



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4424/2
MGD&JEO:wlj:jf

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 (1b), 940.19 (3), 940.195 (3), 940.195
4 (6), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23
5 (1m), 943.23 (1r), 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 (1),
12 125.075 (2), 939.63 (1), 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 (1), 961.48 (1), 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 (1m) (c), 29.971 (11m) (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) 1., 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 (11), 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 (1), 133.03 (2),
14 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44
15 (1m), 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., 301.03 (3), 301.035 (2), 301.035 (4),
21 301.26 (4) (cm) 1., 302.095 (2), 302.11 (1g) (a) 2., 302.11 (1p), 302.113 (2), 302.113
22 (3) (a) (intro.), 302.113 (7), 302.113 (9), 302.114 (3) (a) (intro.), 302.114 (5) (f),
23 302.114 (6) (b), 302.114 (6) (c), 302.114 (9), 302.33 (1), 302.43, 303.065 (1) (b) 1.,
24 303.08 (1) (intro.), 303.08 (2), 303.08 (5) (intro.), 303.08 (6), 303.08 (12), 304.06
25 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b),

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1 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.31 (1) (i), 343.31 (3) (d) (intro.),
2 343.44 (2) (b) (intro.), 344.18 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c),
3 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c),
4 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5),
5 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11
6 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13
7 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
8 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 768.07, 783.07, 801.50 (5),
9 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b)
10 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1)
11 (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e),
12 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m.
13 a., 939.62 (2m) (a) 2m. b., 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1),
14 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4),
15 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10
16 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6),
17 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4),
18 940.195 (5), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3),
19 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2)
20 (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21,
21 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23
22 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b)
23 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3)
24 (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b)
25 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2)

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1 (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.),
2 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.),
3 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26
4 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3),
5 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1),
6 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325,
7 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327
8 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01
9 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2),
10 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017 (2m) (b) (intro.),
11 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2), 943.10 (1)
12 (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b), 943.20 (3) (c),
13 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201
14 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (1g), 943.23 (2), 943.23 (3),
15 943.23 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25 (2) (intro.),
16 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2),
17 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2),
18 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39
19 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8)
20 (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c),
21 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50 (4) (a), 943.50 (4) (b), 943.50
22 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c),
23 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3)
24 (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
25 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34

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1 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.),
2 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.),
3 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1)
4 (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3)
5 (intro.), 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (intro.), 946.44 (1)
6 (intro.), 946.44 (1g), 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b),
7 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68
8 (1r) (a), 946.68 (1r) (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1),
9 946.74 (2), 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (1t), 947.013 (1v),
10 947.013 (1x) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b),
11 948.03 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03
12 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05 (1m), 948.05 (2), 948.055
13 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2)
14 (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21
15 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.),
16 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51
17 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b),
18 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 950.04 (1v) (g), 951.18
19 (1), 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b),
20 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4.,
21 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41
22 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e)
23 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41
24 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g)
25 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3.,

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1 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m) (a), 961.41 (1m) (b),
2 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m)
3 (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m)
4 (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m)
5 (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m)
6 (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m)
7 (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m)
8 (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j),
9 961.41 (1n) (c), 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2) (a), 961.41
10 (2) (b), 961.41 (2) (d), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g)
11 (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.455 (1), 961.455 (3), 961.472
12 (2), 961.48 (2m) (a), 961.48 (3), 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3),
13 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (c), 971.365 (2), 973.01 (1),
14 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01
15 (2) (b) 4., 973.01 (2) (b) 5., 973.01 (4), 973.01 (5), 973.0135 (1) (b) 2., 973.03 (3)
16 (e) 1. and 2., 973.032 (4) (c) 2., 973.075 (1) (b) 1m. e., 973.075 (2) (d), 973.09 (2)
17 (b) 1., 977.06 (2) (b) and 978.13 (1) (c); **to repeal and recreate** 944.15 (title);
18 **to create** 13.525, 15.105 (26), 19.42 (10) (o), 19.42 (13) (n), 20.505 (4) (dr),
19 20.505 (4) (mr), 20.923 (4) (b) 7., 20.923 (6) (hr), 49.95 (1) (e) and (f), 125.075 (2)
20 (b), 230.08 (2) (L) 6., 230.08 (2) (of), 301.03 (3a), 302.113 (7m), 302.113 (8m),
21 302.113 (9) (am), 302.113 (9) (d), 302.113 (9g), 302.114 (8m), 302.114 (9) (d),
22 346.04 (2t), 346.04 (4), 346.17 (2t), 758.19 (8), 801.50 (5c), 939.32 (1) (bm),
23 939.32 (1g), 939.32 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50
24 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h),
25 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50

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1 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b),
 2 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm)
 3 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4.,
 4 961.41 (1m) (h) 5., 961.41 (3g) (b) (title), 961.48 (1) (a) and (b), 971.17 (1) (b),
 5 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b)
 6 9., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6., 973.01 (7m), 973.017, 973.031, 973.09
 7 (6), 973.15 (2) (am), 973.30 and 977.05 (4) (jm) of the statutes; and *to affect*
 8 1997 Wisconsin Act 283, section 454 (1) (f) and 1997 Wisconsin Act 283, section
 9 454 (2); **relating to:** classification and elements of felony offenses and certain
 10 misdemeanor offenses; modification of a bifurcated sentence in certain cases;
 11 revocation of extended supervision; the creation of a sentencing commission
 12 and temporary sentencing guidelines; legislative procedure for criminal
 13 penalties bills; assistant district attorney positions for certain counties; making
 14 an appropriation; and providing penalties.

Analysis by the Legislative Reference Bureau**CORRECTIONAL SYSTEM****ADULT CORRECTIONAL SYSTEM**

The bill requires DOC to take steps to promote the increased effectiveness of probation, extended supervision and parole in Brown, Dane, Kenosha, Milwaukee, Racine and Rock counties. In each of these counties, DOC must, beginning on January 1, 2001, develop a partnership with the community, have strategies for local crime prevention, supervise offenders actively, commit additional resources to enhance supervision and purchase services for offenders, establish day reporting centers and ensure that probation, extended supervision and parole agents, on average, supervise no more than 20 persons on probation, extended supervision or parole.

CRIMES

Effective December 31, 1999, 1997 Wisconsin Act 283 (often called the "truth in sentencing" act) changed felony penalties and created a new structure for sentences for felony offenses. Also created in 1997 Wisconsin Act 283, was a criminal penalties study committee, which was directed to study various issues related to the

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implementation of the act, make recommendations based on its study and submit a report concerning its study and recommendations. The report was to include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

This bill incorporates virtually all of the statutory changes proposed by the committee. It also includes certain other provisions that were not part of the legislation proposed by the committee. The rest of this analysis contains a general description of sentencing provisions in effect for crimes committed before December 31, 1999, the changes made by 1997 Wisconsin Act 283 and some of the most significant changes contained in this bill.

Felony penalties

Current law provides various penalties for felonies, which are crimes punishable by imprisonment of more than one year. Before December 31, 1999, virtually every felony created in the criminal code was put in one of six classes (Class A, B, BC, C, D or E), with each class having 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 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

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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 the effective date:

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 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, *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

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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*).

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

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requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to bifurcated sentences and sentences imposed for crimes committed before December 31, 1999, 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 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 committed 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

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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 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 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 did for the current law 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:

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<u>Class of Felony</u>	<u>Maximum Term of Confinement in Prison</u>	<u>Maximum Term of Extended Supervision</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 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 (an indeterminate sentence), the court must specify all of the following: 1) whether the confinement in prison portion of the bifurcated sentence is to run concurrently with or consecutively to the imprisonment portion of the indeterminate sentence; and 2) whether the period of parole under the indeterminate sentence is to run concurrently with or consecutively to the term of extended supervision portion of the bifurcated sentence. The court must also make the same specifications when imposing an indeterminate 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

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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 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 sentencing

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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 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.

Court-ordered drug treatment

The bill provides a new sentencing option of court-ordered drug treatment. Under this new option, if a court imposes a sentence or places a person on probation for any offense committed on or after July 1, 2000, the court may order the person to participate in a drug treatment program as a condition of probation or, in the case of a person given a bifurcated sentence, while the person is in prison or as a condition of extended supervision or both. The court may also require DOC to pay for the cost of the court-ordered drug treatment.

