

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3597/P1dn
MGD:cjs:mrc

October 7, 1999

Kent:

1. An act to induce or encourage the commission of a felony that is punishable under this draft may already be punishable as solicitation under s. 939.30. Is this okay?

2. Solicitation of one of the crimes listed in proposed s. 948.115 (2) is a Class D felony. In light of this fact, and based on our discussion, the draft classifies a violation of proposed s. 948.115 (2) as a Class D felony. This avoids any inconsistency between s. 939.30 and proposed s. 948.115 (2).

The analogous federal statute establishes a maximum period of imprisonment of five years, which is currently the maximum period of imprisonment under Wisconsin law for a Class D felony. Effective December 31, 1999, however, the maximum period of imprisonment for a Class D felony is ten years. If you want the penalty for violations of proposed s. 948.115 (1) to conform in the long run to the penalty for violations under federal law, you may want to consider classifying violations as Class E felonies, for which, effective December 31, 1999, the maximum term of imprisonment is five years. But this would entail amending s. 939.30 as well, to minimize the inconsistencies between the two provisions.

3. The crimes listed in proposed s. 948.115 (3) are Class E felonies or Class A misdemeanors. Therefore, a violation of proposed s. 948.115 (3) would be a Class A misdemeanor. Is this okay?

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