

2001 ASSEMBLY BILL 3

January 16, 2001 – Introduced by Representatives WALKER and HUBER, cosponsored by Senators BURKE and HUELSMAN. Referred to Committee on Criminal Justice.

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, 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646,
3 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.25 (1b), 940.285 (2)
4 (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r), 946.42 (4), 946.425 (2),
5 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4), 961.41 (1)
6 (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41
7 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41 (1m)
8 (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2.,
9 961.41 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465,
10 961.48 (2), 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03
11 (3) (e) 3.; ***to renumber*** 351.07 (2) (a); ***to renumber and amend*** 49.95 (1),
12 125.075 (2), 302.11 (7) (a), 302.113 (9) (a), 302.114 (9) (a), 939.63 (1), 943.20 (3)
13 (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g)
14 (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 971.17 (1), 973.01 (2) (b) 6., 973.01 (2)

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1 (c) and 973.01 (2) (d); **to amend** 6.18, 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a),
2 13.05, 13.06, 13.69 (6m), 15.01 (2), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971
3 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80
4 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m) (b)
5 2., 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (1) (c), 48.685 (5) (bm) 2., 48.685 (5)
6 (bm) 3., 48.685 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141
7 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n)
8 (k), 49.195 (3n) (r), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49
9 (3m) (b), 49.49 (4) (b), 50.065 (1) (e) 1., 51.15 (12), 55.06 (11) (am), 66.1207 (1)
10 (b), 66.1207 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43
11 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7),
12 101.143 (10) (b), 101.9204 (2), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85
13 (3), 108.225 (11), 108.225 (18), 110.07 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19
14 (4) (a), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12)
15 (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.),
16 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.85 (1),
17 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a),
18 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2),
19 181.0129 (2), 185.825, 201.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21),
20 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004
21 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2.,
22 299.53 (4) (c) 2., 301.035 (2), 301.035 (4), 301.048 (2) (bm) 1. a., 301.26 (4) (cm)
23 1., 301.45 (6) (a) 2., 302.045 (3), 302.095 (2), 302.11 (1g) (a) 2., 302.11 (1p), 302.11
24 (1z), 302.11 (3), 302.11 (7) (b), 302.11 (7) (d), 302.113 (2), 302.113 (4), 302.113 (7),
25 302.113 (9) (b), 302.113 (9) (c), 302.114 (4), 302.114 (5) (f), 302.114 (6) (b),

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1 302.114 (6) (c), 302.114 (9) (b), 302.114 (9) (bm), 302.114 (9) (c), 302.33 (1),
2 303.065 (1) (b) 1., 303.08 (1) (intro.), 303.08 (2), 303.08 (5) (intro.), 303.08 (6),
3 303.08 (12), 304.06 (1) (b), 304.071 (2), 304.11 (3), 341.605 (3), 342.06 (2),
4 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.31
5 (1) (i), 343.31 (3) (d) (intro.), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3)
6 (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c),
7 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5),
8 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11
9 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13
10 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
11 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07,
12 801.50 (5), 908.08 (1), 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m)
13 (b) 1., 938.355 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1),
14 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50
15 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1)
16 (c), 939.62 (2m) (a) 2m. a., 939.62 (2m) (a) 2m. b., 939.623 (2), 939.624 (2),
17 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2)
18 (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2),
19 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11
20 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4),
21 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.195 (6),
22 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20
23 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2)
24 (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225 (2)
25 (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2) (b),

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1 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m.,
2 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b)
3 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1),
4 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.),
5 940.32 (2m), 940.32 (3) (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45
6 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a) (intro.),
7 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f),
8 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295
9 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2)
10 (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2.,
11 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38
12 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011 (2) (intro.),
13 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2)
14 (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2),
15 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3)
16 (b), 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20
17 (3) (d) 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c)
18 (intro.), 943.208 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3)
19 (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25
20 (1), 943.25 (2) (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4),
21 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1)
22 (intro.), 943.32 (2), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2),
23 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c),
24 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46
25 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50 (4) (b), 943.50 (4)

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1 (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4) (c), 943.70
2 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3) (b) 3.,
3 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06, 944.16
4 (intro.), 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2),
5 944.34 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1)
6 (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1)
7 (intro.), 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31
8 (1) (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42
9 (3) (intro.), 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (1m) (intro.),
10 946.43 (2m) (a) (intro.), 946.44 (1) (intro.), 946.44 (1g), 946.44 (1m), 946.47 (1)
11 (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1)
12 (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r) (b), 946.68 (1r) (c), 946.69
13 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82 (4), 946.84 (1),
14 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015, 948.02 (2),
15 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03 (3)
16 (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1)
17 (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.),
18 948.07 (intro.), 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12
19 (intro.), 948.13 (2), 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.),
20 948.30 (1) (intro.), 948.30 (2) (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3)
21 (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c),
22 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b), 948.62 (1) (a), 948.62 (1) (b), 948.62
23 (1) (c), 949.03 (1) (b), 950.04 (1v) (g), 951.18 (1), 951.18 (2), 951.18 (2m), 961.41
24 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.), 961.41 (1) (cm)
25 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41 (1) (d) 1.,

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1 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41
2 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.),
3 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41
4 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h)
5 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m)
6 (intro.), 961.41 (1m) (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.), 961.41 (1m)
7 (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.), 961.41
8 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m)
9 (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m)
10 (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m) (f) 1., 961.41 (1m) (f) 2., 961.41 (1m)
11 (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1., 961.41 (1m) (g) 2., 961.41 (1m)
12 (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h) 2., 961.41 (1m)
13 (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (1q), 961.41 (1r),
14 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (cm), 961.41 (2) (d),
15 961.41 (3g) (b), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f),
16 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.437 (4) (a), 961.437 (4) (b), 961.455
17 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a), 961.48 (3), 961.55 (1) (d) 3., 961.573
18 (3), 961.574 (3), 961.575 (3), 967.04 (9), 968.255 (1) (a) 2., 968.31 (1) (intro.),
19 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (a), 971.365
20 (1) (b), 971.365 (1) (c), 971.365 (2), 972.15 (2c), 973.01 (1), 973.01 (2) (intro.),
21 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01 (2) (b) 4., 973.01 (2)
22 (b) 5., 973.01 (4), 973.01 (6), 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2., 973.032
23 (4) (c) 2., 973.09 (2) (b) 1., 973.155 (1) (b), 977.06 (2) (b) and 978.13 (1) (c); **to**
24 **repeal and recreate** 944.15 (title), 961.41 (1) (im) and 961.41 (1m) (im); **to**
25 **create** 13.525, 15.105 (27), 19.42 (10) (o), 19.42 (13) (n), 20.505 (4) (dr), 20.505

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1 (4) (mr), 20.923 (4) (b) 7., 20.923 (6) (hr), 49.95 (1) (e) and (f), 125.075 (2) (b),
2 227.01 (13) (sm), 230.08 (2) (L) 6., 230.08 (2) (of), 302.11 (7) (ag), 302.11 (7) (e),
3 302.113 (7m), 302.113 (8m), 302.113 (9) (ag), 302.113 (9) (at), 302.113 (9) (d),
4 302.113 (9) (e), 302.113 (9) (f), 302.113 (9) (g), 302.113 (9g), 302.114 (8m),
5 302.114 (9) (ag), 302.114 (9) (d), 302.114 (9) (e), 302.114 (9) (f), 346.04 (2t),
6 346.04 (4), 346.17 (2t), 801.50 (5c), 939.32 (1) (bm), 939.32 (1g), 939.32 (1m),
7 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h),
8 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09
9 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d),
10 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3)
11 (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41
12 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48 (1)
13 (a) and (b), 971.17 (1) (b), 971.17 (1) (d), 973.01 (2) (b) 6m., 973.01 (2) (b) 7.,
14 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2.,
15 973.01 (2) (d) 1. to 6., 973.017, 973.15 (2m), 973.30 and 977.05 (4) (jm) of the
16 statutes; and *to affect* 1997 Wisconsin Act 283, section 454 (1) (f); **relating to:**
17 classification and elements of felony offenses and certain misdemeanor
18 offenses; criminal sentences and commitments; modification of a bifurcated
19 sentence in certain cases; revocation of extended supervision; the creation of a
20 sentencing commission and temporary sentencing guidelines; making an
21 appropriation; and providing penalties.

Analysis by the Legislative Reference Bureau***Felony penalties***

Under current law, crimes punishable by imprisonment of more than one year are felonies. Virtually every felony created in the criminal code is put in one of six

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classes (Class A, B, BC, C, D, or E), and each class has 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, as a result of the changes made by 1997 Wisconsin Act 283, an unclassified crime punishable by a maximum term of imprisonment of one year, if the crime was committed before December 31, 1999, is punishable by a maximum of two years of imprisonment, if the crime is committed on or after December 31, 1999. Similarly, an unclassified crime punishable by a maximum term of imprisonment of five years if committed before December 31, 1999, is punishable by a term of imprisonment of seven years and six months if committed on or after December 31, 1999. 1997 Wisconsin Act 283 did not change any maximum fine provided for any unclassified felony.

This bill does the following with respect to criminal offenses and penalties for them:

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:

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<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, item 1 under *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. *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.

4. *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*).

5. *Increase in certain misdemeanor penalties.* The bill increases penalties for a few misdemeanor offenses by classifying them as felony offenses. The

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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).

6. *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. For the most part, this bill eliminates both mandatory and presumptive minimum prison sentences for felony offenses. The bill, however, does not eliminate mandatory prison sentence requirements for Class A felonies, which carry a mandatory sentence of life imprisonment (see below, ***Sentences of life imprisonment***), nor does it change 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. It also does not change the requirement that a person be given a minimum sentence of imprisonment if he or she is convicted of a repeat serious sex crime or a repeat violent crime, though the bill provides that, instead of a minimum sentence of five years, the court must impose a bifurcated sentence that includes a minimum term of confinement in prison of three years and six months (see below, ***The structure of felony sentences***, item 2, for a description of bifurcated sentences). 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.

7. *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 requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to bifurcated sentences and sentences imposed under current law 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

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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 commits 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 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.

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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 the department of corrections (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 does for the current 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:

<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

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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 (created by 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 (a current law sentence), the court must specify all of the following: 1) whether the confinement in prison portion of the bifurcated sentence is to run concurrent with or consecutively to the imprisonment portion of the current law sentence; and 2) whether the period of parole under the current law sentence is to run concurrent with or consecutively to the term of extended supervision portion of the bifurcated sentence. The court must also make the same specifications when imposing a current law 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 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.

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 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.

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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 specifies 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 who is sentencing 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

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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.

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. 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 the effective date of the changes made in this bill regarding felony classifications (see below, ***Effective date***). 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, and 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, 2006.

Joint review committee on criminal penalties

This bill creates a joint review committee on criminal penalties (joint review committee), which will review proposed legislation that creates a new crime or revises a penalty for an existing crime. The joint review committee is comprised of one majority party member and one minority party member from each house of the legislature, 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 members of the public appointed by the governor, one of whom must have law enforcement experience in this state and one of whom must be an elected county official.