Basis for sentencing decisions; modification and review of sentencing decisions

The bill requires a sentencing court to make explicit findings of fact on the record to support each element of its sentencing decision, including its decision as to whether to impose a bifurcated sentence or to place a person on probation and its

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decision as to the length of a bifurcated sentence, including the length of each component of the bifurcated sentence, the amount of a fine and the length of a term of probation.

In addition, the bill requires the director of state courts (director) to promulgate rules that establish a procedure by which a sentencing court may modify a bifurcated sentence and that specify the factors that a court may consider when deciding whether to modify a bifurcated sentence. The rules must provide that a court may modify a bifurcated sentence on its own motion, on a motion of DOC or on a motion of the person serving the sentence. The rules must also provide that a court and DOC may make a motion to modify a bifurcated sentence at any time and that a person serving a bifurcated sentence may make a motion to modify the bifurcated sentence that he or she is serving if at least 12 months have elapsed since the bifurcated sentence was imposed or since the most recent motion to modify the person's bifurcated sentence was made. If a court modifies a bifurcated sentence under the procedure established by the director, the court may do so only by reducing the term of confinement in prison portion of the sentence and lengthening the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

Finally, the bill provides that in an appeal from a court's sentencing decision, the appellate court that is reviewing the sentencing decision must reverse the sentencing decision if it determines that there is not substantial evidence in the record to support the sentencing decision.

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. (The membership of the commission under the bill differs slightly from the membership proposed by the criminal penalties study committee.) 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.

STATE GOVERNMENT**OTHER STATE GOVERNMENT*****Joint review committee on criminal penalties***

The Wisconsin Constitution permits each house of the legislature to establish the rules of its own proceedings. Under the current rules, each house generally refers a bill that relates primarily to criminal law to a standing committee responsible for considering legislation in that area before the bill is considered by the full body.

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This bill creates a joint review committee on criminal penalties (joint committee). Under the bill, if a bill that is introduced creates a new crime or revises a penalty for an existing crime and is referred to a standing committee in the house in which it is introduced, the chairperson of the standing committee may request that the joint committee prepare a report regarding the following: 1) the costs or savings that will result from the bill; 2) the consistency of the bill with existing criminal penalties; 3) alternative language needed to conform the penalties in the bill to existing criminal penalties; and 4) whether acts prohibited under the bill are prohibited under existing criminal statutes. The standing committee may not vote on whether to recommend the bill for passage nor may the bill be passed by the house in which it is introduced before the joint committee submits its report or before 30 days after the report is requested, whichever is earlier.

The joint committee consists of one majority party and one minority party member from each house, the attorney general or his or her designee, the secretary of corrections or his or her designee, the state public defender or his or her designee, two reserve judges and two gubernatorial appointees, one of whom shall have law enforcement experience and one of whom shall be an elected county official. The joint committee may hold hearings to assist it in preparing its reports.

(The bill's provisions regarding the joint committee were not part of the legislation proposed by the criminal penalties study committee.)

STATE GOVERNMENT**DISTRICT ATTORNEYS*****Assistant district attorney positions***

Under current law, the state pays for the salaries and various benefits for district attorneys, deputy district attorneys, assistant district attorneys and other state employees of the district attorney's office. This bill adds the following assistant district attorney positions to the following counties, effective July 1, 2000: 0.25 position for Adams County; 1.0 position for Burnett County; 0.25 position for Chippewa County; 0.5 position for Columbia County; 2.5 positions for Dane County; 0.25 position for Jefferson County; 0.5 position for Kenosha County; 0.5 position for LaCrosse County; 1.0 position for Manitowoc County; 1.0 position for Marathon County; 7.0 positions for Milwaukee County; 0.5 position for Oneida County; 0.5 position for Outagamie County; 1.0 position for Polk County; 0.5 position for Portage County; 0.75 position for Rock County; 1.0 position for Sauk County, to serve Marquette and Sauk counties; 0.5 position for Sheboygan County; and 1.25 positions for Winnebago County. (The bill's provisions regarding assistant district attorney positions were not part of the legislation proposed by the criminal penalties study committee.)

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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,
 8 the applicant shall specify the applicant’s eligibility for only the presidential ballot.
 9 The application form shall require the following information and be in substantially
 10 the following form:

11 This blank shall be returned to the municipal clerk’s office. Application must
 12 be received in sufficient time for ballots to be mailed and returned prior to any
 13 presidential election at which applicant wishes to vote. Complete all statements in
 14 full.

APPLICATION FOR PRESIDENTIAL
 ELECTOR’S ABSENT BALLOT.

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

19 I, hereby swear or affirm that I am a citizen of the United States, formerly
 20 residing at in the ward aldermanic district (city, town, village) of, County
 21 of for 10 days prior to leaving the State of Wisconsin. I, do solemnly swear or

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1 affirm that I do not qualify to register or vote under the laws of the State of(State
2 you now reside in) where I am presently residing. A citizen must be a resident of:
3 State(Insert time) County(Insert time) City, Town or Village(Insert time),
4 in order to be eligible to register or vote therein. I further swear or affirm that my
5 legal residence was established in the State of(the State where you now reside)
6 on Month Day Year.

Signed

Address(Present address)

....(City)(State)

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

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

12(County)

13 My Commission expires

14 MAIL BALLOT TO:

15 NAME

16 ADDRESS

17 CITY STATE ZIP CODE

18 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
19 under this section may be fined not more than \$1,000 or imprisoned for not more than
20 6 months, or both. Whoever intentionally votes more than once in an election may
21 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months
22 or both.

....(Municipal Clerk)

....(Municipality)

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

3 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
4 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
5 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
6 felony.

7 **SECTION 3.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
8 is amended to read:

9 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
10 or 11.38 ~~where is guilty of a Class I felony~~ if the intentional violation does not involve
11 a specific figure, ~~or where~~ if the intentional violation concerns a figure which exceeds
12 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
13 ~~more than 4 years and 6 months or both.~~

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

16 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),
17 (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not~~
18 ~~more than 4 years and 6 months or both~~ is guilty of a Class I felony.

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

21 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
22 offers or promises to give his or her vote or influence in favor of or against any
23 measure or proposition pending or proposed to be introduced, in the legislature in
24 consideration or upon condition that any other person elected to the same legislature
25 will give or will promise or agree to give his or her vote or influence in favor of or

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1 against any other measure or proposition pending or proposed to be introduced in
2 such legislature, or who gives, offers or promises to give his or her vote or influence
3 for or against any measure on condition that any other member will give his or her
4 vote or influence in favor of any change in any other bill pending or proposed to be
5 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~
6 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~
7 is guilty of a Class I felony.

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

10 **13.06 Executive favor.** Any member of the legislature who gives, offers or
11 promises to give his or her vote or influence in favor of or against any measure or
12 proposition pending or proposed to be introduced in the legislature, or that has
13 already been passed by either house of the legislature, in consideration of or on
14 condition that the governor approve, disapprove, veto or sign, or agree to approve,
15 disapprove, veto or sign, any other measure or proposition pending or proposed to be
16 introduced in the legislature or that has already been passed by the legislature, or
17 either house thereof, or in consideration or upon condition that the governor
18 nominate for appointment or appoint or remove any person to or from any office or
19 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
20 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
21 of a Class I felony.

22 **SECTION 7.** 13.525 of the statutes is created to read:

23 **13.525 Joint review committee on criminal penalties.** (1) CREATION.
24 There is created a joint review committee on criminal penalties composed of the
25 following members:

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1 (a) One majority party member and one minority party member from each
2 house of the legislature, appointed as are the members of standing committees in
3 their respective houses.

4 (b) The attorney general or his or her designee.

5 (c) The secretary of corrections or his or her designee.

6 (d) The state public defender or his or her designee.

7 (e) A reserve judge who resides in the 1st, 2nd, 3rd, 4th or 5th judicial
8 administrative district and a reserve judge who resides in the 6th, 7th, 8th, 9th or
9 10th judicial administrative district, appointed by the supreme court.

10 (f) Two members of the public appointed by the governor, one of whom shall
11 have law enforcement experience in this state and one of whom shall be an elected
12 county official.

