgun and .armor-piercing bullet while committing another crime or violating conditions of lifetime supervision by committing another crime. This bill eliminates the requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to bifurcated sentences and sentences imposed under current law that are ordered to run consecutively to each other (see below, **The structure of felony sentences**, item 3-C).

Penalty enhancers

Current law contains various penalty enhancers that allow the penalties for a crime to be increased if the crime is committed under certain circumstances. For instance, current law provides penalty enhancers for committing a crime using a dangerous weapon, committing a crime while wearing a bulletproof garment, committing a crime against a victim chosen because of his or her race, religion, color, disability, sexual orientation, national origin or ancestry (the “hate crime” enhancer), committing certain violent crimes against an elder person and committing certain sex crimes while infected with a sexually transmitted disease. Current law also provides for penalty enhancers that may be triggered by the defendant’s status at the time he or she committed the crime. For instance, current law provides a penalty enhancer for habitual criminals (persons who commit a crime

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after having been previously convicted of a crime) and for persons responsible for the welfare of a child who commit certain crimes against the child.

The bill retains the current penalty enhancers for: 1) habitual criminals; 2) using a dangerous weapon in the commission of a crime; 3) committing a violent crime in a school zone; 4) committing certain domestic abuse offenses within 72 hours after an arrest for a domestic abuse incident; 5) committing a "hate crime"; 6) distributing a controlled substance to a person under the age of 17; and 7) distributing a controlled substance within 1,000 feet of a school, park, correctional institution or certain other facilities. The remaining penalty enhancers contained in current law are eliminated and are instead included in a list of aggravating factors that must be considered by a court when sentencing a person.

In addition, under current law, if a person violates certain prohibitions relating to operating a motor vehicle while intoxicated and, at the time of the offense, a child under the age of 16 is in the vehicle, the penalties for the offense double. This bill retains this penalty enhancer for most of the offenses involving operating a motor vehicle while intoxicated, but the bill eliminates the enhancer for the crimes of homicide by intoxicated use of a vehicle and injury by intoxicated use of a vehicle.

The structure of felony sentences (other than life sentences)

1. *The structure of prison sentences for felony offenses committed before December 31, 1999.* If a person commits a felony before December 31, 1999, and is sentenced to prison, the person will usually have three possible ways of being released from prison on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or six months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding). However, the person could be subject to more restrictive discretionary parole eligibility provisions or to restrictions on mandatory release under certain circumstances (for example, if the person has one or more prior convictions for certain serious felonies).

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

A) The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.

B) The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for a Class BC felony, ten years for a Class C felony, five years for a Class D felony, or two years for a Class E felony. If the person is being sentenced to prison for a felony that is not in one of these classes, the term of confinement in prison portion of the

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sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

C) The term of extended supervision must equal at least 25% of the length of the term of confinement in prison. For example, if a person is convicted of a Class B felony committed on or after December 31, 1999, and a judge sentences the person to the maximum allowable 40-year term of confinement in prison, the term of extended supervision would have to be at least ten years. There is no limit on the length of the term of extended supervision, other than the limit that results from the requirements that the term of confinement in prison portion of a bifurcated sentence be at least one year and that the total bifurcated sentence not exceed the maximum term of imprisonment specified by law for the crime.

During the term of extended supervision, the person is subject to supervision by the department of corrections (DOC) and is subject to conditions set by both the court and DOC. If a person violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision, the person's extended supervision may be revoked in an administrative proceeding and the person may be returned to serve a period of time in prison. The length of time for which the person is returned to prison is determined by an administrative law judge or, if the person waives a revocation hearing, by DOC.

3. The changes made by this bill. This bill makes the following changes relating to the imposition of bifurcated sentences:

A) Like 1997 Wisconsin Act 283 does for the current felony classes, the bill establishes maximum terms of confinement in prison for the new felony classes. Unlike 1997 Wisconsin Act 283, the bill also establishes a maximum amount of extended supervision that a court can impose for classified felonies. The maximum term of confinement in prison and the maximum term of extended supervision for each classified felony is as follows:

<u><i>Class of Felony</i></u>	<u><i>Maximum Term of Confinement in Prison</i></u>	<u><i>Maximum Term of Extended Supervision</i></u>
Class B	40 years	20 years
Class C	25 years	15 years
Class D	15 years	10 years
Class E	10 years	5 years
Class F	7 years, 6 months	5 years
Class G	5 years	5 years
Class H	3 years	3 years
Class I	1 year, 6 months	2 years

B) Under the bill, when a court is imposing a bifurcated sentence it must consider any advisory sentencing guidelines for the offense adopted by the sentencing commission (*see* below, **Sentencing commission**) or, if the sentencing commission has not adopted guidelines for the offense, the temporary advisory guidelines adopted by the criminal penalties study committee in its report under

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1997 Wisconsin Act 283. In addition, the bill requires the sentencing court to consider any applicable mitigating and aggravating circumstances. The bill includes a partial list of aggravating circumstances that a court must consider. The list incorporates the provisions of current penalty enhancers that are being eliminated by the bill (see above, Penalty enhancers).