Under this bill, when a bill that is introduced in either house of the legislature proposes to create a new crime or revise a penalty for an existing crime and the bill is referred to a standing committee of the house in which it is introduced, the

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chairperson may request the joint review committee to prepare a report on the bill. If the bill is not referred to a standing committee, the speaker of the assembly, if the bill is introduced in the assembly, or the presiding officer of the senate, if the bill is introduced in the senate, may request the joint review committee to prepare a report on the bill. A report on a bill by the joint review committee must address such issues as the costs that are likely to be incurred or saved if the bill is enacted, the consistency of penalties proposed in the bill with existing criminal penalties, and whether acts prohibited under the bill are prohibited under existing criminal statutes. If a bill that is introduced in either house of the legislature proposes to create a new crime or revise a penalty for an existing crime, a standing committee to which the bill is referred may not vote on whether to recommend the bill for passage and the bill may not be passed by the house in which it is introduced before the joint review committee submits a report or, if a report is requested by the speaker of the assembly or the presiding officer of the senate, before the 30th day after the report is requested, whichever is earlier.

Effective date

The requirement that crime legislation be reviewed by the joint review committee on criminal penalties takes effect on January 1, 2002. Other changes relating to crimes and criminal penalties described in this analysis take effect on the first day of the seventh month beginning after this bill's publication as an act.

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:

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1 NAME

2 ADDRESS

3 CITY STATE ZIP CODE

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

9(Municipal Clerk)

10(Municipality)

11 **SECTION 2.** 11.61 (1) (a) of the statutes is amended to read:

12 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
13 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
14 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
15 felony.

16 **SECTION 3.** 11.61 (1) (b) of the statutes is amended to read:

17 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
18 or 11.38 where is guilty of a Class I felony ~~if~~ the intentional violation does not involve
19 a specific figure, or ~~where~~ if the intentional violation concerns a figure which exceeds
20 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
21 ~~more than 4 years and 6 months or both.~~

22 **SECTION 4.** 12.60 (1) (a) of the statutes is amended to read:

23 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
24 (a), (e), (f), (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned~~
25 ~~for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

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1 **SECTION 5.** 13.05 of the statutes is amended to read:

2 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
3 offers or promises to give his or her vote or influence in favor of or against any
4 measure or proposition pending or proposed to be introduced, in the legislature in
5 consideration or upon condition that any other person elected to the same legislature
6 will give or will promise or agree to give his or her vote or influence in favor of or
7 against any other measure or proposition pending or proposed to be introduced in
8 such legislature, or who gives, offers or promises to give his or her vote or influence
9 for or against any measure on condition that any other member will give his or her
10 vote or influence in favor of any change in any other bill pending or proposed to be
11 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~
12 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~
13 is guilty of a Class I felony.

14 **SECTION 6.** 13.06 of the statutes is amended to read:

15 **13.06 Executive favor.** Any member of the legislature who gives, offers or
16 promises to give his or her vote or influence in favor of or against any measure or
17 proposition pending or proposed to be introduced in the legislature, or that has
18 already been passed by either house of the legislature, in consideration of or on
19 condition that the governor approve, disapprove, veto or sign, or agree to approve,
20 disapprove, veto or sign, any other measure or proposition pending or proposed to be
21 introduced in the legislature or that has already been passed by the legislature, or
22 either house thereof, or in consideration or upon condition that the governor
23 nominate for appointment or appoint or remove any person to or from any office or
24 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~

ASSEMBLY BILL 3**SECTION 6**

1 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
2 of a Class I felony.

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

4 **13.525 Joint review committee on criminal penalties. (1) CREATION.**

5 There is created a joint review committee on criminal penalties composed of the
6 following members:

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

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

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

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

13 (e) A reserve judge who resides in the 1st, 2nd, 3rd, 4th, or 5th judicial
14 administrative district and a reserve judge who resides in the 6th, 7th, 8th, 9th, or
15 10th judicial administrative district, appointed by the supreme court.

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

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

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

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

4 **(5) REVIEW OF LEGISLATION RELATING TO CRIMES.** (a) If any bill that is introduced
5 in either house of the legislature proposes to create a new crime or revise a penalty
6 for an existing crime and the bill is referred to a standing committee of the house in
7 which it is introduced, the chairperson may request the joint review committee to
8 prepare a report on the bill under par. (b). If the bill is not referred to a standing
9 committee, the speaker of the assembly, if the bill is introduced in the assembly, or
10 the presiding officer of the senate, if the bill is introduced in the senate, may request
11 the joint review committee to prepare a report on the bill under par. (b).

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

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

18 2. The consistency of penalties proposed in the bill with existing criminal
19 penalties.

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

22 4. Whether acts prohibited under the bill are prohibited under existing
23 criminal statutes.

24 (c) The chief clerk shall print a report prepared by the committee under par.
25 (b) as an appendix to the bill and attach it thereto as are amendments. The

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1 reproduction shall be in lieu of inclusion in the daily journal of the house in which
2 the proposal is introduced.

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

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

13 **SECTION 8.** 13.69 (6m) of the statutes is amended to read:

14 13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a
15 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
16 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
18 felony.

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

20 15.01 (2) “Commission” means a 3-member governing body in charge of a
21 department or independent agency or of a division or other subunit within a
22 department, except for the Wisconsin waterways commission which shall consist of
23 5 members, the parole commission which shall consist of 6 members and the Fox
24 River management commission which shall consist of 7 members. A Wisconsin group
25 created for participation in a continuing interstate body, or the interstate body itself,

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1 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
2 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
3 but is not a commission for purposes of s. 15.06. The sentencing commission created
4 under s. 15.105 (27) shall be known as a “commission” but is not a commission for
5 purposes of s. 15.06 (1) to (4m), (7), and (9).

6 **SECTION 10.** 15.105 (27) of the statutes is created to read:

7 15.105 (27) SENTENCING COMMISSION. (a) *Creation; membership.* There is
8 created a sentencing commission that is attached to the department of
9 administration under s. 15.03 and that shall consist of the following members:

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

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

12 3. Seven members, at least 2 of whom are not employed by any unit of federal,
13 state, or local government, appointed by the governor.

14 4. One majority party member from each house of the legislature, appointed
15 as are the members of standing committees in their respective houses.

16 5. One member appointed by the senate majority leader or, if the senate
17 majority leader and the governor are members of the same political party, by the
18 senate minority leader.

19 6. Two circuit judges, appointed by the supreme court.

20 7. One representative of crime victims and one district attorney, each appointed
21 by the attorney general.

22 8. One attorney in private practice engaged primarily in the practice of criminal
23 defense, appointed by the criminal law section of the State Bar of Wisconsin.

ASSEMBLY BILL 3

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

4 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
5 3. and 5. to 8. shall serve 3-year terms and are eligible for reappointment.

6 2. The term of a circuit judge appointed under par. (a) 6. shall end when such
7 person ceases to be a circuit judge. The term of a district attorney appointed under
8 par. (a) 7. shall end when such person ceases to be a district attorney.

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

12 (e) *Reimbursement and compensation.* Members of the commission shall be
13 reimbursed for their actual and necessary expenses incurred in the performance of
14 their duties. An officer or employee of the state shall be reimbursed by the agency
15 that pays the member's salary. Members who are full-time state officers or
16 employees shall receive no compensation for their services. Other members shall be
17 paid \$25 per day, in addition to their actual and necessary expenses, for each day on
18 which they are actually and necessarily engaged in the performance of their duties.

19 (f) *Sunset.* This subsection does not apply after December 31, 2006.

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

21 19.42 (10) (o) A member, the executive director, or the deputy director of the
22 sentencing commission.

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

24 19.42 (13) (n) The position of member, executive director, or deputy director of
25 the sentencing commission.

ASSEMBLY BILL 3**SECTION 18**

1 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
2 person.

3 **SECTION 19.** 26.14 (8) of the statutes is amended to read:

4 26.14 **(8)** Any person who intentionally sets fire to the land of another or to a
5 marsh shall be fined not more than \$10,000 or imprisoned for not more than 7 years
6 and 6 months or both is guilty of a Class H felony.

7 **SECTION 20.** 29.971 (1) (c) of the statutes is amended to read:

8 29.971 **(1)** (c) For A person having fish in his or her possession in violation of
9 this chapter and is guilty of a Class I felony if the value of the fish under par. (d)
10 exceeds \$1,000, ~~by a fine of not more than \$10,000 or imprisonment for not more than~~
11 ~~3 years or both.~~

12 **SECTION 21.** 29.971 (1m) (c) of the statutes is amended to read:

13 29.971 **(1m)** (c) For A person possessing clams in violation of s. 29.537, is guilty
14 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine~~
15 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

16 **SECTION 22.** 29.971 (11m) (a) of the statutes is amended to read:

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

ASSEMBLY BILL 3

1 **SECTION 23.** 29.971 (11p) (a) of the statutes is amended to read:

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

5 **SECTION 24.** 30.80 (2g) (b) of the statutes 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 is amended to read:

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

13 **SECTION 26.** 30.80 (2g) (d) of the statutes is amended to read:

14 30.80 **(2g)** (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
15 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
16 death to a person.

17 **SECTION 27.** 30.80 (3m) of the statutes is amended to read:

18 30.80 **(3m)** Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~
19 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
20 a Class H felony.

21 **SECTION 28.** 36.25 (6) (d) of the statutes is amended to read:

22 36.25 **(6)** (d) Any officer, agent, clerk or employee of the survey or department
23 of revenue who makes known to any person except the officers of the survey or
24 department of revenue, in any manner, any information given to such person in the
25 discharge of such person's duties under par. (c), which information was given to such

ASSEMBLY BILL 3**SECTION 28**

1 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
2 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
3 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
4 the use for assessment purposes of any information obtained under this subsection.

5 **SECTION 29.** 47.03 (3) (d) of the statutes is amended to read:

6 47.03 **(3)** (d) Any person who violates this subsection shall be fined not more
7 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

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

9 48.355 **(2d)** (b) 3. That the parent has committed a violation of s. 940.19 (3),
10 1999 stats., a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225 (1) or (2), 948.02 (1) or
11 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
12 federal law, if that violation would be a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225
13 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,
14 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
15 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
16 of the parent.

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

18 48.415 **(9m)** (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,
19 a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
20 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other
21 state or federal law, if that violation would be a violation of s. 940.19 (2), ~~(3),~~ (4) or
22 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
23 or 948.08 if committed in this state.

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

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1 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
2 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4)
3 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
4 violation of the law of any other state or federal law, if that violation would be a
5 violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
6 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
7 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
8 defined in s. 939.22 (38), to the child or another child of the parent.

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

10 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
11 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,
12 ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other
13 state or federal law under circumstances under which the person would be subject
14 to a penalty specified in any of those sections if convicted in this state.