13 **(2) OFFICERS.** The majority party senator and the majority party representative
14 to the assembly shall be cochairpersons of the committee. The committee shall elect
15 a secretary from among its nonlegislator members.

16 **(3) JUDICIAL AND GUBERNATORIAL APPOINTEES.** Members appointed under sub. (1)
17 (e) or (f) shall serve at the pleasure of the authority appointing them.

18 **(4) ELIGIBILITY.** A member shall cease to be a member upon losing the status
19 upon which the appointment is based. Membership on the committee shall not be
20 incompatible with any other public office.

21 **(5) REVIEW OF LEGISLATION RELATING TO CRIMES.** (a) If any bill that is introduced
22 in either house of the legislature proposes to create a new crime or revise a penalty
23 for an existing crime and the bill is referred to a standing committee of the house in
24 which it is introduced, the chairperson may request the joint review committee to
25 prepare a report on the bill under par. (b). If the bill is not referred to a standing

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1 committee, the speaker of the assembly, if the bill is introduced in the assembly, or
2 the presiding officer of the senate, if the bill is introduced in the senate, may request
3 the joint review committee to prepare a report on the bill under par. (b).

4 (b) If the joint review committee receives a request under par. (a) for a report
5 on a bill that proposes to create a new crime or revise a penalty for an existing crime,
6 the committee shall prepare a report concerning all of the following:

7 1. The costs that are likely to be incurred or saved by the department of
8 corrections, the department of justice, the state public defender, the courts, district
9 attorneys and other state and local government agencies if the bill is enacted.

10 2. The consistency of penalties proposed in the bill with existing criminal
11 penalties.

12 3. Alternative language needed, if any, to conform penalties proposed in the bill
13 to penalties in existing criminal statutes.

14 4. Whether acts prohibited under the bill are prohibited under existing
15 criminal statutes.

16 (c) The chief clerk shall print a report prepared by the committee under par.
17 (b) as an appendix to the bill and attach it thereto as are amendments. The
18 reproduction shall be in lieu of inclusion in the daily journal of the house in which
19 the proposal is introduced.

20 (d) If a bill that is introduced in either house of the legislature proposes to create
21 a new crime or revise a penalty for an existing crime, a standing committee to which
22 the bill is referred may not vote on whether to recommend the bill for passage and
23 the bill may not be passed by the house in which it is introduced before the joint
24 review committee submits a report under par. (b) or before the 30th day after a report
25 is requested under par. (a), whichever is earlier.

BILL**SECTION 7**

1 **(6) COMMITTEE POWERS AND PROCEDURES.** The committee may hold hearings as
2 needed to elicit information for making a report. The committee shall meet at the
3 call of its cochairpersons. All actions of the committee require the approval of a
4 majority of all of its members.

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

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

12 **SECTION 9.** 15.01 (2) of the statutes is amended to read:

13 15.01 **(2)** “Commission” means a 3-member governing body in charge of a
14 department or independent agency or of a division or other subunit within a
15 department, except for the Wisconsin waterways commission which shall consist of
16 5 members, the parole commission which shall consist of 6 members and the Fox
17 river management commission which shall consist of 7 members. A Wisconsin group
18 created for participation in a continuing interstate body, or the interstate body itself,
19 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
20 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
21 but is not a commission for purposes of s. 15.06. The sentencing commission created
22 under s. 15.105 (26) shall be known as a “commission” but is not a commission for
23 purposes of s. 15.06 (1) to (4m), (7) and (9).

24 **SECTION 10.** 15.105 (26) of the statutes is created to read:

BILL

1 15.105 (26) SENTENCING COMMISSION. (a) *Creation; membership.* There is
2 created a sentencing commission which is attached to the department of
3 administration under s. 15.03 and which shall consist of the following members:

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

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

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

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

11 5. Two circuit judges, appointed by the supreme court.

12 6. One representative of crime victims and one district attorney, each appointed
13 by the attorney general.

14 7. One attorney in private practice engaged primarily in the practice of criminal
15 defense, appointed by the criminal law section of the State Bar of Wisconsin.

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

19 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
20 3. and 5. to 7. shall serve 3-year terms and are eligible for reappointment.

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

BILL

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

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

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

12 **SECTION 11.** 19.42 (10) (o) of the statutes is created to read:

13 19.42 (10) (o) A member, the executive director or the deputy director of the
 14 sentencing commission.

15 **SECTION 12.** 19.42 (13) (n) of the statutes is created to read:

16 19.42 (13) (n) The position of member, executive director or deputy director of
 17 the sentencing commission.

18 **SECTION 13.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
 19 insert the following amounts for the purposes indicated:

				1999-00	2000-01
20					
21	20.505 Administration, department of				
22	(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND				
23	COMMISSIONS				
24	(dr) Sentencing commission	GPR	A	415,000	380,000

BILL

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

2 20.505 (4) (dr) *Sentencing commission.* The amounts in the schedule for the
3 general program operations of the sentencing commission. No money may be
4 encumbered from the appropriation under this paragraph after December 31, 2004.

5 **SECTION 15.** 20.505 (4) (mr) of the statutes is created to read:

6 20.505 (4) (mr) *Sentencing commission; federal aid.* All moneys received as
7 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for
8 which the aid is provided. No money may be encumbered from the appropriation
9 under this paragraph after December 31, 2004.

10 **SECTION 16.** 20.923 (4) (b) 7. of the statutes is created to read:

11 20.923 (4) (b) 7. Sentencing commission: executive director.

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

13 20.923 (6) (hr) Sentencing commission: deputy director.

14 **SECTION 18.** 23.33 (13) (cg) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 23.33 (13) (cg) *Penalties related to causing death or injury; interference with*
17 *signs and standards.* A person who violates sub. (8) (f) 1. ~~shall be fined not more than~~
18 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
19 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
20 person.

21 **SECTION 19.** 26.14 (8) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 26.14 (8) Any person who intentionally sets fire to the land of another or to a
24 marsh ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years~~
25 ~~and 6 months or both~~ is guilty of a Class H felony.

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1 **SECTION 20.** 29.971 (1)(c) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 29.971 (1) (c) ~~For A person~~ having fish in his or her possession in violation of
4 this chapter ~~and is guilty of a Class I felony if the value of the fish under par. (d)~~
5 ~~exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than~~
6 ~~3 years or both.~~

7 **SECTION 21.** 29.971 (1m) (c) of the statutes, as affected by 1997 Wisconsin Act
8 283, is amended to read:

9 29.971 (1m) (c) ~~For A person~~ possessing clams in violation of s. 29.537, is guilty
10 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine~~
11 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

12 **SECTION 22.** 29.971 (11m) (a) of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
15 possessing a bear without a valid Class A bear license, or for possessing a bear which
16 does not have a carcass tag attached or possessing a bear during the closed season,
17 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
18 more than 6 months or both for the first violation, or by a fine of not more than ~~\$5,000~~
19 \$10,000 or imprisonment for not more than ~~2 years~~ 9 months or both for any
20 subsequent violation, and, in addition, the court shall revoke all hunting approvals
21 issued to the person under this chapter and shall prohibit the issuance of any new
22 hunting approval under this chapter to the person for 3 years.

23 **SECTION 23.** 29.971 (11p) (a) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

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1 29.971 (11p) (a) For entering the den of a hibernating black bear and harming
2 the bear, by a fine of not more than \$10,000 or imprisonment for not more than 2
3 years 9 months or both.

4 **SECTION 24.** 30.80 (2g) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is amended to read:

6 30.80 (2g) (b) Shall be fined not less than ~~\$300~~ nor more than ~~\$5,000~~ \$10,000
7 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
8 injury to a person but the person did not suffer great bodily harm.

9 **SECTION 25.** 30.80 (2g) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
12 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
13 person and the person suffered great bodily harm.

14 **SECTION 26.** 30.80 (2g) (d) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
17 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
18 death to a person.

19 **SECTION 27.** 30.80 (3m) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 30.80 (3m) Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~
22 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
23 a Class H felony.

24 **SECTION 28.** 36.25 (6) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

BILL**SECTION 28**

1 36.25 (6) (d) Any officer, agent, clerk or employe of the survey or department
2 of revenue who makes known to any person except the officers of the survey or
3 department of revenue, in any manner, any information given to such person in the
4 discharge of such person's duties under par. (c), which information was given to such
5 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
6 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
7 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
8 the use for assessment purposes of any information obtained under this subsection.