C) Under the bill, when a court imposes a bifurcated sentence on a person who is also subject to a prison sentence for a crime committed before December 31, 1999 (a current law sentence), the court must specify all of the following: 1) whether the confinement in prison portion of the bifurcated sentence is to run concurrent with or consecutively to the imprisonment portion of the current law sentence; and 2) whether the period of parole under the current law sentence is to run concurrent with or consecutively to the term of extended supervision portion of the bifurcated sentence. The court must also make the same specifications when imposing a current law sentence on a person who is also subject to a bifurcated sentence.

D) The bill allows DOC to take custody of a person who is on extended supervision in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that the or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail.

E) The bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison.

F) The bill creates a procedure by which DOC or a person on extended supervision may petition a court to modify the conditions of extended supervision set by the court. The court may hold a hearing on a petition to modify extended supervision and may grant the petition if it determines that the requested modification would meet the needs of DOC and the public and would be consistent with the objectives of the person's bifurcated sentence.

G) The bill creates a procedure by which certain older prisoners who have been given a bifurcated sentence may petition the sentencing court for a modification of the terms of the sentence. The procedure is available to prisoners who are 65 years of age or older and have served at least five years of the term of confinement in prison portion of their bifurcated sentence and to prisoners who are 60 years of age or older and have served at least ten years of the term of confinement in prison portion of the bifurcated sentence.

Under the procedure, the prisoner files a petition with the prison's program review committee, which may then refer the petition to the sentencing court if it finds that the public interest would be served by a modification of the prisoner's bifurcated sentence. If a petition is referred to a sentencing court, the court must determine whether the public interest would be served by a modification of the prisoner's

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bifurcated sentence. The victim of the prisoner's crime has a right to provide a statement concerning the modification of the sentence.

If the court decides that the public interest would be served by such a modification, the court must modify the sentence by: 1) reducing the term of confinement in prison portion of the sentence to a number that provides for the release of the prisoner to extended supervision; and 2) increasing the term of extended supervision of the prisoner by the same number, so that the total length of the bifurcated sentence does not change.

H) The bill clarifies that, if a misdemeanor offender may be sentenced to prison because of the application of a sentence enhancer and the court decides to sentence the person to prison, the court must impose a bifurcated sentence. In sentencing a person to prison in such a case, the term of confinement in prison portion of the sentence may not constitute more than 75% of the total bifurcated sentence.

Sentences of life imprisonment

If a person is sentenced to life imprisonment for an offense committed before December 31, 1999, the person usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, four months. However, a court may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. No person serving a life sentence of any kind is entitled to mandatory release on parole.

If a person is sentenced to life imprisonment for a crime committed on or after December 31, 1999, he or she is not eligible for parole. Instead, the court who is sentencing the person to life imprisonment must do one of the following: 1) provide that the person is eligible for release to extended supervision after serving 20 years; 2) set a date on which the person becomes eligible for extended supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for extended supervision. If the court provides that the person is eligible for extended supervision, the person may petition the sentencing court for release to extended supervision on or after the extended supervision eligibility date. A person sentenced to life who is released to extended supervision is on extended supervision for the remainder of his or her life and, like a person on extended supervision under a bifurcated sentence (**see above, *The structure of felony sentences*, item 2-C**), may have his or her extended supervision revoked in an administrative proceeding and be returned to prison if he or she violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision. A person returned to prison after a revocation of extended supervision may not petition for rerelease to extended supervision until he or she has served a period of time back in prison. The time period, which must be at least five years, is determined by an administrative law judge or, if the person waived a revocation hearing, by DOC.

This bill allows DOC to take custody of a person who is on extended supervision under a life sentence in order to investigate an alleged violation of a condition of

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extended supervision. The bill also provides that, if a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail. In addition, the bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison. Both the recommendation and the court's final decision must provide for the person to be returned to prison for at least five years.

Sentencing commission

The bill creates a sentencing commission (commission) consisting of 17 voting members and three nonvoting members, all of whom serve three year terms. Under the bill, the commission is responsible for studying sentencing practices throughout the state. Using the information it obtains, the commission must adopt advisory sentencing guidelines for use by judges when imposing sentences for felonies committed on or after December 31, 1999. The commission must also assist the legislature in assessing the cost of changes in statutes affecting criminal sentencing and provide information regarding sentencing to judges, lawyers, state agencies, the legislature. In addition, the commission must study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the governor, the legislature and the supreme court. The duties of the commission end on December 31, 2004.