15 **SECTION 34.** 48.685 (1) (c) of the statutes is amended to read:

16 48.685 (1) (c) “Serious crime” means a violation of s. 940.19 (3), 1999 stats., a
17 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),
18 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
19 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
20 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or
21 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or
22 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),
23 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
24 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
25 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

ASSEMBLY BILL 3**SECTION 35**

1 **SECTION 35.** 48.685 (5) (bm) 2. of the statutes is amended to read:

2 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),
3 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

4 **SECTION 36.** 48.685 (5) (bm) 3. of the statutes is amended to read:

5 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01,
6 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
7 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

8 **SECTION 37.** 48.685 (5) (bm) 4. of the statutes is amended to read:

9 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),
10 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that
11 is a felony, if committed not more than 5 years before the date of the investigation
12 under sub. (2) (am).

13 **SECTION 38.** 49.127 (8) (a) 2. of the statutes is amended to read:

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

17 **SECTION 39.** 49.127 (8) (b) 2. of the statutes is amended to read:

18 49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than
19 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
20 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
21 felony.

22 **SECTION 40.** 49.127 (8) (c) of the statutes is amended to read:

23 49.127 (8) (c) For any offense under this section, if the value of the food coupons
24 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
25 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

ASSEMBLY BILL 3

1 **SECTION 41.** 49.141 (7) (a) of the statutes is amended to read:

2 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
3 the furnishing by that person of items or services for which payment is or may be
4 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
5 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

6 **SECTION 42.** 49.141 (7) (b) of the statutes is amended to read:

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

10 **SECTION 43.** 49.141 (9) (a) of the statutes is amended to read:

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

20 **SECTION 44.** 49.141 (9) (b) of the statutes 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

ASSEMBLY BILL 3**SECTION 44**

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 45.** 49.141 (10) (b) of the statutes is amended to read:

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

10 **SECTION 46.** 49.195 (3n) (k) of the statutes is amended to read:

11 49.195 **(3n)** (k) Any person who removes, deposits or conceals or aids in
12 removing, depositing or concealing any property upon which a levy is authorized
13 under this subsection with intent to evade or defeat the assessment or collection of
14 any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years~~
15 ~~and 6 months or both,~~ is guilty of a Class H felony and shall be liable to the state for
16 assessed the costs of prosecution.

17 **SECTION 47.** 49.195 (3n) (r) of the statutes is amended to read:

18 49.195 **(3n)** (r) No employer may discharge or otherwise discriminate with
19 respect to the terms and conditions of employment against any employee by reason
20 of the fact that his or her earnings have been subject to levy for any one levy or
21 because of compliance with any provision of this subsection. Any person who violates
22 this paragraph ~~may be fined not more than \$1,000 or imprisoned for not more than~~
23 ~~2 years or both~~ is guilty of a Class I felony.

24 **SECTION 48.** 49.49 (1) (b) 1. of the statutes is amended to read:

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1 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,
2 failure, or conversion by any person in connection with the furnishing by that person
3 of items or services for which medical assistance is or may be made, a person
4 ~~convicted of violating 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 (2) (a) of the statutes is amended to read:

9 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits
10 or receives any remuneration, including any kickback, bribe, or rebate, directly or
11 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual
12 to a person for the furnishing or arranging for the furnishing of any item or service
13 for which payment may be made in whole or in part under a medical assistance
14 program, or in return for purchasing, leasing, ordering, or arranging for or
15 recommending purchasing, leasing, or ordering any good, facility, service, or item for
16 which payment may be made in whole or in part under a medical assistance program,
17 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
18 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or imprisoned for
19 not more than 7 years and 6 months or both.

20 **SECTION 50.** 49.49 (2) (b) of the statutes is amended to read:

21 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
22 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
23 or covertly, in cash or in kind to any person to induce such person to refer an
24 individual to a person for the furnishing or arranging for the furnishing of any item
25 or service for which payment may be made in whole or in part under a medical

ASSEMBLY BILL 3**SECTION 50**

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

7 **SECTION 51.** 49.49 (3) of the statutes is amended to read:

8 49.49 **(3)** FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly
9 and wilfully make or cause to be made, or induce or seek to induce the making of, any
10 false statement or representation of a material fact with respect to the conditions or
11 operation of any institution or facility in order that such institution or facility may
12 qualify either upon initial certification or upon recertification as a hospital, skilled
13 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~
14 ~~person who violates~~ this subsection is guilty of a Class H felony, except that,
15 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
16 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
17 ~~or both.~~

18 **SECTION 52.** 49.49 (3m) (b) of the statutes is amended to read:

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

23 **SECTION 53.** 49.49 (4) (b) of the statutes is amended to read:

24 49.49 **(4)** (b) A person who violates this subsection is guilty of a Class H felony,
25 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the

ASSEMBLY BILL 3

1 ~~person may be fined not more than \$25,000 or imprisoned for not more than 7 years~~
2 ~~and 6 months or both.~~

3 **SECTION 54.** 49.95 (1) of the statutes is renumbered 49.95 (1) (intro.) and
4 amended to read:

5 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
6 this chapter, whether for himself or herself or for some other person, wilfully makes
7 any false representations ~~may, if~~ is subject to the following penalties:

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

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

13 (c) If the value of the assistance exceeds \$1,000 but does not exceed \$2,500,
14 \$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not
15 more than 7 years and 6 9 months or both; and if,

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

19 **SECTION 55.** 49.95 (1) (e) and (f) of the statutes are created to read:

20 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
21 \$10,000, the person is guilty of a Class H felony.

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

24 **SECTION 56.** 50.065 (1) (e) 1. of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 56**

1 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.19 (3), 1999 stats.,
2 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3),~~ (4), (5) or (6),
3 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1),
4 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States
5 jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s.
6 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3),~~ (4), (5) or (6), 940.22 (2) or (3),
7 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)
8 (a) if committed in this state.

9 **SECTION 57.** 51.15 (12) of the statutes is amended to read:

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

14 **SECTION 58.** 55.06 (11) (am) of the statutes is amended to read:

15 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the
16 information contained therein to be false ~~may be fined not more than \$5,000 or~~
17 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
18 felony.

19 **SECTION 59.** 66.1207 (1) (b) of the statutes is amended to read:

20 66.1207 (1) (b) Any person who secures or assists in securing dwelling
21 accommodations under s. 66.1205 by intentionally making false representations in
22 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
23 which the person would not otherwise be entitled ~~shall be fined not more than~~
24 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

25 **SECTION 60.** 66.1207 (1) (c) of the statutes is amended to read:

ASSEMBLY BILL 3

1 66.1207 (1) (c) Any person who secures or assists in securing dwelling
2 accommodations under s. 66.1205 by intentionally making false representations in
3 order to receive more than \$25,000 in financial assistance for which the person would
4 not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not~~
5 ~~more than 7 years and 6 months or both~~ is guilty of a Class H felony.

6 **SECTION 61.** 69.24 (1) (intro.) of the statutes is amended to read:

7 69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not~~
8 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class
9 I felony:

10 **SECTION 62.** 70.47 (18) (a) of the statutes is amended to read:

11 70.47 (18) (a) Whoever with intent to injure or defraud alters, damages,
12 removes or conceals any of the items specified under subs. (8) (f) and (17) ~~may be fined~~
13 ~~not more than \$1,000 or imprisoned for not more than 3 years or both~~ is guilty of a
14 Class I felony.

15 **SECTION 63.** 71.83 (2) (b) of the statutes is amended to read:

16 71.83 (2) (b) *Felony.* 1. ‘False income tax return; fraud.’ Any person, other than
17 a corporation or limited liability company, who renders a false or fraudulent income
18 tax return with intent to defeat or evade any assessment required by this chapter
19 ~~shall be~~ is guilty of a Class H felony and may be ~~fined not more than \$10,000 or~~
20 ~~imprisoned for not more than 7 years and 6 months or both, together with~~ assessed
21 the cost of prosecution. In this subdivision, “return” includes a separate return filed
22 by a spouse with respect to a taxable year for which a joint return is filed under s.
23 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by
24 the spouses with respect to a taxable year for which a separate return is filed under
25 s. 71.03 (2) (m) after the filing of that joint return.

ASSEMBLY BILL 3**SECTION 63**

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

8 3. ‘Evasion.’ Any person who removes, deposits or conceals or aids in removing,
9 depositing or concealing any property upon which a levy is authorized with intent
10 to evade or defeat the assessment or collection of any tax administered by the
11 department is guilty of a Class I felony and may be ~~fined not more than \$5,000 or~~
12 ~~imprisoned for not more than 4 years and 6 months or both, together with~~ assessed
13 ~~the costs~~ cost of prosecution.

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

22 **SECTION 64.** 86.192 (4) of the statutes is amended to read:

23 86.192 (4) Any person who violates this section ~~shall be fined not more than~~
24 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
25 if the injury, defacement or removal causes the death of a person.

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1 **SECTION 65.** 97.43 (4) of the statutes is amended to read:

2 97.43 (4) ~~Whoever violates this section may be fined not less than \$500 nor~~
3 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
4 guilty of a Class H felony.

5 **SECTION 66.** 97.45 (2) of the statutes is amended to read:

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

9 **SECTION 67.** 100.171 (7) (b) of the statutes is amended to read:

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

15 **SECTION 68.** 100.2095 (6) (d) of the statutes is amended to read:

16 100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less
17 ~~than \$100 nor~~ more than \$1,000 \$10,000 or imprisoned for not more than ~~one year~~
18 9 months or both. Each day of violation constitutes a separate offense.

19 **SECTION 69.** 100.26 (2) of the statutes is amended to read:

20 100.26 (2) Any person violating s. 100.02 ~~shall be fined not less than \$50 nor~~
21 ~~more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and~~
22 ~~6 months or both~~ is guilty of a Class I felony.

23 **SECTION 70.** 100.26 (5) of the statutes is amended to read:

24 100.26 (5) Any person violating s. 100.06 or any order or regulation of the
25 department thereunder, or s. 100.18 (9), ~~shall~~ may be fined not less than \$100 nor

ASSEMBLY BILL 3**SECTION 70**

1 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

2 Each day of violation constitutes a separate offense.

3 **SECTION 71.** 100.26 (7) of the statutes is amended to read:

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

9 **SECTION 72.** 101.143 (10) (b) of the statutes 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 73.** 101.9204 (2) of the statutes is amended to read:

15 101.9204 (2) Any person who knowingly makes a false statement in an
16 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
17 ~~for not more than 5 years or both~~ is guilty of a Class H felony.

18 **SECTION 74.** 101.94 (8) (b) of the statutes is amended to read:

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

23 **SECTION 75.** 102.835 (11) of the statutes is amended to read:

24 102.835 (11) EVASION. Any person who removes, deposits or conceals or aids in
25 removing, depositing or concealing any property upon which a levy is authorized

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1 under this section with intent to evade or defeat the assessment or collection of any
2 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
3 ~~6 months or both~~, is guilty of a Class I felony and shall be liable to the state for the
4 costs of prosecution.