9 **SECTION 29.** 47.03 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 47.03 (3) (d) Any person who violates this subsection shall be fined not more
12 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

13 **SECTION 30.** 48.355 (2d) (b) 3. of the statutes is amended to read:

14 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
15 1997 stats., a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or
16 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
17 federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225
18 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,
19 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
20 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
21 of the parent.

22 **SECTION 31.** 48.415 (9m) (b) 2. of the statutes is amended to read:

23 48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1997 stats.,
24 a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
25 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other

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1 state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or
2 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
3 or 948.08 if committed in this state.

4 **SECTION 32.** 48.417 (1) (d) of the statutes is amended to read:

5 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
6 committed a violation of s. 940.19 (3), 1997 stats., a violation of s. 940.19 (2), (3), (4)
7 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
8 violation of the law of any other state or federal law, if that violation would be a
9 violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
10 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
11 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
12 defined in s. 939.22 (38), to the child or another child of the parent.

13 **SECTION 33.** 48.57 (3p) (g) 2. of the statutes is amended to read:

14 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
15 in s. 939.64, 1997 stats., or s. 939.641, 1997 stats., or s. 939.62, 939.621, 939.63,
16 939.64, 939.641 or 939.645 or has been convicted of a violation of the law of any other
17 state or federal law under circumstances under which the person would be subject
18 to a penalty specified in any of those sections if convicted in this state.

19 **SECTION 34.** 48.685 (5) (bm) 2. of the statutes is amended to read:

20 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1997 stats., or of s. 940.19 (2), (3),
21 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

22 **SECTION 35.** 48.685 (5) (bm) 3. of the statutes is amended to read:

23 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1997 stats., or of s. 940.01,
24 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
25 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), (1m) or (1r) or 943.32 (2).

BILL**SECTION 36**

1 **SECTION 36.** 48.685 (5) (bm) 4. of the statutes is amended to read:

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

6 **SECTION 37.** 49.127 (8) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than
9 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
10 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

11 **SECTION 38.** 49.127 (8) (b) 2. of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than
14 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
15 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
16 felony.

17 **SECTION 39.** 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 49.127 (8) (c) For any offense under this section, if the value of the food coupons
20 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
21 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

22 **SECTION 40.** 49.141 (7) (a) of the statutes, as affected by 1997 Wisconsin Act
23 283, is amended to read:

24 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
25 the furnishing by that person of items or services for which payment is or may be

BILL

1 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
2 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

3 **SECTION 41.** 49.141 (7) (b) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of
6 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
7 ~~2 years 9 months~~ or both.

8 **SECTION 42.** 49.141 (9) (a) of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,
11 in return for referring an individual to a person for the furnishing or arranging for
12 the furnishing of any item or service for which payment may be made in whole or in
13 part under Wisconsin works, or in return for purchasing, leasing, ordering, or
14 arranging for or recommending purchasing, leasing, or ordering any good, facility,
15 service, or item for which payment may be made in whole or in part under Wisconsin
16 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
17 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
18 ~~imprisoned for not more than 7 years and 6 months or both.~~

19 **SECTION 43.** 49.141 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to
22 any person to induce the person to refer an individual to a person for the furnishing
23 or arranging for the furnishing of any item or service for which payment may be made
24 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
25 for or recommend purchasing, leasing, or ordering any good, facility, service or item

BILL**SECTION 43**

1 for which payment may be made in whole or in part under any provision of Wisconsin
2 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
3 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
4 ~~imprisoned for not more than 7 years and 6 months or both.~~

5 **SECTION 44.** 49.141 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

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

11 **SECTION 45.** 49.49 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,
14 failure, or conversion by any person in connection with the furnishing by that person
15 of items or services for which medical assistance is or may be made, a person
16 ~~convicted of violating this subsection~~ is guilty of a Class H felony, except that,
17 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
18 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
19 ~~or both.~~

20 **SECTION 46.** 49.49 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits
23 or receives any remuneration, including any kickback, bribe, or rebate, directly or
24 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual
25 to a person for the furnishing or arranging for the furnishing of any item or service

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1 for which payment may be made in whole or in part under a medical assistance
2 program, or in return for purchasing, leasing, ordering, or arranging for or
3 recommending purchasing, leasing, or ordering any good, facility, service, or item for
4 which payment may be made in whole or in part under a medical assistance program,
5 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
6 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or imprisoned for
7 not more than 7 years and 6 months or both.

8 **SECTION 47.** 49.49 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is amended to read:

10 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
11 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
12 or covertly, in cash or in kind to any person to induce such person to refer an
13 individual to a person for the furnishing or arranging for the furnishing of any item
14 or service for which payment may be made in whole or in part under a medical
15 assistance program, or to purchase, lease, order, or arrange for or recommend
16 purchasing, leasing, or ordering any good, facility, service or item for which payment
17 may be made in whole or in part under a medical assistance program, is guilty of a
18 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50
19 (3) (h), the person may be fined not more than \$25,000 or imprisoned for not more
20 than 7 years and 6 months or both.

21 **SECTION 48.** 49.49 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 49.49 (3) **FRAUDULENT CERTIFICATION OF FACILITIES.** No person may knowingly
24 and wilfully make or cause to be made, or induce or seek to induce the making of, any
25 false statement or representation of a material fact with respect to the conditions or

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1 operation of any institution or facility in order that such institution or facility may
2 qualify either upon initial certification or upon recertification as a hospital, skilled
3 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~
4 person who violates this subsection is guilty of a Class H felony, except that,
5 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
6 fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months
7 or both.

8 **SECTION 49.** 49.49 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H
11 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
12 the person may be fined not more than \$25,000 or imprisoned for not more than 7
13 years and 6 months or both.

14 **SECTION 50.** 49.49 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
15 is amended to read:

16 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony,
17 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
18 person may be fined not more than \$25,000 or imprisoned for not more than 7 years
19 and 6 months or both.

20 **SECTION 51.** 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is renumbered 49.95 (1) (intro.) and amended to read:

22 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
23 this chapter, whether for himself or herself or for some other person, wilfully makes
24 any false representations ~~may, if~~ is subject to the following penalties:

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

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

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

9 (d) If the value of the assistance exceeds \$2,500, be punished as prescribed
10 under s. 943.20 (3) (e) \$2,000 but does not exceed \$5,000, the person is guilty of a
11 Class I felony.

12 **SECTION 52.** 49.95 (1) (e) and (f) of the statutes are created to read:

13 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
14 \$10,000, the person is guilty of a Class H felony.

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

17 **SECTION 53.** 51.15 (12) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
20 knowing the information contained therein to be false ~~may be fined not more than~~
21 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
22 Class H felony.

23 **SECTION 54.** 55.06 (11) (am) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

BILL**SECTION 54**

1 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the
2 information contained therein to be false ~~may be fined not more than \$5,000 or~~
3 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
4 felony.

5 **SECTION 55.** 66.4025 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
6 283, is amended to read:

7 66.4025 (1) (b) Any person who secures or assists in securing dwelling
8 accommodations under s. 66.402 by intentionally making false representations in
9 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
10 which the person would not otherwise be entitled ~~shall be fined not more than~~
11 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

12 **SECTION 56.** 66.4025 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
13 283, is amended to read:

14 66.4025 (1) (c) Any person who secures or assists in securing dwelling
15 accommodations under s. 66.402 by intentionally making false representations in
16 order to receive more than \$25,000 in financial assistance for which the person would
17 not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not~~
18 ~~more than 7 years and 6 months or both~~ is guilty of a Class H felony.

19 **SECTION 57.** 69.24 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not~~
22 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
23 I felony:

24 **SECTION 58.** 70.47 (18) (a) of the statutes, as affected by 1997 Wisconsin Act
25 283, is amended to read:

BILL

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

5 **SECTION 59.** 71.83 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is amended to read:

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

17 2. ‘Officer of a corporation; false franchise or income tax return.’ Any officer
18 of a corporation or manager of a limited liability company required by law to make,
19 render, sign or verify any franchise or income tax return, who makes any false or
20 fraudulent franchise or income tax return, with intent to defeat or evade any
21 assessment required by this chapter ~~shall be~~ is guilty of a Class H felony and may
22 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
23 ~~or both, together with assessed~~ the cost of prosecution.