For further information see the ***state and local*** 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:

1 **SECTION 1.** 6.18 of the statutes is amended to read:

2 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
3 which the elector has moved, any former qualified Wisconsin elector may vote an
4 absentee ballot in the ward of the elector's prior residence in any presidential election
5 occurring within 24 months after leaving Wisconsin by requesting an application
6 form and returning it, properly executed, to the municipal clerk of the elector's prior
7 Wisconsin residence. When requesting an application form for an absentee ballot,

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1 the applicant shall specify the applicant's eligibility for only the presidential ballot.
2 The application form shall require the following information and be in substantially
3 the following form:

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

8 APPLICATION FOR PRESIDENTIAL

9 ELECTOR'S ABSENT BALLOT.

10 (To be voted at the Presidential Election

11 on November, (year)

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

21 Signed

22 Address ... (Present address)

23 (City) (State)

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

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

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SECTION 3

1 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
2 ~~more than 4 years and 6 months or both.~~

3 **SECTION 4.** 12.60 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 12.60 **(1)** (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),
6 (j), (k), (L), b-d, (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not~~
7 ~~more than 4 years and 6 months or both~~ is guilty of a Class I felony.

8 **SECTION 5.** 13.05 of the statutes, as affected by 1997 Wisconsin Act 283, is
9 amended to read:

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

22 **SECTION 6.** 13.06 of the statutes, as affected by 1997 Wisconsin Act 283, is
23 amended to read:

24 **13.06 Executive favor.** Any member of the legislature who gives, offers or
2 5 promises to give his or her vote or influence in favor of or against any measure or

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1 proposition pending or proposed to be introduced in the legislature, or that has
2 already been passed by either house of the legislature, in consideration, of or on
3 condition that the governor approve, disapprove, veto or sign, or agree to approve,
4 disapprove, veto or sign, any other measure or proposition pending or proposed to be
5 introduced in the legislature or that has already been passed by the legislature, or
6 either house thereof, or in consideration or upon condition that the governor
7 nominate for appointment or appoint or remove any person to or from any office or
8 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
9 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
10 of a Class I felony.

11 **SECTION 7.** 13.69 (6m) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

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

18 **SECTION 8.** 15.01 (2) of the statutes is amended to read:

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

BILL**SECTION 8**

1 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
2 but is not a commission for purposes of s. 15.06. The sentencing commission created
3 under s. 15.105 (26) shall be known as a “commission” but is not a commission for
4 purposes of s. 15.06 (1) to (4m), (7) and (9).

5 **SECTION 9.** 15.105 (26) of the statutes is created to read:

6 15.105 (26) SENTENCING COMMISSION. (a) *Creation; membership.* There is
7 created a sentencing commission which is attached to the department of
8 administration under s. 15.03 and which shall consist of the following members:

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

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

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

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

15 5. One member appointed by the senate majority leader or, if the senate
16 majority leader and the governor are members of the same political party, by the
17 senate minority leader.

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

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

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

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

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

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

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

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

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

17 **SECTION 10.** 19.42 (10) (o) of the statutes is created to read:

18 19.42 (10) (o) A member, the executive director or the deputy director of the
19 sentencing commission.

20 **SECTION 11.** 19.42 (13) (n) of the statutes is created to read:

21 19.42 (13) (n) The position of member, executive director or deputy director of
22 the sentencing commission.

23 **SECTION 12.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
24 insert the following amounts for the purposes indicated:

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1 1999-00 2000-01

2 **20.505 Administration, department of**

3 **(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND**
4 **COMMISSIONS**

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

6 **SECTION 13.** 20.505 (4) (dr) of the statutes is created to read:

7 *20.505 (4) (dr) Sentencing commission.* The amounts in the schedule for the
8 general program operations of the sentencing commission. No money may be
9 encumbered from the appropriation under this paragraph after December 31, 2004.

10 **SECTION 14.** 20.505 (4) (mr) of the statutes is created to read:

11 *20.505 (4) (mr) Sentencing commission; federal aid.* All moneys received as
12 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for
13 which the aid is provided. No money may be encumbered from the appropriation
14 under this paragraph after December 31, 2004.

15 **SECTION 15.** 20.923 (4) (b) 7. of the statutes is created to read:

16 20.923 (4) (b) 7. Sentencing commission: executive director.

17 **SECTION 16.** 20.923 (6) (hr) of the statutes is created to read:

18 20.923 (6) (hr) Sentencing commission: deputy director.