5 **SECTION 76.** 102.835 (18) of the statutes is amended to read:

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

12 **SECTION 77.** 102.85 (3) of the statutes 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 78.** 108.225 (11) of the statutes is amended to read:

17 108.225 **(11)** EVASION. Any person who removes, deposits or conceals or aids in
18 removing, depositing or concealing any property upon which a levy is authorized
19 under this section with intent to evade or defeat the assessment or collection of any
20 debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and~~
21 ~~6 months or both~~, is guilty of a Class I felony and shall be liable to the state for the
22 costs of prosecution.

23 **SECTION 79.** 108.225 (18) of the statutes is amended to read:

24 108.225 **(18)** RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
25 employer may discharge or otherwise discriminate with respect to the terms and

ASSEMBLY BILL 3**SECTION 79**

1 conditions of employment against any employee by reason of the fact that his or her
2 earnings have been subject to levy for any one levy or because of compliance with any
3 provision of this section. Whoever wilfully violates this subsection may be fined not
4 more than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

5 **SECTION 80.** 110.07 (5) (a) of the statutes is amended to read:

6 110.07 (5) (a) In this subsection, “bulletproof garment” ~~has the meaning given~~
7 ~~in s. 939.64 (1)~~ means a vest or other garment designed, redesigned, or adapted to
8 prevent bullets from penetrating through the garment.

9 **SECTION 81.** 114.20 (18) (c) of the statutes is amended to read:

10 114.20 (18) (c) Any person who knowingly makes a false statement in any
11 application or in any other document required to be filed with the department, or who
12 knowingly foregoes the submission of any application, document, or any registration
13 certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more~~
14 ~~than 7 years and 6 months or both~~ is guilty of a Class H felony.

15 **SECTION 82.** 115.31 (2g) of the statutes is amended to read:

16 115.31 (2g) Notwithstanding subch. II of ch. 111, the state superintendent shall
17 revoke a license granted by the state superintendent, without a hearing, if the
18 licensee is convicted of any Class A, B, C, or D felony under ch. 940 or 948, except ss.
19 940.08 and 940.205, for a violation that occurs on or after September 12, 1991, or any
20 Class E, F, G, or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a
21 violation that occurs on or after the effective date of this subsection [revisor inserts
22 date].

23 **SECTION 83.** 118.19 (4) (a) of the statutes is amended to read:

24 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
25 may not grant a license, for 6 years following the date of the conviction, to any person

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1 who has been convicted of any Class A, B, C, or D felony under ch. 940 or 948, except
2 ss. 940.08 and 940.205, or of an equivalent crime in another state or country, for a
3 violation that occurs on or after September 12, 1991, ~~for 6 years following the date~~
4 ~~of the conviction, and or any Class E, F, G, or H felony under ch. 940 or 948, except~~
5 ~~ss. 940.08 and 940.205, for a violation that occurs on or after the effective date of this~~
6 ~~paragraph ... [revisor inserts date]. The state superintendent may grant the license~~
7 only if the person establishes by clear and convincing evidence that he or she is
8 entitled to the license.

9 **SECTION 84.** 125.075 (2) of the statutes is renumbered 125.075 (2) (a) and
10 amended to read:

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

14 **SECTION 85.** 125.075 (2) (b) of the statutes is created to read:

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

17 **SECTION 86.** 125.085 (3) (a) 2. of the statutes 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 87.** 125.105 (2) (b) of the statutes is amended to read:

22 125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of,
23 a crime ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years~~
24 ~~and 6 months or both is guilty of a Class H felony.~~

25 **SECTION 88.** 125.66 (3) of the statutes is amended to read:

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1 125.66 (3) Any person manufacturing or rectifying intoxicating liquor without
2 holding appropriate permits under this chapter, or any person who sells such liquor,
3 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or~~
4 ~~both. Second or subsequent convictions shall be punished by both the fine and~~
5 ~~imprisonment~~ is guilty of a Class F felony.

6 **SECTION 89.** 125.68 (12) (b) of the statutes is amended to read:

7 125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor~~
8 ~~more than \$5,000 or imprisoned for not less than one year nor more than 15 years~~
9 ~~or both~~ is guilty of a Class F felony.

10 **SECTION 90.** 125.68 (12) (c) of the statutes is amended to read:

11 125.68 (12) (c) Any person causing the death of another human being through
12 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol
13 or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned~~
14 ~~for not more than 15 years~~ is guilty of a Class E felony.

15 **SECTION 91.** 132.20 (2) of the statutes is amended to read:

16 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
17 in this state in a counterfeit mark or in any goods or service bearing or provided
18 under a counterfeit mark ~~shall~~ is guilty of a Class H felony, except that,
19 notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an
20 individual, he or she may be fined not more than \$250,000 ~~or imprisoned for not more~~
21 ~~than 7 years and 6 months or both, or, and~~ if the person is not an individual, the
22 person may be fined not more than \$1,000,000.

23 **SECTION 92.** 133.03 (1) of the statutes is amended to read:

24 133.03 (1) Every contract, combination in the form of trust or otherwise, or
25 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any

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

6 **SECTION 93.** 133.03 (2) of the statutes is amended to read:

7 133.03 (2) Every person who monopolizes, or attempts to monopolize, or
8 combines or conspires with any other person or persons to monopolize any part of
9 trade or commerce is guilty of a Class H felony, except that, notwithstanding the
10 maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
11 \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000
12 ~~or imprisoned for not more than 7 years and 6 months or both.~~

13 **SECTION 94.** 134.05 (4) of the statutes is amended to read:

14 134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not~~
15 ~~less than \$10 nor more than \$500 or by such fine and by imprisonment for not more~~
16 ~~than 2 years~~ may be fined not more than \$10,000 or imprisoned for not more than
17 9 months or both.

18 **SECTION 95.** 134.16 of the statutes is amended to read:

19 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
20 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
21 brokerage or deposit company, corporation or institution, or of any person, company
22 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
23 business in any way, or any person engaged in such business in whole or in part, who
24 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
25 money, or any bills, notes or other paper circulating as money, or any notes, drafts,

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1 bills of exchange, bank checks or other commercial paper for safekeeping or for
2 collection, when he or she knows or has good reason to know that such bank, company
3 or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the~~
4 ~~Wisconsin state prisons for not less than one year nor more than 15 years or fined~~
5 ~~not more than \$10,000~~ is guilty of a Class F felony.

6 **SECTION 96.** 134.20 (1) (intro.) of the statutes is amended to read:

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

10 **SECTION 97.** 134.205 (4) of the statutes is amended to read:

11 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
12 without entering the same in a register as required by this section ~~shall be fined not~~
13 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is
14 guilty of a Class H felony.

15 **SECTION 98.** 134.58 of the statutes is amended to read:

16 **134.58 Use of unauthorized persons as officers.** Any person who,
17 individually, in concert with another or as agent or officer of any firm, joint-stock
18 company or corporation, uses, employs, aids or assists in employing any body of
19 armed persons to act as militia, police or peace officers for the protection of persons
20 or property or for the suppression of strikes, not being authorized by the laws of this
21 state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than~~
22 ~~one year nor more than 4 years and 6 months or both~~ is guilty of a Class I felony.

23 **SECTION 99.** 139.44 (1) of the statutes is amended to read:

24 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
25 any stamp or procures or causes the same to be done, or who knowingly utters,

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1 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
2 affixes the same to any package or container of cigarettes, or who possesses with the
3 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
4 have been affixed ~~shall be imprisoned for not less than one year nor more than 15~~
5 ~~years~~ is guilty of a Class G felony.

6 **SECTION 100.** 139.44 (1m) of the statutes is amended to read:

7 139.44 **(1m)** Any person who falsely or fraudulently tampers with a cigarette
8 meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than~~
9 ~~one year nor more than 15 years~~ is guilty of a Class G felony.

10 **SECTION 101.** 139.44 (2) of the statutes is amended to read:

11 139.44 **(2)** Any person who makes or signs any false or fraudulent report or who
12 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
13 evasion or attempted evasion of that tax ~~shall~~ may be fined not less than \$1,000 ~~nor~~
14 ~~more than \$5,000~~ \$10,000 or imprisoned for not less than 90 days ~~nor~~ more than 2
15 years 9 months or both.

16 **SECTION 102.** 139.44 (8) (c) of the statutes is amended to read:

17 139.44 **(8)** (c) If the number of cigarettes exceeds 36,000, a ~~fine of not more than~~
18 ~~\$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a
19 Class I felony.

20 **SECTION 103.** 139.85 (1) of the statutes is amended to read:

21 139.85 **(1)** The interest and penalties under s. 139.44 (2) to (7) and (9) to (12)
22 apply to this subchapter. In addition, a person who violates s. 139.82 (8) ~~shall~~ may
23 be fined not less than \$1,000 ~~nor~~ more than \$5,000 \$10,000 or imprisoned for not less
24 than 90 days ~~nor~~ more than one year 9 months or both.

25 **SECTION 104.** 139.95 (2) of the statutes is amended to read:

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1 139.95 (2) A dealer who possesses a schedule I controlled substance, a schedule
2 II controlled substance or ketamine or flunitrazepam that does not bear evidence
3 that the tax under s. 139.88 has been paid ~~may be fined not more than \$10,000 or~~
4 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
5 felony.

6 **SECTION 105.** 139.95 (3) of the statutes is amended to read:

7 139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits
8 any stamp or procures or causes the same to be done or who knowingly utters,
9 publishes, passes or tenders as true any false, altered or counterfeit stamp or who
10 affixes a counterfeit stamp to a schedule I controlled substance, a schedule II
11 controlled substance or ketamine or flunitrazepam or who possesses a schedule I
12 controlled substance, a schedule II controlled substance or ketamine or
13 flunitrazepam to which a false, altered or counterfeit stamp is affixed ~~may be fined~~
14 ~~not more than \$10,000 or imprisoned for not less than one year nor more than 15~~
15 ~~years or both~~ is guilty of a Class F felony.

16 **SECTION 106.** 146.345 (3) of the statutes is amended to read:

17 146.345 (3) Any person who violates this section is guilty of a Class H felony,
18 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the
19 person may be fined not more than \$50,000 ~~or imprisoned for not more than 7 years~~
20 ~~and 6 months or both.~~

21 **SECTION 107.** 146.35 (5) of the statutes is amended to read:

22 146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or~~
23 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
24 felony.

25 **SECTION 108.** 146.60 (9) (am) of the statutes is amended to read:

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

4 **SECTION 109.** 146.70 (10) (a) of the statutes is amended to read:

5 146.70 **(10)** (a) Any person who intentionally dials the telephone number “911”
6 to report an emergency, knowing that the fact situation which he or she reports does
7 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
8 than 90 days or both for the first offense and ~~shall be fined not more than \$10,000~~
9 ~~or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
10 felony for any other offense committed within 4 years after the first offense.

11 **SECTION 110.** 154.15 (2) of the statutes is amended to read:

12 154.15 **(2)** Any person who, with the intent to cause a withholding or
13 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
14 the declarant, illegally falsifies or forges the declaration of another or conceals a
15 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
16 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~
17 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
18 felony.