24 3. ‘Evasion.’ Any person who removes, deposits or conceals or aids in removing,
25 depositing or concealing any property upon which a levy is authorized with intent

BILL**SECTION 59**

1 to evade or defeat the assessment or collection of any tax administered by the
2 department ~~is guilty of a Class I felony and~~ may be fined not more than \$5,000 or
3 imprisoned for not more than 4 years and 6 months or both, together with assessed
4 the costs ~~cost~~ of prosecution.

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

13 **SECTION 60.** 86.192 (4) of the statutes is amended to read:

14 86.192 (4) Any person who violates this section shall be fined not more than
15 \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class H felony
16 if the injury, defacement or removal causes the death of a person.

17 **SECTION 61.** 97.43 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 97.43 (4) Whoever violates this section may be fined not less than \$500 nor
20 more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is
21 guilty of a Class H felony.

22 **SECTION 62.** 97.45 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is amended to read:

BILL

1 97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor~~
2 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
3 guilty of a Class H felony.

4 **SECTION 63.** 100.171 (7) (b) of the statutes is amended to read:

5 100.171 (7) (b) Whoever intentionally violates this section ~~may be fined not~~
6 ~~more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class~~
7 I felony. A person intentionally violates this section if the violation occurs after the
8 department or a district attorney has notified the person by certified mail that the
9 person is in violation of this section.

10 **SECTION 64.** 100.2095 (6) (d) of the statutes is amended to read:

11 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less
12 ~~than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more than ~~one year~~
13 9 months or both. Each day of violation constitutes a separate offense.

14 **SECTION 65.** 100.26 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
15 is amended to read:

16 100.26 (2) Any person violating s. 100.02 ~~shall be fined not less than \$50 nor~~
17 ~~more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and~~
18 ~~6 months or both is guilty of a Class I felony.~~

19 **SECTION 66.** 100.26 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 100.26 (5) Any person violating s. 100.06 or any order or regulation of the
22 department thereunder, or s. 100.18 (9), ~~shall~~ may be fined not less than ~~\$100 nor~~
23 ~~more than \$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.
24 Each day of violation constitutes a separate offense.

BILL

1 **SECTION 67.** 100.26 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

3 100.26 (7) Any person violating s. 100.182 ~~shall~~ may be fined not less than \$500
4 ~~nor~~ more than ~~\$5,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or
5 both for each offense. Each unlawful advertisement published, printed or mailed on
6 separate days or in separate publications, hand bills or direct mailings is a separate
7 violation of this section.

8 **SECTION 68.** 101.143 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

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

14 **SECTION 69.** 101.94 (8) (b) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 101.94 (8) (b) Any individual or a director, officer or agent of a corporation who
17 knowingly and wilfully violates this subchapter in a manner which threatens the
18 health or safety of a purchaser ~~shall~~ may be fined not more than ~~\$1,000~~ \$10,000 or
19 imprisoned for not more than ~~2 years~~ 9 months or both.

20 **SECTION 70.** 102.835 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 102.835 (11) **EVASION.** Any person who removes, deposits or conceals or aids in
23 removing, depositing or concealing any property upon which a levy is authorized
24 under this section with intent to evade or defeat the assessment or collection of any
25 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~

BILL

1 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
2 costs of prosecution.

3 **SECTION 71.** 102.835 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 102.835 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
6 employer may discharge or otherwise discriminate with respect to the terms and
7 conditions of employment against any employe by reason of the fact that his or her
8 earnings have been subject to levy for any one levy or because of compliance with any
9 provision of this section. Whoever wilfully violates this subsection may be fined not
10 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

11 **SECTION 72.** 102.85 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 102.85 (3) An employer who violates an order to cease operations under s.
14 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3~~
15 ~~years or both~~ is guilty of a Class I felony.

16 **SECTION 73.** 108.225 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is amended to read:

18 108.225 (11) EVASION. Any person who removes, deposits or conceals or aids in
19 removing, depositing or concealing any property upon which a levy is authorized
20 under this section with intent to evade or defeat the assessment or collection of any
21 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
22 ~~6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the
23 costs of prosecution.

24 **SECTION 74.** 108.225 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

BILL**SECTION 74**

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

7 **SECTION 75.** 110.07 (5) (a) of the statutes is amended to read:

8 110.07 (5) (a) In this subsection, “bulletproof garment” ~~has the meaning given~~
9 ~~in s. 939.64 (1)~~ means a vest or other garment designed, redesigned or adapted to
10 prevent bullets from penetrating through the garment.

11 **SECTION 76.** 114.20 (18) (c) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 114.20 (18) (c) Any person who knowingly makes a false statement in any
14 application or in any other document required to be filed with the department, or who
15 knowingly foregoes the submission of any application, document, or any registration
16 certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more~~
17 ~~than 7 years and 6 months or both~~ is guilty of a Class H felony.

18 **SECTION 77.** 115.31 (2g) of the statutes is amended to read:

19 115.31 (2g) Notwithstanding subch. II of ch. 111, the state superintendent shall
20 revoke a license granted by the state superintendent, without a hearing, if the
21 licensee is convicted of any Class A, B, C ~~or~~ D, E, F, G or H felony under ch. 940 or
22 948, except ss. 940.08 and 940.205, for a violation that occurs on or after September
23 12, 1991.

24 **SECTION 78.** 118.19 (4) (a) of the statutes is amended to read:

BILL

1 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
2 may not grant a license to any person who has been convicted of any Class A, B, C
3 ~~or~~, D, E, F, G or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of
4 an equivalent crime in another state or country, for a violation that occurs on or after
5 September 12, 1991, for 6 years following the date of the conviction, and may grant
6 the license only if the person establishes by clear and convincing evidence that he or
7 she is entitled to the license.

8 **SECTION 79.** 125.075 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is renumbered 125.075 (2) (a) and amended to read:

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

13 **SECTION 80.** 125.075 (2) (b) of the statutes is created to read:

14 125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the
15 underage person dies.

16 **SECTION 81.** 125.085 (3) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 125.085 (3) (a) 2. Any person who violates subd. 1. for money or other
19 consideration ~~may be fined not more than \$10,000 or imprisoned for not more than~~
20 ~~3 years or both~~ is guilty of a Class I felony.

21 **SECTION 82.** 125.105 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
22 283, is amended to read:

23 125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of,
24 a crime ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years~~
25 ~~and 6 months or both~~ is guilty of a Class H felony.

BILL**SECTION 83**

1 **SECTION 83.** 125.66 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

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

8 **SECTION 84.** 125.68 (12) (b) of the statutes, as affected by 1997 Wisconsin Act
9 283, is amended to read:

10 125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor~~
11 ~~more than \$5,000 or imprisoned for not less than one year nor more than 15 years~~
12 ~~or both~~ is guilty of a Class F felony.

13 **SECTION 85.** 125.68 (12) (c) of the statutes, as affected by 1997 Wisconsin Act
14 283, is amended to read:

15 125.68 (12) (c) Any person causing the death of another human being through
16 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol
17 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
18 ~~for not more than 15 years~~ is guilty of a Class E felony.

19 **SECTION 86.** 132.20 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
22 in this state in a counterfeit mark or in any goods or service bearing or provided
23 under a counterfeit mark ~~shall~~ is guilty of a Class H felony, except that,
24 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
25 individual, he or she may be fined not more than \$250,000 ~~or imprisoned for not more~~

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1 ~~than 7 years and 6 months or both, or, and~~ if the person is not an individual, the
2 person may be fined not more than \$1,000,000.

3 **SECTION 87.** 133.03 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 133.03 (1) Every contract, combination in the form of trust or otherwise, or
6 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any
7 contract or engages in any combination or conspiracy in restraint of trade or
8 commerce is guilty of a Class H felony, except that, notwithstanding the maximum
9 fine specified in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if
10 a corporation, or, if any other person, may be fined not more than \$50,000 ~~or~~
11 ~~imprisoned for not more than 7 years and 6 months or both.~~

12 **SECTION 88.** 133.03 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
15 combines or conspires with any other person or persons to monopolize any part of
16 trade or commerce is guilty of a Class H felony, except that, notwithstanding the
17 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
18 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
19 ~~or imprisoned for not more than 7 years and 6 months or both.~~

20 **SECTION 89.** 134.05 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~
23 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~
24 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
25 9 months or both.

