

**1999 DRAFTING REQUEST**

**Bill**

Received: 12/31/98

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barry**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - sexual assault**

Extra Copies:

**Topic:**

Sexual assaults causing substantial bodily harm

**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>
/?	olsenje 01/1/99	ygeller 01/2/99		_____			
/1			ismith 01/5/99	_____	lrb_docadmin 01/5/99	lrb_docadmin 01/7/99	

FE Sent For:

<END>

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/?	olsenje 01/1/99	jgeller 01/2/99		_____			
/1			ismith 01/5/99	_____	lrb_docadmin 01/5/99		

FE Sent For:

*Not Needed*

<END>

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1?	olsenje	1/2 Jlg	ZS 1/5/99	IS/JF 1/5/99			

FE Sent For:

<END>

**LEGISLATIVE REFERENCE BUREAU**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
 (608) 266-3561

**BILL REQUEST FORM**

1535

IEO

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 12-28-98	Legislator or agency requesting this draft: SENATOR BURKE
Name/phone number of person submitting request: BARRY, 6-8535	
Persons to contact for questions about this draft (names and phone numbers please): BARRY ASHTENFELDER, 6-8535	
Describe the problem, including any helpful examples. How do you want to solve the problem?  Please re-draft 1997 SB142, LRB-2639/1 which is attached.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

**Requests are confidential unless stated otherwise.**

May we tell others that we are working on this for you?  YES  NO

If yes, anyone who asks?  YES  NO

Any legislator?  YES  NO  ONLY the following persons:

Do you consider this urgent?  YES  NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES  NO If yes, please sign your name here:



## 1997 SENATE BILL 142

March 26, 1997 - Introduced by Senators BURKE, BUETTNER, CLAUSING, DRZEWIECKI, FARROW, HUELSMAN, PLACHE, ROSENZWEIG, SCHULTZ and WELCH, cosponsored by Representatives RUTKOWSKI, AINSWORTH, BALDWIN, BOCK, BOYLE, COGGS, CULLEN, DOBYNS, DUFF, GUNDERSON, HAHN, HASENOHRL, LADWIG, F. LASEE, MUSSER, PLALE, RILEY, RYBA, SERATTI, TURNER, WALKER and WASSERMAN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 AN ACT to amend 940.225 (1) (a) of the statutes; relating to: sexual assaults  
2 causing substantial bodily harm.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a sexual assault in which the actor uses or threatens force or violence is punishable as a Class BC felony. If the perpetrator of the sexual assault causes the victim great bodily harm, the crime is punishable as a Class B felony. This bill provides that it is also a Class B felony if the perpetrator of the sexual assault causes the victim substantial bodily harm. Substantial bodily harm includes injuries such as bone fractures, burns and concussions.

The maximum penalties for persons convicted of the crime classifications mentioned are:

<u>Crime Classification</u>	<u>Maximum Imprisonment</u>	<u>Maximum Fine</u>
Class BC felony	40 years	No fine option
Class B felony	20 years	\$10,000

---

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

3 SECTION 1. 940.225 (1) (a) of the statutes is amended to read:



1999

Date (time) needed \_\_\_\_\_

LRB - 1535-11

BILL

D-Note

JEO :jlg:

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the statutes; relating to: .....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: ..... create -> anal: -> title: -> head

For the subheading [old =S], execute: ..... create -> anal: -> title: -> sub

For the sub-subheading [old =P], execute: ..... create -> anal: -> title: -> sub-sub

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

SECTION #.



~~1997 SENATE BILL 142~~

March 26, 1997 - Introduced by Senators BURKE, BUETTNER, CLAUSING, DRZEWIECKI, FARROW, HUELSMAN, PLACHE, ROSENZWEIG, SCHULTZ and WELCH, cosponsored by Representatives RUTKOWSKI, AINSWORTH, BALDWIN, BOCK, BOYLE, COGGS, CULLEN, DOBYNS, DUFF, GUNDERSON, HAHN, HASENOHRL, LADWIG, F. LASEE, MUSSER, PLALE, RILEY, RYBA, SERATTI, TURNER, WALKER and WASSERMAN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 AN ACT to amend 940.225 (1)(a) of the statutes, relating to sexual assaults  
2 causing substantial bodily harm.

**Analysis by the Legislative Reference Bureau**

Under current law, a sexual assault in which the actor uses or threatens force or violence is punishable as a Class BC felony. If the perpetrator of the sexual assault causes the victim great bodily harm, the crime is punishable as a Class B felony. This bill provides that it is also a Class B felony if the perpetrator of the sexual assault causes the victim substantial bodily harm. Substantial bodily harm includes injuries such as bone fractures, burns and concussions.

The maximum penalties for persons convicted of the crime classifications mentioned are:

	<u>Crime Classification</u>	<u>Maximum Imprisonment</u>	<u>Maximum Fine</u>
→	Class B <sup>2</sup> felony	40 years	60 years No fine option
→	Class B <sub>1</sub> felony	20 years	30 years \$10,000

for offenses committed before 12/31/99  
scoring

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

SECTION 1. 940.225 (1) (a) of the statutes is amended to read:

Maximum Imprisonment  
(for offenses committed on or after 12/31/99)

PROOF w/STATS. 3



**SENATE BILL 142**

**SECTION 1**

PROOF  
w/STATS.

1  
2  
3  
4  
5  
6  
7

940.225 (1) (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm or substantial bodily harm to that person.

**SECTION 2. Initial applicability.**

(1) This act first applies to offenses committed on the effective date of this subsection.

(END)✓

LRB - 1535/1dr  
JEO : jlg :

D-Note

Ⓟ This is a redraft of 1997

Senate Bill 142.  
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JEO

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

LRB-1535/1dn  
JEO:jlq:ijs

January 5, 1999

This is a redraft of 1997 Senate Bill 142.

Jefren E. Olsen  
Legislative Attorney  
266-8906

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 1/5/99

**To:** Senator Burke

**Relating to LRB drafting number:** LRB-1535

**Topic**

Sexual assaults causing substantial bodily harm

**Subject(s)**

Criminal Law - sexual assault

1. **JACKET** the draft for introduction

*S. Burke*

in the Senate  or the Assembly \_\_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney  
Telephone: (608) 266-8906