19 **SECTION 111.** 154.29 (2) of the statutes is amended to read:

20 154.29 **(2)** Any person who, with the intent to cause the withholding or
21 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
22 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
23 under s. 154.21 of a do-not-resuscitate order or any responsible person who
24 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~

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1 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
2 felony.

3 **SECTION 112.** 166.20 (11) (b) of the statutes is amended to read:

4 166.20 **(11)** (b) Any person who knowingly and wilfully fails to report the
5 release of a hazardous substance covered under 42 USC 11004 as required under sub.
6 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall~~ is subject to the following
7 penalties:

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

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

16 **SECTION 113.** 167.10 (9) (g) of the statutes is amended to read:

17 167.10 **(9)** (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
18 under sub. (6m) (e) may be fined ~~not more than \$10,000 or imprisoned for not more~~
19 ~~than 15 years or both~~ is guilty of a Class G felony.

20 **SECTION 114.** 175.20 (3) of the statutes is amended to read:

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

ASSEMBLY BILL 3

1 **SECTION 115.** 180.0129 (2) of the statutes is amended to read:

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

4 **SECTION 116.** 181.0129 (2) of the statutes 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 117.** 185.825 of the statutes is amended to read:

9 **185.825 Penalty for false document.** Whoever causes a document to be
10 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
11 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
12 Class I felony.

13 **SECTION 118.** 201.09 (2) of the statutes is amended to read:

14 201.09 (2) Every director, president, secretary or other official or agent of any
15 public service corporation, who shall practice fraud or knowingly make any false
16 statement to secure a certificate of authority to issue any security, or issue under a
17 certificate so obtained and with knowledge of such fraud, or false statement, or
18 negotiate, or cause to be negotiated, any security, in violation of this chapter, ~~shall~~
19 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
20 ~~15 years or both~~ is guilty of a Class I felony.

21 **SECTION 119.** 214.93 of the statutes is amended to read:

22 **214.93 False statements.** A person may not knowingly make, cause, or allow
23 another person to make or cause to be made, a false statement, under oath if required
24 by this chapter or on any report or statement required by the division or by this

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1 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
2 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

3 **SECTION 120.** 215.02 (6) (b) of the statutes is amended to read:

4 215.02 **(6)** (b) If any person mentioned in par. (a) discloses the name of any
5 debtor of any association or any information about the private account or
6 transactions of such association, discloses any fact obtained in the course of any
7 examination of any association, or discloses examination or other confidential
8 information obtained from any state or federal regulatory authority, including an
9 authority of this state or another state, for financial institutions, mortgage bankers,
10 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
11 I felony and shall forfeit his or her office or position ~~and may be fined not less than~~
12 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~
13 ~~3 years or both.~~

14 **SECTION 121.** 215.12 of the statutes is amended to read:

15 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
16 director, employee or agent of any association who steals, abstracts, or wilfully
17 misapplies any property of the association, whether owned by it or held in trust, or
18 who, without authority, issues or puts forth any certificate of savings accounts,
19 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
20 in any book, record, report or statement of the association with intent to injure or
21 defraud the association or any person or corporation, or to deceive any officer or
22 director of the association, or any other person, or any agent appointed to examine
23 the affairs of such association, or any person who, with like intent, aids or abets any
24 officer, director, employee or agent in the violation of this section, ~~shall be imprisoned~~
25 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

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1 **SECTION 122.** 215.21 (21) of the statutes is amended to read:

2 215.21 **(21)** PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS. Every officer,
3 director, employee or agent of any association, or any appraiser making appraisals
4 for any association, who accepts or receives, or offers or agrees to accept or receive
5 anything of value in consideration of its loaning any money to any person; or any
6 person who offers, gives, presents or agrees to give or present anything of value to
7 any officer, director, employee or agent of any association or to any appraiser making
8 appraisals for any association in consideration of its loaning money to the person,
9 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~
10 ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this
11 subsection prohibits an association from employing an officer, employee or agent to
12 solicit mortgage loans and to pay the officer, employee or agent on a fee basis.

13 **SECTION 123.** 218.21 (7) of the statutes is amended to read:

14 218.21 **(7)** Any person who knowingly makes a false statement in an
15 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
16 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
17 Class H felony.

18 **SECTION 124.** 220.06 (2) of the statutes is amended to read:

19 220.06 **(2)** If any employee in the division or any member of the banking review
20 board or any employee thereof discloses the name of any debtor of any bank or
21 licensee, or anything relative to the private account or transactions of such bank or
22 licensee, or any fact obtained in the course of any examination of any bank or
23 licensee, except as herein provided, that person is guilty of a Class I felony and shall
24 be subject, upon conviction, to forfeiture of office or position ~~and may be fined not less~~

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1 ~~than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more~~
2 ~~than 3 years or both.~~

3 **SECTION 125.** 221.0625 (2) (intro.) of the statutes is amended to read:

4 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation
5 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~
6 ~~not more than 15 years~~ is guilty of a Class F felony:

7 **SECTION 126.** 221.0636 (2) of the statutes is amended to read:

8 221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~
9 ~~not more than 30 years~~ is guilty of a Class H felony.

10 **SECTION 127.** 221.0637 (2) of the statutes is amended to read:

11 221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~
12 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
13 felony.

14 **SECTION 128.** 221.1004 (2) of the statutes is amended to read:

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

18 **SECTION 129.** 227.01 (13) (sm) of the statutes is created to read:

19 227.01 (13) (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

20 **SECTION 130.** 230.08 (2) (L) 6. of the statutes is created to read:

21 230.08 (2) (L) 6. Sentencing commission.

22 **SECTION 131.** 230.08 (2) (of) of the statutes is created to read:

23 230.08 (2) (of) The executive director of the sentencing commission.

24 **SECTION 132.** 253.06 (4) (b) of the statutes is amended to read:

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1 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
2 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both, is guilty~~
3 ~~of a Class I felony for the first offense and may be fined not more than \$10,000 or~~
4 ~~imprisoned for not more than 7 years and 6 months, or both, is guilty of a Class H~~
5 ~~felony for the 2nd or subsequent offense.~~

6 **SECTION 133.** 285.87 (2) (b) of the statutes is amended to read:

7 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
8 another conviction under par. (a), the person shall is guilty of a Class I felony, except
9 that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may
10 be fined not more than \$50,000 per day of violation ~~or imprisoned for not more than~~
11 ~~3 years or both.~~

12 **SECTION 134.** 291.97 (2) (b) (intro.) of the statutes is amended to read:

13 291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall
14 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
15 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than
16 \$100,000 ~~or imprisoned for not more than 7 years and 6 months or both:~~

17 **SECTION 135.** 291.97 (2) (c) 1. and 2. of the statutes are amended to read:

18 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall
19 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified
20 in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000
21 ~~or imprisoned for not more than 2 years or both.~~

22 2. For a 2nd or subsequent violation under par. (b), a person shall is guilty of
23 a Class F felony, except that, notwithstanding the maximum fine specified in s.
24 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000
25 ~~or imprisoned for not more than 15 years or both.~~

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1 **SECTION 136.** 299.53 (4) (c) 2. of the statutes is amended to read:

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

8 **SECTION 137.** 301.035 (2) of the statutes is amended to read:

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

12 **SECTION 138.** 301.035 (4) of the statutes is amended to read:

13 301.035 **(4)** Supervise employees in the conduct of the activities of the division
14 and be the administrative reviewing authority for decisions of the division under ss.
15 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
16 ch. 304.

17 **SECTION 139.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

18 301.048 **(2)** (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
19 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
20 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195
21 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2)
22 (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45
23 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013,
24 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43,

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1 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or
2 948.30.

3 **SECTION 140.** 301.26 (4) (cm) 1. of the statutes is amended to read:

4 301.26 **(4)** (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
5 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
6 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured
7 correctional facilities, secured child caring institutions, alternate care providers,
8 aftercare supervision providers and corrective sanctions supervision providers for
9 costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age
10 or over who has been placed in a secured correctional facility based on a delinquent
11 act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or
12 s. 948.36, 1999 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305,
13 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2),
14 948.02 (1), 948.025, (1), or 948.30 (2), 948.35 (1) (b) or 948.36 and for the care of any
15 juvenile 10 years of age or over who has been placed in a secured correctional facility
16 or secured child caring institution for attempting or committing a violation of s.
17 940.01 or for committing a violation of s. 940.02 or 940.05.

18 **SECTION 141.** 301.45 (6) (a) 2. of the statutes is amended to read:

19 301.45 **(6)** (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not~~
20 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class
21 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense
22 if, prior to committing the offense, the person has at any time been convicted of
23 knowingly failing to comply with any requirement to provide information under
24 subs. (2) to (4).

25 **SECTION 142.** 302.045 (3) of the statutes is amended to read:

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1 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department
2 determines that an inmate serving a sentence other than one imposed under s.
3 973.01 has successfully completed the challenge incarceration program, the parole
4 commission shall parole the inmate for that sentence under s. 304.06, regardless of
5 the time the inmate has served, ~~unless the person is serving a sentence imposed~~
6 ~~under s. 973.01.~~ When the parole commission grants parole under this subsection,
7 it must require the parolee to participate in an intensive supervision program for
8 drug abusers as a condition of parole.

9 **SECTION 143.** 302.095 (2) of the statutes is amended to read:

10 302.095 (2) Any officer or other person who delivers or procures to be delivered
11 or has in his or her possession with intent to deliver to any inmate confined in a jail
12 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
13 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
14 prison, any article or thing whatever, with intent that any inmate confined in the jail
15 or prison shall obtain or receive the same, or who receives from any inmate any
16 article or thing whatever with intent to convey the same out of a jail or prison,
17 contrary to the rules or regulations and without the knowledge or permission of the
18 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
19 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~
20 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

21 **SECTION 144.** 302.11 (1g) (a) 2. of the statutes is amended to read:

22 302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m),
23 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.02,
24 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
25 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) or (1m), 943.32 (2),

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1 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07,
2 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

3 **SECTION 145.** 302.11 (1p) of the statutes is amended to read:

4 302.11 **(1p)** An inmate serving a term subject to s. 961.49 (2), 1999 stats., for
5 a crime committed before December 31, 1999, is entitled to mandatory release,
6 except the inmate may not be released before he or she has complied with s. 961.49
7 (2), 1999 stats.

8 **SECTION 146.** 302.11 (1z) of the statutes is amended to read:

9 302.11 **(1z)** An inmate who is sentenced to a term of confinement in prison
10 under s. 973.01 for a felony that is committed on or after December 31, 1999, is not
11 entitled under this section to mandatory release on parole under this section that
12 sentence.

13 **SECTION 147.** 302.11 (3) of the statutes is amended to read:

14 302.11 **(3)** All consecutive sentences imposed for crimes committed before
15 December 31, 1999, shall be computed as one continuous sentence.