BILL**SECTION 90**

1 **SECTION 90.** 134.16 of the statutes, as affected by 1997 Wisconsin Act 283, is
2 amended to read:

3 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
4 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
5 brokerage or deposit company, corporation or institution, or of any person, company
6 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
7 business in any way, or any person engaged in such business in whole or in part, who
8 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
9 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
10 bills of exchange, bank checks or other commercial paper for safekeeping or for
11 collection, when he or she knows or has good reason to know that such bank, company
12 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~
13 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
14 ~~not more than \$10,000~~ is guilty of a Class F felony.

15 **SECTION 91.** 134.20 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
16 Act 283, is amended to read:

17 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
18 ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6~~
19 ~~months or both~~ is guilty of a Class H felony:

20 **SECTION 92.** 134.205 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is amended to read:

22 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
23 without entering the same in a register as required by this section ~~shall be fined not~~
24 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
25 guilty of a Class H felony.

BILL

1 **SECTION 93.** 134.58 of the statutes, as affected by 1997 Wisconsin Act 283, is
2 amended to read:

3 **134.58 Use of unauthorized persons as officers.** Any person who,
4 individually, in concert with another or as agent or officer of any firm, joint-stock
5 company or corporation, uses, employs, aids or assists in employing any body of
6 armed persons to act as militia, police or peace officers for the protection of persons
7 or property or for the suppression of strikes, not being authorized by the laws of this
8 state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than~~
9 ~~one year nor more than 4 years and 6 months or both~~ is guilty of a Class I felony.

10 **SECTION 94.** 139.44 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is amended to read:

12 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
13 any stamp or procures or causes the same to be done, or who knowingly utters,
14 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
15 affixes the same to any package or container of cigarettes, or who possesses with the
16 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
17 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
18 ~~years~~ is guilty of a Class G felony.

19 **SECTION 95.** 139.44 (1m) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
22 meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than~~
23 ~~one year nor more than 15 years~~ is guilty of a Class G felony.

24 **SECTION 96.** 139.44 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is amended to read:

BILL**SECTION 96**

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

6 **SECTION 97.** 139.44 (8)(c) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than~~
9 ~~\$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a
10 Class I felony.

11 **SECTION 98.** 139.95 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is amended to read:

13 139.95 (2) A dealer who possesses a schedule I controlled substance or schedule
14 II controlled substance that does not bear evidence that the tax under s. 139.88 has
15 been paid ~~may be fined not more than \$10,000 or imprisoned for not more than 7~~
16 ~~years and 6 months or both~~ is guilty of a Class H felony.

17 **SECTION 99.** 139.95 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is amended to read:

19 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits
20 any stamp or procures or causes the same to be done or who knowingly utters,
21 publishes, passes or tenders as true any false, altered or counterfeit stamp or who
22 affixes a counterfeit stamp to a schedule I controlled substance or schedule II
23 controlled substance or who possesses a schedule I controlled substance or schedule
24 II controlled substance to which a false, altered or counterfeit stamp is affixed ~~may~~

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1 ~~be fined not more than \$10,000 or imprisoned for not less than one year nor more~~
2 ~~than 15 years or both~~ is guilty of a Class F felony.

3 **SECTION 100.** 146.345 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 146.345 (3) Any person who violates this section is guilty of a Class H felony,
6 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
7 person may be fined not more than \$50,000 ~~or imprisoned for not more than 7 years~~
8 ~~and 6 months or both.~~

9 **SECTION 101.** 146.35 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is amended to read:

11 146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~
12 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
13 felony.

14 **SECTION 102.** 146.60 (9) (am) of the statutes, as affected by 1997 Wisconsin Act
15 283, is amended to read:

16 146.60 (9) (am) For a 2nd or subsequent violation under par. (ag), a person ~~shall~~
17 may be fined not less than \$1,000 ~~nor more than \$50,000 or imprisoned for not more~~
18 ~~than 2 years~~ 9 months or both.

19 **SECTION 103.** 146.70 (10) (a) of the statutes, as affected by 1997 Wisconsin Act
20 283, is amended to read:

21 146.70 (10) (a) Any person who intentionally dials the telephone number “911”
22 to report an emergency, knowing that the fact situation which he or she reports does
23 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
24 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~

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1 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
2 felony for any other offense committed within 4 years after the first offense.

3 **SECTION 104.** 154.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is amended to read:

5 154.15 (2) Any person who, with the intent to cause a withholding or
6 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
7 the declarant, illegally falsifies or forges the declaration of another or conceals a
8 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
9 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~
10 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
11 felony.

12 **SECTION 105.** 154.29 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is amended to read:

14 154.29 (2) Any person who, with the intent to cause the withholding or
15 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
16 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
17 under s. 154.21 of a do-not-resuscitate order or any responsible person who
18 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~
19 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
20 felony.

21 **SECTION 106.** 166.20 (11) (b) of the statutes, as affected by 1997 Wisconsin Act
22 283, is amended to read:

23 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
24 release of a hazardous substance covered under 42 USC 11004 as required under sub.

BILL

1 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. shall be subject to the following
2 penalties:

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

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

11 **SECTION 107.** 167.10 (9) (g) of the statutes, as affected by 1997 Wisconsin Act
12 283, is amended to read:

13 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
14 under sub. (6m) (e) may be fined not more than \$10,000 or imprisoned for not more
15 than 15 years or both is guilty of a Class G felony.

16 **SECTION 108.** 175.20 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is amended to read:

18 175.20 (3) Any person who violates any of the provisions of this section shall
19 may be fined not less than \$25 nor more than \$1,000 and \$10,000 or may be
20 imprisoned for not less than 30 days nor more than 2 years 9 months or both. In
21 addition, the court may revoke the license or licenses of the person or persons
22 convicted.

23 **SECTION 109.** 180.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
24 283, is amended to read:

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1 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
2 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

3 **SECTION 110.** 181.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
4 283, is amended to read:

5 181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more~~
6 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
7 felony.

8 **SECTION 111.** 185.825 of the statutes, as affected by 1997 Wisconsin Act 283,
9 is amended to read:

10 **185.825 Penalty for false document.** Whoever causes a document to be
11 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
12 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
13 Class I felony.

14 **SECTION 112.** 200.09 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
15 is amended to read:

16 200.09 (2) Every director, president, secretary or other official or agent of any
17 public service corporation, who shall practice fraud or knowingly make any false
18 statement to secure a certificate of authority to issue any security, or issue under a
19 certificate so obtained and with knowledge of such fraud, or false statement, or
20 negotiate, or cause to be negotiated, any security, in violation of this chapter, ~~shall~~
21 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
22 ~~15 years or both~~ is guilty of a Class I felony.

23 **SECTION 113.** 214.93 of the statutes, as affected by 1997 Wisconsin Act 283, is
24 amended to read:

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1 **214.93 False statements.** A person may not knowingly make, cause, or allow
2 another person to make or cause to be made, a false statement, under oath if required
3 by this chapter or on any report or statement required by the division or by this
4 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
5 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

6 **SECTION 114.** 215.02 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
7 283, is amended to read:

8 215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any
9 debtor of any association or any information about the private account or
10 transactions of such association, discloses any fact obtained in the course of any
11 examination of any association, or discloses examination or other confidential
12 information obtained from any state or federal regulatory authority, including an
13 authority of this state or another state, for financial institutions, mortgage bankers,
14 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
15 I felony and shall forfeit his or her office or position and may be fined not less than
16 \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than
17 3 years or both.