19 **SECTION 17.** 23.33 (13) (cg) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 *23.33 (13) (cg) Penalties related to causing death or injury; interference with*
22 *signs and standards.* A person who violates sub. (8) (f) 1. oh
23 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony

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

3 **SECTION 18.** 26.14 (8) of the statutes, as affected by 1997 Wisconsin Act 283,
4 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 **SECTION 19.** 29.971 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
9 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 **SECTION 20.** 29.971 (1m) (c) of the statutes, as affected by 1997 Wisconsin Act
15 283, 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 **SECTION 21.** 29.971 (1lm) (a) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 29.971 (1lm) (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~~

BILL**SECTION 21**

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 **SECTION 22.** 29.971 (11p) (a) of the statutes, as affected by 1997 Wisconsin Act
6 283, 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 **SECTION 23.** 30.80 (2g) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, 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 **SECTION 24.** 30.80 (2g) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
1 6 is amended to read:

17 **30.80 (2g)** (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
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 **SECTION 25.** 30.80 (2g) (d) of the statutes, as affected by 1997 Wisconsin Act
21 283, 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.

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

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

6 **SECTION 27.** 36.25 (6) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
7 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 **SECTION 28.** 47.03 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
17 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 **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),
22 1997 stats., a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225 (1) or (2), 948.02 (1) or
23 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
24 federal law, if that violation would be a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225
25 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,

BILL**SECTION 29**

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

4 **SECTION 30.** 48.415 (9m) (b) 2. of the statutes is amended to read:

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

11 **SECTION 31.** 48.417 (1) (d) of the statutes is amended to read:

12 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
13 committed a violation of s. 940.19 (3), 1997 stats., a violation of s. 940.19 (2), ~~(3)~~, (4)
14 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
15 violation of the law of any other state or federal law, if that violation would be a
16 violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
17 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
18 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
19 defined in s. 939.22 (38), to the child or another child of the parent.

20 **SECTION 32.** 48.57 (3p) (g) 2. of the statutes is amended to read:

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

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1 **SECTION 33.** 48.685 (5) (bm) 2. of the statutes is amended to read:

2 48.685 (5) (bm) 2. A violation of s. ~~940.19 (3). 1997 stats..~~ or of s. 940.19 (2), (3),
3 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

4 **SECTION 34.** 48.685 (5) (bm) 3. of the statutes is amended to read:

5 48.685 (5) (bm) 3. A violation of s. ~~943.23 (1m) or (lr). 1997 stats..~~ or of s. 940.01,
6 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
7 941.20(2) or (3), **941.21, 943.10 (2), 943.23(1g), (1m) or (1r)** or 943.32 (2) .

8 **SECTION 35.** 48.685 (5) (bm) 4. of the statutes is amended to read:

9 48.685 (5) (bm) 4. A violation of s. ~~940.19 (3). 1997 stats..~~ or of s. 940.19 (2), (3),
10 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that
11 is a felony, if committed not more than 5 years before the date of the investigation
12 under sub. (2) (am).

13 **SECTION 36.** 49.127 (8) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

15 49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than
16 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

18 **SECTION 37.** 49.127 (8) (b) 2. of the statutes, as affected by 1997 Wisconsin Act
19 283, is amended to read:

20 49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than
21 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
22 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
23 felony

24 **SECTION 38.** 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

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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 **SECTION 39. 49.141** (7) (a) of the statutes, as affected by 1997 Wisconsin Act
5 283, 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 \$20,000 or imprisoned for~~
9 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

10 **SECTION 40. 49.141** (7) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, 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 **SECTION 41. 49.141** (9) (a) of the statutes, as affected by 1997 Wisconsin Act
16 283, 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
2 5 ~~imprisoned for not more than 7 years and 6 months or both~~

BILL

1 **SECTION 42.** 49.141 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, 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 specified 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 **SECTION 43.** 49.141 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
13 283, 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 specified 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 **SECTION 44.** 49.49 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
19 283, 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 specified in s. 939.50 (3) (h), the person may be

BILL**SECTION 44**

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

3 **SECTION 45.** 49.49 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
4 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)(h), 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 **SECTION 46.** 49.49 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
17 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 euilty of a

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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 **SECTION 47.** 49.49 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
5 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 **SECTION 48.** 49.49 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act
17 283, 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 **SECTION 49.** 49.49 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
23 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

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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 SECTION 50. 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
4 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) 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, to be punished as prescribed~~
17 under s. 943.20 (3) (e) \$2,000 but does not exceed \$5,000. the person is guilty of a
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 SECTION 52. 51.15 (12) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

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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 SECTION 53. 55.06 (11) (am) of the statutes, as affected by 1997 Wisconsin Act
6 283, 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 SECTION 54. 66.4025 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
12 283, 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 SECTION 55. 66.4025 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
19 283, 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.