

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB699)

Received: **02/24/2000**

Received By: olsenje

Wanted: **Soon**

Identical to LRB:

For: **John La Fave (608) 266-0486**

By/Representing: **Himself**

This file may be shown to any legislator: NO

Drafter: **olsenje**

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Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies: **MGD**

Pre Topic:

No specific pre topic given

Topic:

Violent felonies only

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 02/25/2000	gilfokm 02/25/2000	martykr 02/25/2000	_____	lrb-docadmin 02/25/2000	lrb-docadmin 02/25/2000	

FE Sent For:

<END>

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/1	olsenje	1-2-25-2000 Kmg	2/25	SELF 2/25			

FE Sent For:

<END>

48.685(1)(c)

(c) **“Serious crime”** means a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state,

50.065(1)(e)1.

1. **“Serious crime”** means a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), **940.22 (2)** or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a) if committed in this state.

301.048(2)(bm)1.

1. (intro.) In this paragraph, “violent offense” means:

301.048(2)(bm)1.a.

a. A crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) lg., lm., lr., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (lg), (lm) or (lr), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

301.048(2)(bm)1.b.

b. A crime under federal law, the law of any other state or, prior to October 29, 1999, the law of this state that is comparable to a crime specified in subd. 1. a.

302.11(1g)(a)

(a) (intro.) In this subsection, **“serious felony”** means any of the following:

302.11(1g)(a)1.

1. Any felony under s. 961.41 (l), (lm) or (lx) if the felony is punishable by a maximum prison term of 30 years or more.

302.11(1g)(a)2.

2. Any felony under s. 940.02, 940.03, 940.05, 940.09 (l), 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 (lg) 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, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

302.11(1g)(a)3.

3. The solicitation, conspiracy or attempt, under s. 939.30, 939.31 or 939.32, to commit a Class A felony.

939.62(2m)(a)2m.

2m. (intro.) "**Serious felony**" means any of the following:

939.62(2m)(a)2m.a.

a. Any felony under s. 961.41 (1), (1m) or (1x) if the felony is punishable by a maximum prison term of 30 years or more.

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

b. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 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, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

939.632(1)(e)

(e) (intro.) "Violent crime" means any of the following:

939.632(1)(e)1.

1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.19 (2), (3), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

939.632(1)(e)2.

2. The solicitation, conspiracy or attempt, under s. 939.30, 939.31 or 939.32, to commit a Class A felony.

939.632(1)(e)3.

3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.235, 941.24 or 941.38 (3).

939.547(1)(b)

(b) "Violent felony" means any felony under s. 940.19 (2), (3), (4), (5) or (6), 940.225 (1), (2) or (3), 940.23 or 943.32.

969.035(1)

(1) In this section, "violent crime" means any crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.10, 940.19 (5), 940.195 (5), 940.21, 940.225 (1), 940.23, 941.327, 948.02 (1) or (2), 948.025 or 948.03.

969.08(10)(b)

(b) “**Serious crime**” means any **crime** specified in s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) lg., lm., lr., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (lg), (lm) or (lr), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.

973.0135(1)(b)

(b) (intro.) “**Serious felony**” means any of the following:

973.0135(1)(b)1.

1. Any felony under s. 96 1.41 (l), (lm) or (lx) if the felony is punishable by a maximum prison term of 30 years or more.

973.0135(1)(b)2.

2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (l), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (lg), (lm) or (lr), 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, 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

973.0135(1)(b)3.

3. The solicitation, conspiracy or attempt, under s. 939.30, 939.3 1 or 939.32, to commit a Class A felony.

973.0135(1)(b)4.

4. A crime at any time under federal law or the law of any other state or, prior to April 21, 1994, under the law of this state that is comparable to a crime specified in subd. 1., 2. or 3.



State of Wisconsin
1999-2000 LEGISLATURE

LRBa1474/1

JEO:.....

By Mon 2/28

D-Note

King

**ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 699**

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

2 ✓ 1. Page 1, line 3: delete "a felony offense" and substitute "certain felony
3 offenses".

4 ✓ 2. Page 2, line 5: delete "felony," and substitute "violent felony, as defined in
5 s. 941.291 (1) (b),".

6 ✓ 3. Page 3, line 13: delete that line and substitute:

"941.291 Possession of body armor. (1) DEFINITIONS. In this section:

(a) "Body".

7 ✓ 4. Page 3, line 15: after that line insert:

8
9
10
11 " (b) "Violent felony" means any felony, or the solicitation, conspiracy or attempt
12 to commit any felony, under s. 940.01, 940.02, 940.03, 940.04, 940.05, 940.06, 940.07, 940.08, 940.09,
13 940.10, 940.11, 940.12, 940.13, 940.14, 940.15, 940.16, 940.17, 940.18, 940.19, 940.20, 940.201, 940.203, 940.21, 940.22, 940.23, 940.24, 940.25,
940.26, 940.27, 940.28, 940.29, 940.295 (3), 940.30, 940.305, 940.31, 940.32, 940.33, 940.34, 940.35, 940.36, 940.37, 940.38, 940.39, 940.40, 940.41, 940.42, 940.43 (1) to (3), 940.44, 940.45 (1) to (3),

text: treat 7

text: treat 10

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1474/1dn

JEO:.....