18 **SECTION 115.** 215.12 of the statutes, as affected by 1997 Wisconsin Act 283, is
19 amended to read:

20 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
21 director, employe or agent of any association who steals, abstracts, or wilfully
22 misapplies any property of the association, whether owned by it or held in trust, or
23 who, without authority, issues or puts forth any certificate of savings accounts,
24 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
25 in any book, record, report or statement of the association with intent to injure or

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1 defraud the association or any person or corporation, or to deceive any officer or
2 director of the association, or any other person, or any agent appointed to examine
3 the affairs of such association, or any person who, with like intent, aids or abets any
4 officer, director, employe or agent in the violation of this section, ~~shall be imprisoned~~
5 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

6 **SECTION 116.** 215.21 (21) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is amended to read:

8 215.21 (21) PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS. Every officer,
9 director, employe or agent of any association, or any appraiser making appraisals for
10 any association, who accepts or receives, or offers or agrees to accept or receive
11 anything of value in consideration of its loaning any money to any person; or any
12 person who offers, gives, presents or agrees to give or present anything of value to
13 any officer, director, employe or agent of any association or to any appraiser making
14 appraisals for any association in consideration of its loaning money to the person,
15 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~
16 ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this
17 subsection prohibits an association from employing an officer, employe or agent to
18 solicit mortgage loans and to pay the officer, employe or agent on a fee basis.

19 **SECTION 117.** 218.21 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is amended to read:

21 218.21 (7) Any person who knowingly makes a false statement in an
22 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
23 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
24 Class H felony.

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1 **SECTION 118.** 220.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is amended to read:

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

11 **SECTION 119.** 221.0625 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
12 Act 283, is amended to read:

13 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation
14 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~
15 ~~not more than 15 years~~ is guilty of a Class F felony:

16 **SECTION 120.** 221.0636 (2) of the statutes, as affected by 1997 Wisconsin Act
17 283, is amended to read:

18 221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~
19 ~~not more than 30 years~~ is guilty of a Class H felony.

20 **SECTION 121.** 221.0637 (2) of the statutes, as affected by 1997 Wisconsin Act
21 283, is amended to read:

22 221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~
23 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
24 felony.

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1 **SECTION 122.** 221.1004 (2) of the statutes, as affected by 1997 Wisconsin Act
2 283, is amended to read:

3 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
4 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
5 ~~than 15 years or both~~ is guilty of a Class F felony.

6 **SECTION 123.** 230.08 (2) (L) 6. of the statutes is created to read:

7 230.08 (2) (L) 6. Sentencing commission.

8 **SECTION 124.** 230.08 (2) (of) of the statutes is created to read:

9 230.08 (2) (of) The executive director of the sentencing commission.

10 **SECTION 125.** 253.06 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is amended to read:

12 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
13 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both,~~ is guilty
14 of a Class I felony for the first offense and ~~may be fined not more than \$10,000 or~~
15 ~~imprisoned for not more than 7 years and 6 months, or both,~~ is guilty of a Class H
16 felony for the 2nd or subsequent offense.

17 **SECTION 126.** 285.87 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
18 283, is amended to read:

19 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
20 another conviction under par. (a), the person ~~shall~~ is guilty of a Class I felony, except
21 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may
22 be fined not more than \$50,000 per day of violation ~~or imprisoned for not more than~~
23 ~~3 years or both.~~

24 **SECTION 127.** 291.97 (2) (b) (intro.) of the statutes, as affected by 1997
25 Wisconsin Act 283, is amended to read:

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1 291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall
2 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
3 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than
4 \$100,000 or imprisoned for not more than 7 years and 6 months or both:

5 **SECTION 128.** 291.97 (2) (c) 1. and 2. of the statutes, as affected by 1997
6 Wisconsin Act 283, are amended to read:

7 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall
8 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
9 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000
10 or imprisoned for not more than 2 years or both.

11 2. For a 2nd or subsequent violation under par. (b), a person shall is guilty of
12 a Class F felony, except that, notwithstanding the maximum fine specified in s.
13 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000
14 or imprisoned for not more than 15 years or both.

15 **SECTION 129.** 299.53 (4) (c) 2. of the statutes, as affected by 1997 Wisconsin Act
16 283, is amended to read:

17 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
18 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
19 or imprisoned for not more than one year in the county jail or both. For a 2nd or
20 subsequent violation, the person shall is guilty of a Class I felony, except that,
21 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
22 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

23 **SECTION 130.** 301.03 (3) of the statutes is amended to read:

24 301.03 (3) Administer Subject to sub. (3a), administer parole, extended
25 supervision and probation matters, except that the decision to grant or deny parole

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1 to inmates shall be made by the parole commission and the decision to revoke
2 probation, extended supervision or parole in cases in which there is no waiver of the
3 right to a hearing shall be made by the division of hearings and appeals in the
4 department of administration. The secretary may grant special action parole
5 releases under s. 304.02. The department shall promulgate rules establishing a drug
6 testing program for probationers, parolees and persons placed on extended
7 supervision. The rules shall provide for assessment of fees upon probationers,
8 parolees and persons placed on extended supervision to partially offset the costs of
9 the program.

10 **SECTION 131.** 301.03 (3a) of the statutes is created to read:

11 301.03 (3a) The department shall take steps to promote the increased
12 effectiveness of probation, extended supervision and parole in Brown, Dane,
13 Kenosha, Milwaukee, Racine and Rock counties. In each of these counties, the
14 department shall, beginning on January 1, 2001, develop a partnership with the
15 community, have strategies for local crime prevention, supervise offenders actively,
16 commit additional resources to enhance supervision and purchase services for
17 offenders, establish day reporting centers and ensure that probation, extended
18 supervision and parole agents, on average, supervise no more than 20 persons on
19 probation, extended supervision or parole.

20 **SECTION 132.** 301.035 (2) of the statutes is amended to read:

21 301.035 (2) Assign hearing examiners from the division to preside over
22 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
23 (2) and ch. 304.

24 **SECTION 133.** 301.035 (4) of the statutes is amended to read:

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1 301.035 (4) Supervise employes in the conduct of the activities of the division
2 and be the administrative reviewing authority for decisions of the division under ss.
3 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
4 ch. 304.

5 **SECTION 134.** 301.26 (4) (cm) 1. of the statutes, as affected by 1999 Wisconsin
6 Act 9, is amended to read:

7 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
8 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
9 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured
10 correctional facilities, secured child caring institutions, alternate care providers,
11 aftercare supervision providers and corrective sanctions supervision providers for
12 costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age
13 or over who has been placed in a secured correctional facility based on a delinquent
14 act that is a violation of s. 943.23 (1m) or (1r), 1997 stats., s. 948.35, 1997 stats., or
15 s. 948.36, 1997 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305,
16 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2),
17 948.02 (1), 948.025, (1) or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ and for the care of any
18 juvenile 10 years of age or over who has been placed in a secured correctional facility
19 or secured child caring institution for attempting or committing a violation of s.
20 940.01 or for committing a violation of s. 940.02 or 940.05.

21 **SECTION 135.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is amended to read:

23 302.095 (2) Any officer or other person who delivers or procures to be delivered
24 or has in his or her possession with intent to deliver to any inmate confined in a jail
25 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts

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1 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
2 prison, any article or thing whatever, with intent that any inmate confined in the jail
3 or prison shall obtain or receive the same, or who receives from any inmate any
4 article or thing whatever with intent to convey the same out of a jail or prison,
5 contrary to the rules or regulations and without the knowledge or permission of the
6 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
7 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~
8 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

9 **SECTION 136.** 302.11 (1g) (a) 2. of the statutes is amended to read:

10 302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1997 stats., s. 943.23 (1m),
11 1997 stats., s. 948.35 (1) (b) or (c), 1997 stats., or s. 948.36, 1997 stats., or s. 940.02,
12 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
13 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) ~~or (1m)~~, 943.32 (2),
14 946.43, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08,
15 or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

16 **SECTION 137.** 302.11 (1p) of the statutes is amended to read:

17 302.11 (1p) An inmate serving a term subject to s. 961.49 (2), 1997 stats., for
18 a crime committed before December 31, 1999, is entitled to mandatory release,
19 except the inmate may not be released before he or she has complied with s. 961.49
20 (2), 1997 stats.

21 **SECTION 138.** 302.113 (2) of the statutes is amended to read:

22 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
23 section is entitled to release to extended supervision after he or she has served the
24 term of confinement in prison portion of the sentence imposed under s. 973.01, as

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1 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
2 applicable.