16 **SECTION 148.** 302.11 (7) (a) of the statutes is renumbered 302.11 (7) (am) and
17 amended to read:

18 302.11 **(7) (am)** ~~The division of hearings and appeals in the department of~~
19 ~~administration, upon proper notice and hearing, or the department of corrections, if~~
20 ~~the parolee waives a hearing,~~ reviewing authority may return a parolee released
21 under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the
22 remainder of the sentence for a violation of the conditions of parole. The remainder
23 of the sentence is the entire sentence, less time served in custody prior to parole. The
24 revocation order shall provide the parolee with credit in accordance with ss. 304.072
25 and 973.155.

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1 **SECTION 149.** 302.11 (7) (ag) of the statutes is created to read:

2 302.11 (7) (ag) In this subsection “reviewing authority” means the division of
3 hearings and appeals in the department of administration, upon proper notice and
4 hearing, or the department of corrections, if the parolee waives a hearing.

5 **SECTION 150.** 302.11 (7) (b) of the statutes is amended to read:

6 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
7 parole shall be incarcerated for the entire period of time determined by the
8 ~~department of corrections in the case of a waiver or the division of hearings and~~
9 ~~appeals in the department of administration in the case of a hearing under par. (a),~~
10 reviewing authority unless paroled earlier under par. (c). The parolee is not subject
11 to mandatory release under sub. (1) or presumptive mandatory release under sub.
12 (1g). The period of time determined under par. (a) ~~(a)~~ (am) may be extended in
13 accordance with subs. (1q) and (2).

14 **SECTION 151.** 302.11 (7) (d) of the statutes is amended to read:

15 302.11 (7) (d) A parolee who is subsequently released either after service of the
16 period of time determined by the ~~department of corrections in the case of a waiver~~
17 ~~or the division of hearings and appeals in the department of administration in the~~
18 ~~case of a hearing under par. (a)~~ reviewing authority or by a grant of parole under par.
19 (c) is subject to all conditions and rules of parole until expiration of sentence or
20 discharge by the department.

21 **SECTION 152.** 302.11 (7) (e) of the statutes is created to read:

22 302.11 (7) (e) A reviewing authority may consolidate proceedings before it
23 under par. (am) with other proceedings before that reviewing authority under par.
24 (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the
25 parole or extended supervision of the same person.

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1 **SECTION 153.** 302.113 (2) of the statutes is amended to read:

2 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
3 section is entitled to release to extended supervision after he or she has served the
4 term of confinement in prison portion of the sentence imposed under s. 973.01, as
5 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., if
6 applicable.

7 **SECTION 154.** 302.113 (4) of the statutes is amended to read:

8 302.113 (4) All consecutive sentences imposed for crimes committed on or after
9 December 31, 1999, shall be computed as one continuous sentence. The person shall
10 serve any term of extended supervision after serving all terms of confinement in
11 prison.

12 **SECTION 155.** 302.113 (7) of the statutes is amended to read:

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

19 **SECTION 156.** 302.113 (7m) of the statutes is created to read:

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

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

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

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

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

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

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

23 **SECTION 157.** 302.113 (8m) of the statutes is created to read:

24 302.113 **(8m)** (a) Every person released to extended supervision under this
25 section remains in the legal custody of the department. If the department alleges

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1 that any condition or rule of extended supervision has been violated by the person,
2 the department may take physical custody of the person for the investigation of the
3 alleged violation.

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

13 **SECTION 158.** 302.113 (9) (a) of the statutes is renumbered 302.113 (9) (am) and
14 amended to read:

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

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1 bifurcated sentence, less time served by the person in ~~eustody~~ confinement under the
2 sentence before release to extended supervision under sub. (2) and less all time
3 served in confinement for previous revocations of extended supervision under the
4 sentence. The ~~revocation~~ court order returning a person to prison under this
5 paragraph shall provide the person ~~on~~ whose extended supervision was revoked with
6 credit in accordance with ss. 304.072 and 973.155.

7 **SECTION 159.** 302.113 (9) (ag) of the statutes is created to read:

8 302.113 (9) (ag) In this subsection “reviewing authority” means the division of
9 hearings and appeals in the department of administration, upon proper notice and
10 hearing, or the department of corrections, if the person on extended supervision
11 waives a hearing.

12 **SECTION 160.** 302.113 (9) (at) of the statutes is created to read:

13 302.113 (9) (at) When a person is returned to court under par. (am) after
14 revocation of extended supervision, the reviewing authority shall make a
15 recommendation to the court concerning the period of time for which the person
16 should be returned to prison. The recommended time period may not exceed the time
17 remaining on the bifurcated sentence, as calculated under par. (am).

18 **SECTION 161.** 302.113 (9) (b) of the statutes is amended to read:

19 302.113 (9) (b) A person who is returned to prison after revocation of extended
20 supervision shall be incarcerated for the entire period of time specified by the
21 ~~department of corrections in the case of a waiver or by the division of hearings and~~
22 ~~appeals in the department of administration in the case of a hearing~~ court under par.
23 (a) (am). The period of time specified under par. (a) (am) may be extended in
24 accordance with sub. (3). If a person is returned to prison under par. (am) for a period
25 of time that is less than the time remaining on the bifurcated sentence, the person

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1 shall be released to extended supervision after he or she has served the period of time
2 specified by the court under par. (am) and any periods of extension imposed in
3 accordance with sub. (3).

4 **SECTION 162.** 302.113 (9) (c) of the statutes is amended to read:

5 302.113 (9) (c) A person who is subsequently released to extended supervision
6 after service of the period of time specified by the department of corrections in the
7 case of a waiver or by the division of hearings and appeals in the department of
8 administration in the case of a hearing court under par. (a) (am) is subject to all
9 conditions and rules under ~~sub. subs. (7) and, if applicable, (7m)~~ until the expiration
10 of the ~~term of remaining~~ extended supervision portion of the bifurcated sentence.
11 The remaining extended supervision portion of the bifurcated sentence is the total
12 length of the bifurcated sentence, less the time served by the person in confinement
13 under the bifurcated sentence before release to extended supervision under sub. (2)
14 and less all time served in confinement for previous revocations of extended
15 supervision under the bifurcated sentence.

16 **SECTION 163.** 302.113 (9) (d) of the statutes is created to read:

17 302.113 (9) (d) For the purposes of pars. (am) and (c), the amount of time a
18 person has served in confinement before release to extended supervision and the
19 amount of time a person has served in confinement for a revocation of extended
20 supervision includes any extensions imposed under sub. (3).

21 **SECTION 164.** 302.113 (9) (e) of the statutes is created to read:

22 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of
23 hearings and appeals in the department of administration, the hearing examiner
24 may order the taking and allow the use of a videotaped deposition under s. 967.04
25 (7) to (10).

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1 **SECTION 165.** 302.113 (9) (f) of the statutes is created to read:

2 302.113 **(9)** (f) A reviewing authority may consolidate proceedings before it
3 under par. (am) with other proceedings before that reviewing authority under par.
4 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
5 parole or extended supervision of the same person.

6 **SECTION 166.** 302.113 (9) (g) of the statutes is created to read:

7 302.113 **(9)** (g) In any case in which there is a hearing before the division of
8 hearings and appeals in the department of administration concerning whether to
9 revoke of a person's extended supervision, the person on extended supervision may
10 seek review of a decision to revoke extended supervision and the department of
11 corrections may seek review of a decision to not revoke extended supervision. Review
12 of a decision under this paragraph may be sought only by an action for certiorari.

13 **SECTION 167.** 302.113 (9g) of the statutes is created to read:

14 302.113 **(9g)** (a) In this subsection, "program review committee" means the
15 committee at a correctional institution that reviews the security classifications,
16 institution assignments, and correctional programming assignments of inmates
17 confined in the institution.

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

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

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

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

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

24 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
25 by the greater weight of the credible evidence that a modification of the bifurcated

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1 sentence in the manner specified in par. (f) would serve the public interest. If the
2 inmate proves that a modification of the bifurcated sentence in the manner specified
3 in par. (f) would serve the public interest, the court shall modify the inmate's
4 bifurcated sentence in that manner. If the inmate does not prove that a modification
5 of the bifurcated sentence in the manner specified in par. (f) would serve the public
6 interest, the court shall deny the inmate's petition for modification of the bifurcated
7 sentence.

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

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

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

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

17 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
18 shall send a notice of hearing to the victim of the crime committed by the inmate, if
19 the victim has submitted a card under subd. 3. requesting notification. The notice
20 shall inform the victim that he or she may appear at the hearing scheduled under
21 par. (d) and shall inform the victim of the manner in which he or she may provide a
22 statement concerning the modification of the inmate's bifurcated sentence in the
23 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
24 attempt to send the notice of hearing to the last-known address of the inmate's
25 victim, postmarked at least 10 days before the date of the hearing.

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

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

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

24 (j) An inmate eligible to seek modification of his or her bifurcated sentence
25 under this subsection has a right to be represented by counsel in proceedings under

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1 this subsection. An inmate, or the department on the inmate's behalf, may apply to
2 the state public defender for determination of indigency and appointment of counsel
3 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
4 committee under par. (c). If an inmate whose petition has been referred to the court
5 under par. (c) is without counsel, the court shall refer the matter to the state public
6 defender for determination of indigency and appointment of counsel under s. 977.05
7 (4) (jm).

8 **SECTION 168.** 302.114 (4) of the statutes is amended to read:

9 302.114 (4) All consecutive sentences imposed for crimes committed on or after
10 December 31, 1999, shall be computed as one continuous sentence. An inmate
11 subject to this section shall serve any term of extended supervision after serving all
12 terms of confinement in prison.

13 **SECTION 169.** 302.114 (5) (f) of the statutes is amended to read:

14 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
15 release to extended supervision. In an appeal under this paragraph, the appellate
16 court may reverse an order denying a petition for release to extended supervision
17 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
18 discretion in denying the petition for release to extended supervision.

19 **SECTION 170.** 302.114 (6) (b) of the statutes is amended to read:

20 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for
21 release to extended supervision under this section, the clerk of the circuit court in
22 which the petition is filed shall send a copy of the petition and, if a hearing is
23 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
24 the victim has submitted a card under par. (e) requesting notification.

25 **SECTION 171.** 302.114 (6) (c) of the statutes is amended to read:

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1 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
2 may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled,
3 and shall inform the victim of the manner in which he or she may provide written
4 statements concerning the inmate's petition for release to extended supervision.

5 **SECTION 172.** 302.114 (8m) of the statutes is created to read:

6 302.114 (8m) (a) Every person released to extended supervision under this
7 section remains in the legal custody of the department. If the department alleges
8 that any condition or rule of extended supervision has been violated by the person,
9 the department may take physical custody of the person for the investigation of the
10 alleged violation.