Representative La Fave:

This amendment limits the coverage of AB-699 to persons convicted of a “violent felony”, which is defined as any of the following felonies:

1. First-degree intentional homicide (s. 940.01).
2. First-degree reckless homicide (s. 940.02).
3. Felony murder (s. 940.03).
4. Second-degree intentional homicide (s. 940.05).
5. Second-degree reckless homicide (s. 940.06).
6. Homicide by negligent handling of dangerous weapon, explosives or fire (s. 940.08).
7. Homicide by intoxicated use of a vehicle or firearm (s. 940.09).
8. Homicide by negligent use of a vehicle (s. 940.10).
9. Felony battery (s. 940.19).
10. Felony battery to an unborn child (s. 940.195).
11. Special circumstances battery (s. 940.20).
12. Battery or threat to a witness (s. 940.201).
13. Battery or threat to a judge (s. 940.203).
14. Mayhem (s. 940.21).
15. Felony sexual assault (s. 940.225).
16. Reckless injury (s. 940.23).
17. Felony abuse of a vulnerable adult (s. 940.285 (2)).
18. Abuse of residents of a penal facility (s. 940.29).
19. Felony abuse and neglect of a patient or resident of certain facilities (s. 940.295 (3)).
20. False imprisonment (s. 940.30).
21. Taking hostages (s. 940.305).

22. Kidnapping (s. 940.31).
23. Certain felony intimidation of witness offenses (s. 940.43 (1) to (3)).
24. Certain felony intimidation of victim offenses (s. 940.45 (1) to (3)).
25. Felony endangering safety by use of a dangerous weapon (s. 941.20).
26. Machine gun and certain other weapons violations (s. 941.26).
27. Possession of short-barreled shotgun or rifle (s. 941.28).
28. Unlawful possession of a firearm (s. 941.29).
29. Recklessly endangering safety (s. 941.30).
30. Felony tampering with household products (s. 941.327).
31. Damage to property of a juror (s. 943.01 (2) (c)).
32. Damage or threat to property of a witness (s. 943.011).
33. Damage or threat to property of a judge (s. 943.013).
34. Arson of a building; property damage by explosives (s. 943.02).
35. Arson with intent to defraud (s. 943.04).
36. Violations relating to Molotov cocktails and fire bombs (s. 943.06).
37. Armed burglary (s. 943.10 (2)).
38. Carjacking (s. 943.23 (lg), (lm) and (lr)).
39. Robbery (s. 943.32).
40. Assault by a prisoner (s. 946.43).
41. Bomb scares (s. 947.015).
42. First and second degree sexual assault of a child (s. 948.02 (1) and (2)).
43. Repeat first and second degree sexual assault of a child (s. 948.025).
44. Physical abuse of a child (s. 948.03).
- 45. Causing mental harm to a child (s. 948.04).**
46. Sexual exploitation of a child (s. 948.05).
47. Incest with a child (s. 948.06).
48. Child enticement (s. 948.07).
49. Soliciting a child for prostitution (s. 948.08).
50. Abduction of another's child (s. 948.30).

This list is based on the definition of ‘violent offense’ under s. 301.048 (2) (bm), though I’ve made a few additions and deletions. Note that some of these statutes provide for both misdemeanor and felony penalties, depending on the circumstances under which the crime is committed—for instance, see the battery crimes under s. 940.19. This amendment provides that only **felony** violations of the specified statute

will be covered; thus, a person convicted of a violation of s. 940.19 (1) will not be prohibited from possessing body armor, but a person convicted of a violation of s. 940.19 (2), (3), (4), (5) or (6) will be prohibited from possessing body armor.

Please review the list carefully and let me know if you want to make any changes to it.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1474/1dn
JEO:kmg:km

February 25, 2000

Representative La Fave:

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2. First-degree reckless homicide (s. 940.02).
3. Felony murder (s. 940.03).
4. Second-degree intentional homicide (s. 940.05).
5. Second-degree reckless homicide (s. 940.06).
6. Homicide by negligent handling of dangerous weapon, explosives or fire (s. 940.08).
7. Homicide by intoxicated use of a vehicle or firearm (s. 940.09).
8. Homicide by negligent use of a vehicle (s. 940.10).
9. Felony battery (s. 940.19).
10. Felony battery to an unborn child (s. 940.195).
11. Special circumstances battery (s. 940.20).
12. Battery or threat to a witness (s. 940.201).
13. Battery or threat to a judge (s. 940.203).
14. Mayhem (s. 940.21).
15. Felony sexual assault (s. 940.225).
16. Reckless injury (s. 940.23).
17. Felony abuse of a vulnerable adult (s. 940.285 (2)).
18. Abuse of residents of a penal facility (s. 940.29).
19. Felony abuse and neglect of a patient or resident of certain facilities (s. 940.295 (3)).
- 20.** False imprisonment (s. 940.30).
21. Taking hostages (s. 940.305).

22. Kidnapping (s. 940.31).
23. Certain felony intimidation of witness offenses (s. 940.43 (1) to (3)).
24. Certain felony intimidation of victim offenses (s. 940.45 (1) to (3)).
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43. Repeat first and second degree sexual assault of a child (s. 948.025).
44. Physical abuse of a child (s. 948.03).
45. Causing mental harm to a child (s. 948.04).
46. Sexual exploitation of a child (s. 948.05).
47. Incest with a child (s. 948.06).
48. Child enticement (s. 948.07).
49. Soliciting a child for prostitution (s. 948.08).
50. Abduction of another's child (s. 948.30).

This list is based on the definition of "violent offense" under s. 301.048 (2) (bm), though I've made a few additions and deletions. Note that some of these statutes provide for both misdemeanor and felony penalties, depending on the circumstances under which the crime is committed—for instance, see the battery crimes under s. 940.19. This amendment provides that only **felony** violations of the specified statute

will be covered; thus, a person convicted of a violation of s. 940.19 (1) will not be prohibited from possessing body armor, but a person convicted of a violation of s. 940.19 (2), (3), (4), (5) or (6) will be prohibited from possessing body armor.

Please review the list carefully and let me know if you want to make any changes to it.

Jefren E. Olsen
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