3 **SECTION 139.** 302.113 (3) (a) (intro.) of the statutes is amended to read:

4 302.113 (3) (a) (intro.) The warden or superintendent shall keep a record of the
5 conduct of each inmate subject to this section, specifying each infraction of the rules.
6 If an inmate subject to this section violates an order under s. 973.031 requiring him
7 or her to participate in a drug treatment program, violates any regulation of the
8 prison or refuses or neglects to perform required or assigned duties, the department
9 may extend the term of confinement in prison portion of the inmate's bifurcated
10 sentence as follows:

11 **SECTION 140.** 302.113 (7) of the statutes is amended to read:

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

18 **SECTION 141.** 302.113 (7m) of the statutes is created to read:

19 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
20 or the department may petition the sentencing court to modify any conditions of
21 extended supervision set by the court.

22 (b) If the department files a petition under this subsection, it shall serve a copy
23 of the petition on the person who is the subject of the petition and, if the person is
24 represented by an attorney, on the person's attorney. If a person who is subject to this
25 section or his or her attorney files a petition under this subsection, the person or his

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1 or her attorney shall serve a copy of the petition on the department. The court shall
2 serve a copy of a petition filed under this section on the district attorney. The court
3 may direct the clerk of the court to provide notice of the petition to a victim of a crime
4 committed by the person who is the subject of the petition.

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

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

13 (e) 1. An inmate may not petition the court to modify the conditions of extended
14 supervision earlier than one year before the date of the inmate's scheduled date of
15 release to extended supervision or more than once before the inmate's release to
16 extended supervision.

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

22 **SECTION 142.** 302.113 (8m) of the statutes is created to read:

23 302.113 (8m) (a) Every person released to extended supervision under this
24 section remains in the legal custody of the department. If the department alleges
25 that any condition or rule of extended supervision has been violated by the person,

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

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

12 **SECTION 143.** 302.113 (9) of the statutes is amended to read:

13 302.113 (9) (a) If a person released to extended supervision under this section
14 violates a condition of extended supervision, the division of hearings and appeals in
15 the department of administration, upon proper notice and hearing, or the
16 department of corrections, if the person on extended supervision waives a hearing,
17 may revoke the extended supervision of the person and return the person to prison.
18 If the extended supervision of the person is revoked, the person shall be returned to
19 the circuit court for the county in which the person was convicted of the offense for
20 which he or she was on extended supervision, and the court shall order the person
21 to be returned to prison, he or she shall be returned to prison for any specified period
22 of time that does not exceed the time remaining on the bifurcated sentence. The time
23 remaining on the bifurcated sentence is the total length of the bifurcated sentence,
24 less time served by the person in custody under the sentence before release to
25 extended supervision under sub. (2) and less all time served in custody for previous

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1 revocations of extended supervision under the sentence. The ~~revocation~~ court order
2 returning a person to prison under this paragraph shall provide the person ~~on~~ whose
3 extended supervision was revoked with credit in accordance with ss. 304.072 and
4 973.155.

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

14 (c) A person who is subsequently released to extended supervision after service
15 of the period of time specified by the ~~department of corrections in the case of a waiver~~
16 ~~or by the division of hearings and appeals in the department of administration in the~~
17 ~~case of a hearing~~ court under par. (a) is subject to all conditions and rules under sub-
18 subs. (7) and, if applicable, (7m) until the expiration of the ~~term of~~ remaining
19 extended supervision portion of the bifurcated sentence. The remaining extended
20 supervision portion of the bifurcated sentence is the total length of the bifurcated
21 sentence, less the time served by the person in confinement under the bifurcated
22 sentence before release to extended supervision under sub. (2) and less all time
23 served in confinement for previous revocations of extended supervision under the
24 bifurcated sentence.

25 **SECTION 144.** 302.113 (9) (am) of the statutes is created to read:

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1 302.113 (9) (am) When a person is returned to court under par. (a) after
2 revocation of extended supervision, the division of hearings and appeals in the
3 department of administration, in the case of a hearing, or the department of
4 corrections, in the case of a waiver, shall make a recommendation to the court
5 concerning the period of time for which the person should be returned to prison. The
6 recommended time period may not exceed the time remaining on the bifurcated
7 sentence, as calculated under par. (a).

8 **SECTION 145.** 302.113 (9) (d) of the statutes is created to read:

9 302.113 (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 of 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 146.** 302.113 (9g) of the statutes is created to read:

16 302.113 (9g) (a) In this subsection, "program review committee" means the
17 committee at a correctional institution that reviews the security classifications,
18 institution assignments and correctional programming assignments of inmates
19 confined in the institution.

20 (b) An inmate who is serving a bifurcated sentence for a crime other than a
21 Class B felony may seek modification of the bifurcated sentence in the manner
22 specified in par. (f) if he or she meets one of the following criteria:

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

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

3 (c) An inmate who meets the criteria under par. (b) may submit a petition to
4 the program review committee at the correctional institution in which the inmate is
5 confined requesting a modification of the inmate's bifurcated sentence in the manner
6 specified in par. (f). If the program review committee determines that the public
7 interest would be served by a modification of the inmate's bifurcated sentence in the
8 manner provided under par. (f), the committee shall approve the petition for referral
9 to the sentencing court and notify the department of its approval. The department
10 shall then refer the inmate's petition to the sentencing court and request the court
11 to conduct a hearing on the petition. If the program review committee determines
12 that the public interest would not be served by a modification of the inmate's
13 bifurcated sentence in the manner specified in par. (f), the committee shall deny the
14 inmate's petition.

15 (d) When a court is notified by the department that it is referring to the court
16 an inmate's petition for modification of the inmate's bifurcated sentence, the court
17 shall set a hearing to determine whether the public interest would be served by a
18 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
19 The inmate and the district attorney have the right to be present at the hearing, and
20 any victim of the inmate's crime has the right to be present at the hearing and to
21 provide a statement concerning the modification of the inmate's bifurcated sentence.
22 The court shall order such notice of the hearing date as it considers adequate to be
23 given to the department, the inmate, the attorney representing the inmate, if
24 applicable, and the district attorney. Victim notification shall be provided as
25 specified under par. (g).

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1 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
2 by the greater weight of the credible evidence that a modification of the bifurcated
3 sentence in the manner specified in par. (f) would serve the public interest. If the
4 inmate proves that a modification of the bifurcated sentence in the manner specified
5 in par. (f) would serve the public interest, the court shall modify the inmate's
6 bifurcated sentence in that manner. If the inmate does not prove that a modification
7 of the bifurcated sentence in the manner specified in par. (f) would serve the public
8 interest, the court shall deny the inmate's petition for modification of the bifurcated
9 sentence.

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

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

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

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

19 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
20 shall send a notice of hearing to the victim of the crime committed by the inmate, if
21 the victim has submitted a card under subd. 3. requesting notification. The notice
22 shall inform the victim that he or she may appear at the hearing scheduled under
23 par. (d) and shall inform the victim of the manner in which he or she may provide a
24 statement concerning the modification of the inmate's bifurcated sentence in the
25 manner provided in par. (f). The clerk of the circuit court shall make a reasonable

BILL

1 attempt to send the notice of hearing to the last-known address of the inmate's
2 victim, postmarked at least 10 days before the date of the hearing.

3 3. The director of state courts shall design and prepare cards for a victim to send
4 to the clerk of the circuit court for the county in which the inmate was convicted and
5 sentenced. The cards shall have space for a victim to provide his or her name and
6 address, the name of the applicable inmate and any other information that the
7 director of state courts determines is necessary. The director of state courts shall
8 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
9 shall provide the cards, without charge, to victims. Victims may send completed
10 cards to the clerk of the circuit court for the county in which the inmate was convicted
11 and sentenced. All court records or portions of records that relate to mailing
12 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

13 (h) An inmate may appeal a court's decision to deny the inmate's petition for
14 modification of his or her bifurcated sentence. The state may appeal a court's
15 decision to grant an inmate's petition for a modification of the inmate's bifurcated
16 sentence. In an appeal under this paragraph, the appellate court may reverse a
17 decision granting or denying a petition for modification of a bifurcated sentence only
18 if it determines that the sentencing court erroneously exercised its discretion in
19 granting or denying the petition.

20 (i) If the program review committee denies an inmate's petition under par. (c),
21 the inmate may not file another petition within one year after the date of the program
22 review committee's denial. If the program review committee approves an inmate's
23 petition for referral to the sentencing court under par. (c) but the sentencing court
24 denies the petition, the inmate may not file another petition under par. (c) within one
25 year after the date of the court's decision.