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

20 **SECTION 173.** 302.114 (9) (a) of the statutes is renumbered 302.114 (9) (am) and
21 amended to read:

22 302.114 (9) (am) If a person released to extended supervision under this section
23 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
24 ~~the department of administration, upon proper notice and hearing, or the~~
25 ~~department of corrections, if the person on extended supervision waives a hearing,~~

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1 ~~reviewing authority~~ may revoke the extended supervision of the person and return
2 ~~the person to prison. If the extended supervision of the person is revoked, the person~~
3 ~~shall be returned to the circuit court for the county in which the person was convicted~~
4 ~~of the offense for which he or she was on extended supervision, and the court shall~~
5 ~~order the person to be returned to prison, he or she shall be returned to prison for a~~
6 ~~specified period of time, as provided under par. (b) before he or she is eligible for being~~
7 ~~released again to extended supervision. The period of time specified under this~~
8 ~~paragraph may not be less than 5 years and may be extended in accordance with sub.~~
9 ~~(3).~~

10 **SECTION 174.** 302.114 (9) (ag) of the statutes is created to read:

11 302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given
12 in s. 302.113 (9) (ag).

13 **SECTION 175.** 302.114 (9) (b) of the statutes is amended to read:

14 302.114 (9) (b) ~~If~~ When a person is returned to prison court under par. (a) ~~(am)~~
15 after revocation of extended supervision, the department of corrections in the case
16 of a waiver or the division of hearings and appeals in the department of
17 administration in the case of a hearing under par. (a) ~~reviewing authority~~ shall
18 specify a make a recommendation to the court concerning the period of time for which
19 the person ~~shall be incarcerated~~ should be returned to prison before being eligible for
20 release to extended supervision. The period of time ~~specified~~ recommended under
21 this paragraph may not be less than 5 years and may be extended in accordance with
22 ~~sub. (3).~~

23 **SECTION 176.** 302.114 (9) (bm) of the statutes is amended to read:

24 302.114 (9) (bm) A person who is returned to prison under par. (a) ~~(am)~~
25 revocation of extended supervision may, upon petition to the sentencing court, be

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1 released to extended supervision after he or she has served the entire period of time
2 specified ~~in~~ by the court under par. (b) ~~(am)~~, including any periods of extension
3 imposed under sub. (3). A person may not file a petition under this paragraph earlier
4 than 90 days before the date on which he or she is eligible to be released to extended
5 supervision. If a person files a petition for release to extended supervision under this
6 paragraph at any time earlier than 90 days before the date on which he or she is
7 eligible to be released to extended supervision, the court shall deny the petition
8 without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition
9 filed under this paragraph.

10 **SECTION 177.** 302.114 (9) (c) of the statutes is amended to read:

11 302.114 (9) (c) A person who is subsequently released to extended supervision
12 under par. (b) ~~(am)~~ (bm) is subject to all conditions and rules under sub. (8) until the
13 expiration of the sentence.

14 **SECTION 178.** 302.114 (9) (d) of the statutes is created to read:

15 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
16 hearings and appeals in the department of administration, the hearing examiner
17 may order the taking and allow the use of a videotaped deposition under s. 967.04
18 (7) to (10).

19 **SECTION 179.** 302.114 (9) (e) of the statutes is created to read:

20 302.114 (9) (e) A reviewing authority may consolidate proceedings before it
21 under par. (am) with other proceedings before that reviewing authority under par.
22 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the
23 parole or extended supervision of the same person.

24 **SECTION 180.** 302.114 (9) (f) of the statutes is created to read:

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1 302.114 **(9)** (f) In any case in which there is a hearing before the division of
2 hearings and appeals in the department of administration concerning whether to
3 revoke a person's extended supervision, the person on extended supervision may
4 seek review of a decision to revoke extended supervision and the department of
5 corrections may seek review of a decision to not revoke extended supervision. Review
6 of a decision under this paragraph may be sought only by an action for certiorari.

7 **SECTION 181.** 302.33 (1) of the statutes is amended to read:

8 302.33 **(1)** The maintenance of persons who have been sentenced to the state
9 penal institutions; persons in the custody of the department, except as provided in
10 sub. (2) and ~~s. ss.~~ 301.048 (7), 302.113 (8m), and 302.114 (8m); persons accused of
11 crime and committed for trial; persons committed for the nonpayment of fines and
12 expenses; and persons sentenced to imprisonment therein, while in the county jail,
13 shall be paid out of the county treasury. No claim may be allowed to any sheriff for
14 keeping or boarding any person in the county jail unless the person was lawfully
15 detained therein.

16 **SECTION 182.** 303.065 (1) (b) 1. of the statutes is amended to read:

17 303.065 **(1)** (b) 1. A person serving a life sentence, other than a life sentence
18 specified in subd. 2., may be considered for work release only after he or she has
19 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
20 is applicable, or he or she has reached his or her extended supervision eligibility date
21 under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

22 **SECTION 183.** 303.08 (1) (intro.) of the statutes is amended to read:

23 303.08 **(1)** (intro.) Any person sentenced to a county jail for crime, nonpayment
24 of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under

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1 s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during
2 necessary and reasonable hours for any of the following purposes:

3 **SECTION 184.** 303.08 (2) of the statutes is amended to read:

4 303.08 (2) Unless such privilege is expressly granted by the court or, in the case
5 of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),
6 the department, the prisoner person is sentenced to ordinary confinement. The A
7 prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m)
8 or 302.114 (8m), may petition the court for such privilege at the time of sentence or
9 thereafter, and in the discretion of the court may renew the prisoner's petition. The
10 court may withdraw the privilege at any time by order entered with or without notice.

11 **SECTION 185.** 303.08 (5) (intro.) of the statutes is amended to read:

12 303.08 (5) (intro.) By order of the court or, for a person subject to a confinement
13 sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the
14 wages, salary and unemployment insurance and employment training benefits
15 received by prisoners shall be disbursed by the sheriff for the following purposes, in
16 the order stated:

17 **SECTION 186.** 303.08 (6) of the statutes is amended to read:

18 303.08 (6) The department, for a person subject to a confinement sanction
19 under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may
20 authorize the sheriff to whom the prisoner is committed to arrange with another
21 sheriff for the employment or employment training of the prisoner in the other's
22 county, and while so employed or trained to be in the other's custody but in other
23 respects to be and continue subject to the commitment.

24 **SECTION 187.** 303.08 (12) of the statutes is amended to read:

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1 303.08 (12) In counties having a house of correction, any person violating the
2 privilege granted under sub. (1) may be transferred by the county jailer to the house
3 of correction for the remainder of the term of the person's sentence or, if applicable,
4 the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114
5 (8m).

6 **SECTION 188.** 304.06 (1) (b) of the statutes is amended to read:

7 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
8 302.045 (3), ~~961.49 (2)~~, 973.01 (6) or 973.0135, the parole commission may parole an
9 inmate of the Wisconsin state prisons or any felon or any person serving at least one
10 year or more in a county house of correction or a county reforestation camp organized
11 under s. 303.07, when he or she has served 25% of the sentence imposed for the
12 offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c)
13 or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate
14 serving a life term when he or she has served 20 years, as modified by the formula
15 under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable.
16 The person serving the life term shall be given credit for time served prior to
17 sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary
18 may grant special action parole releases under s. 304.02. The department or the
19 parole commission shall not provide any convicted offender or other person
20 sentenced to the department's custody any parole eligibility or evaluation until the
21 person has been confined at least 60 days following sentencing.

22 **SECTION 189.** 304.071 (2) of the statutes is amended to read:

23 304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), 1999 stats.,
24 or s. 939.62 (2m) (c), ~~961.49 (2)~~, 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he
25 or she is not eligible for parole under this section.

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1 **SECTION 190.** 304.11 (3) of the statutes is amended to read:

2 304.11 **(3)** If upon inquiry it further appears to the governor that the convicted
3 person has violated or failed to comply with any of those conditions, the governor may
4 issue his or her warrant remanding the person to the institution from which
5 discharged, and the person shall be confined and treated as though no pardon had
6 been granted, except that the person loses any applicable good time which he or she
7 had earned. If the person is returned to prison, the person is subject to the same
8 limitations as a revoked parolee under s. 302.11 (7). The department shall determine
9 the period of incarceration under s. 302.11 (7) ~~(a)~~ (am). If the governor determines
10 the person has not violated or failed to comply with the conditions, the person shall
11 be discharged subject to the conditional pardon.

12 **SECTION 191.** 341.605 (3) of the statutes is amended to read:

13 341.605 **(3)** Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
14 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation is~~
15 guilty of a Class H felony.

16 **SECTION 192.** 342.06 (2) of the statutes is amended to read:

17 342.06 **(2)** Any person who knowingly makes a false statement in an
18 application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned~~
19 ~~not more than 7 years and 6 months or both is guilty of a Class H felony.~~

20 **SECTION 193.** 342.065 (4) (b) of the statutes is amended to read:

21 342.065 **(4)** (b) Any person who violates sub. (1) with intent to defraud ~~may be~~
22 ~~fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
23 ~~or both is guilty of a Class H felony.~~

24 **SECTION 194.** 342.155 (4) (b) of the statutes is amended to read:

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1 342.155 (4) (b) Any person who violates this section with intent to defraud may
2 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
3 or both is guilty of Class H felony.

4 **SECTION 195.** 342.156 (6) (b) of the statutes is amended to read:

5 342.156 (6) (b) Any person who violates this section with intent to defraud ~~may~~
6 ~~be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months~~
7 ~~or both~~ is guilty of a Class H felony.

8 **SECTION 196.** 342.30 (3) (a) of the statutes is amended to read:

9 342.30 (3) (a) Any person who violates sub. (1g) ~~may be fined not more than~~
10 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
11 Class H felony.

12 **SECTION 197.** 342.32 (3) of the statutes is amended to read:

13 342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000~~
14 ~~or imprisoned for not more than 7 years and 6 months, or both, for each violation~~ is
15 guilty of a Class H felony.

16 **SECTION 198.** 343.31 (1) (i) of the statutes is amended to read:

17 343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer under
18 s. 346.04 (3).

19 **SECTION 199.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

20 343.31 (3) (d) (intro.) Any person convicted of knowingly fleeing or attempting
21 to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege
22 revoked as follows:

23 **SECTION 200.** 344.48 (2) of the statutes is amended to read:

24 344.48 (2) Any person violating this section may be fined not more than \$1,000
25 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

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1 **SECTION 201.** 346.04 (2t) of the statutes is created to read:

2 346.04 **(2t)** No operator of a vehicle, after having received a visible or audible
3 signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall
4 knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as
5 safety reasonably permits.

6 **SECTION 202.** 346.04 (4) of the statutes is created to read:

7 346.04 **(4)** Subsection (2t) is not an included offense of sub. (3), but a person may
8 not be convicted of violating both subs. (2t) and (3) for acts arising out of the same
9 incident or occurrence.

10 **SECTION 203.** 346.17 (2t) of the statutes is created to read:

11 346.17 **(2t)** Any person violating s. 346.04 (2t) may be fined not more than
12 \$10,000 or imprisoned for not more than 9 months or both.

13 **SECTION 204.** 346.17 (3) (a) of the statutes is amended to read:

14 346.17 **(3)** (a) Except as provided in par. (b), (c) or (d), any person violating s.
15 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be~~
16 ~~imprisoned for not more than 3 years~~ is guilty of a Class I felony.

