

**SENATE AMENDMENT 5,
TO 1999 SENATE BILL 357**

February 8, 2000 – Offered by Senators GEORGE and CHVALA.

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

2 **1.** Page 277, line 15: delete lines 15 and 16 and substitute:

3 **“(11) STATEMENT OF REASONS FOR SENTENCE.** The court shall state in open court
4 and on the record the reasons for its imposition of a particular sentence and the
5 reasons for each element of its sentencing decision, including its decision”.

6 **2.** Page 277, line 21: after “APPEAL.” insert “(a)”.

7 **3.** Page 277, line 24: delete lines 24 and 25 and substitute “sentencing
8 decision.

9 (b) An erroneous exercise of discretion occurs under any of the following
10 circumstances:

11 1. The sentencing court fails to exercise discretion in making its sentencing
12 decision.

1 2. The sentencing court fails to explain its reasoning process in making its
2 sentencing decision.

3 3. The sentencing court bases its sentencing decision on clearly irrelevant or
4 improper factors.

5 4. The sentencing court gives too much weight to one factor in the face of other
6 contravening factors in making its sentencing decision.

7 5. The sentencing court imposes a sentence that is so excessive, unusual or
8 disproportionate to the offense as to shock the public sentiment and violate the
9 judgment of reasonable persons concerning what is right and proper under the
10 circumstances.

11 6. There is not substantial evidence in the record to support the reasons stated
12 on the record under sub. (11) for the imposition of the sentence and the sentencing
13 decision.

14 (c) Paragraph (b) does not preclude an appellate court from finding that a
15 sentencing court erroneously exercised its discretion for reasons other than those
16 specified in par. (b).”

17 **(END)**