17 **SECTION 205.** 346.17 (3) (b) of the statutes is amended to read:

18 346.17 **(3)** (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
19 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
20 the person ~~shall be fined not less than \$1,000 nor more than \$10,000 and may be~~
21 ~~imprisoned for not more than 3 years~~ is guilty of a Class H felony.

22 **SECTION 206.** 346.17 (3) (c) of the statutes is amended to read:

23 346.17 **(3)** (c) If the violation results in great bodily harm, as defined in s. 939.22
24 (14), to another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000~~
25 ~~and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

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1 **SECTION 207.** 346.17 (3) (d) of the statutes is amended to read:

2 346.17 **(3)** (d) If the violation results in the death of another, the person shall
3 be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not
4 more than 7 years and 6 months is guilty of a Class E felony.

5 **SECTION 208.** 346.175 (1) (a) of the statutes is amended to read:

6 346.175 **(1)** (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a
7 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for
8 the violation as provided in this section.

9 **SECTION 209.** 346.175 (1) (b) of the statutes is amended to read:

10 346.175 **(1)** (b) Notwithstanding par. (a), no owner of a vehicle involved in a
11 violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this
12 section if the person operating the vehicle or having the vehicle under his or her
13 control at the time of the violation has been convicted for the violation under this
14 section or under s. 346.04 (2t) or (3).

15 **SECTION 210.** 346.175 (4) (b) of the statutes is amended to read:

16 346.175 **(4)** (b) If the owner of the vehicle provides a traffic officer employed by
17 the authority issuing the citation with the name and address of the person operating
18 the vehicle or having the vehicle under his or her control at the time of the violation
19 and sufficient information for the officer to determine that probable cause does not
20 exist to believe that the owner of the vehicle was operating the vehicle at the time
21 of the violation, then the owner of the vehicle shall not be liable under this section
22 or under s. 346.04 (2t) or (3).

23 **SECTION 211.** 346.175 (4) (c) of the statutes is amended to read:

24 346.175 **(4)** (c) If the vehicle is owned by a lessor of vehicles and at the time of
25 the violation the vehicle was in the possession of a lessee, and the lessor provides a

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1 traffic officer employed by the authority issuing the citation with the information
2 required under s. 343.46 (3), then the lessee and not the lessor shall be liable under
3 this section or under s. 346.04 (2t) or (3).

4 **SECTION 212.** 346.175 (4) (d) of the statutes is amended to read:

5 346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
6 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time
7 of the violation the vehicle was being operated by or was under the control of any
8 person on a trial run, and if the dealer provides a traffic officer employed by the
9 authority issuing the citation with the name, address and operator's license number
10 of the person operating the vehicle, then that person, and not the dealer, shall be
11 liable under this section or under s. 346.04 (2t) or (3).

12 **SECTION 213.** 346.175 (5) (intro.) of the statutes is amended to read:

13 346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s.
14 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

15 **SECTION 214.** 346.175 (5) (a) of the statutes is amended to read:

16 346.175 (5) (a) A vehicle owner or other person found liable under this section
17 for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor
18 more than \$1,000.

19 **SECTION 215.** 346.65 (2) (e) of the statutes is amended to read:

20 346.65 (2) (e) Except as provided in pars. (f) and (g), is guilty of a Class H felony
21 and shall be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not
22 less than 6 months ~~nor more than 5 years~~ if the number of convictions under ss.
23 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,
24 revocations and other convictions counted under s. 343.307 (1), equals 5 or more,

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1 except that suspensions, revocations or convictions arising out of the same incident
2 or occurrence shall be counted as one.

3 **SECTION 216.** 346.65 (5) of the statutes is amended to read:

4 346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)
5 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for
6 not less than 90 days nor more than 2 years and 3 months is guilty of a Class I felony.

7 **SECTION 217.** 346.74 (5) (b) of the statutes is amended to read:

8 346.74 (5) (b) Shall May be fined not less than \$300 nor more than \$5,000
9 \$10,000 or imprisoned for not less than 10 days nor more than 2 years 9 months or
10 both if the accident involved injury to a person but the person did not suffer great
11 bodily harm.

12 **SECTION 218.** 346.74 (5) (c) of the statutes is amended to read:

13 346.74 (5) (c) ~~May be fined not more than \$10,000 or imprisoned not more than~~
14 ~~3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a person
15 and the person suffered great bodily harm.

16 **SECTION 219.** 346.74 (5) (d) of the statutes is amended to read:

17 346.74 (5) (d) ~~May be fined not more than \$10,000 or imprisoned not more than~~
18 ~~7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
19 death to a person.

20 **SECTION 220.** 350.11 (2m) of the statutes is amended to read:

21 350.11 (2m) Any person who violates s. 350.135 (1) shall be fined not more than
22 \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class H felony
23 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
24 person.

25 **SECTION 221.** 351.07 (2) (a) of the statutes is renumbered 351.07 (2).

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1 **SECTION 222.** 351.07 (2) (b) of the statutes is repealed.

2 **SECTION 223.** 446.07 of the statutes is amended to read:

3 **446.07 Penalty.** Anyone violating this chapter may be fined not less than \$100
4 ~~nor~~ more than \$500 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or
5 both.

6 **SECTION 224.** 447.09 of the statutes is amended to read:

7 **447.09 Penalties.** Any person who violates this chapter may be fined not more
8 than \$1,000 or imprisoned for not more than one year in the county jail or both for
9 the first offense and ~~may be fined not more than \$2,500 or imprisoned for not more~~
10 ~~than 3 years or both~~ is guilty of a Class I felony for the 2nd or subsequent conviction
11 within 5 years.

12 **SECTION 225.** 450.11 (9) (b) of the statutes is amended to read:

13 450.11 **(9)** (b) Any person who delivers, or who possesses with intent to
14 manufacture or deliver, a prescription drug in violation of this section ~~may be fined~~
15 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
16 is guilty of a Class H felony.

17 **SECTION 226.** 450.14 (5) of the statutes is amended to read:

18 450.14 **(5)** Any person who violates this section ~~may be fined not less than \$100~~
19 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~
20 ~~and 6 months or both~~ is guilty of a Class H felony.

21 **SECTION 227.** 450.15 (2) of the statutes is amended to read:

22 450.15 **(2)** Any person who violates this section ~~may be fined not less than \$100~~
23 ~~nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years~~
24 ~~and 6 months or both~~ is guilty of a Class H felony.

25 **SECTION 228.** 551.58 (1) of the statutes is amended to read:

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1 551.58 (1) Any person who wilfully violates any provision of this chapter except
2 s. 551.54, or any rule under this chapter, or any order of which the person has notice,
3 or who violates s. 551.54 knowing or having reasonable cause to believe that the
4 statement made was false or misleading in any material respect, ~~may be fined not~~
5 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
6 guilty of a Class H felony. Each of the acts specified shall constitute a separate
7 offense and a prosecution or conviction for any one of such offenses shall not bar
8 prosecution or conviction for any other offense.

9 **SECTION 229.** 552.19 (1) of the statutes is amended to read:

10 552.19 (1) Any person, including a controlling person of an offeror or target
11 company, who wilfully violates this chapter or any rule under this chapter, or any
12 order of which the person has notice, ~~may be fined not more than \$5,000 or~~
13 ~~imprisoned for not more than 7 years and 6 months or both is guilty of a Class H~~
14 felony. Each of the acts specified constitutes a separate offense and a prosecution or
15 conviction for any one of the offenses does not bar prosecution or conviction for any
16 other offense.

17 **SECTION 230.** 553.52 (1) of the statutes is amended to read:

18 553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of
19 which the person has notice, or who violates s. 553.41 (1) knowing or having
20 reasonable cause to believe either that the statement made was false or misleading
21 in any material respect or that the failure to report a material event under s. 553.31
22 (1) was false or misleading in any material respect, ~~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 G felony. Each of the acts specified is a separate offense, and a prosecution or

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1 conviction for any one of those offenses does not bar prosecution or conviction for any
2 other offense.

3 **SECTION 231.** 553.52 (2) of the statutes is amended to read:

4 553.52 (2) Any person who employs, directly or indirectly, any device, scheme
5 or artifice to defraud in connection with the offer or sale of any franchise or engages,
6 directly or indirectly, in any act, practice, or course of business which operates or
7 would operate as a fraud or deceit upon any person in connection with the offer or
8 sale of any franchise shall be fined not more than \$5,000 or imprisoned for not more
9 than 7 years and 6 months or both is guilty of a Class G felony.

10 **SECTION 232.** 562.13 (3) of the statutes is amended to read:

11 562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than~~
12 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

13 **SECTION 233.** 562.13 (4) of the statutes is amended to read:

14 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 ~~may be~~
15 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
16 ~~or both~~ is guilty of a Class H felony.

17 **SECTION 234.** 565.50 (2) of the statutes is amended to read:

18 565.50 (2) Any person who alters or forges a lottery ticket or share or
19 intentionally utters or transfers an altered or forged lottery ticket or share ~~shall be~~
20 ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
21 ~~or both~~ is guilty of a Class I felony.

22 **SECTION 235.** 565.50 (3) of the statutes is amended to read:

23 565.50 (3) Any person who possesses an altered or forged lottery ticket or share
24 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
25 more than 3 years 9 months or both.

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1 **SECTION 236.** 601.64 (4) of the statutes is amended to read:

2 601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally
3 permits any person over whom he or she has authority to violate or intentionally aids
4 any person in violating any insurance statute or rule of this state, s. 149.13 or
5 149.144 or any effective order issued under s. 601.41 (4) may is guilty of a Class I
6 felony, unless a specific penalty is provided elsewhere in the statutes, ~~be fined not~~
7 ~~more than \$10,000 if a corporation or if a natural person be fined not more than~~
8 ~~\$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the
9 meaning expressed under s. 939.23.

10 **SECTION 237.** 641.19 (4) (a) of the statutes is amended to read:

11 641.19 (4) (a) Any person who wilfully violates or fails to comply with any
12 provision of this chapter or the rules promulgated thereunder or who, knowingly,
13 makes a false statement, a false representation of a material fact, or who fails to
14 disclose a material fact in any registration, examination, statement or report
15 required under this chapter or the rules promulgated thereunder, ~~may be fined not~~
16 ~~more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is~~
17 guilty of a Class H felony.

18 **SECTION 238.** 641.19 (4) (b) of the statutes is amended to read:

19 641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully
20 abstracts or converts to his or her own use or to the use of another, any of the moneys,
21 funds, securities, premiums, credits, property, or other assets of any employee
22 welfare fund, or of any fund connected therewith, ~~shall be fined not more than~~
23 ~~\$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a~~
24 Class H felony.

25 **SECTION 239.** 753.061 (2m) of the statutes is amended to read:

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1 753.061 **(2m)** The chief judge of the 1st judicial administrative district is
2 authorized to designate 4 circuit court branches to primarily handle violent crime
3 cases that involve a violation of s. 939.63, if a felony is committed while armed, and
4 of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32
5 (2). If the circuit court branches are designated under this subsection, 2 shall begin
6 to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to
7 primarily handle violent crime cases on August 1, 1992.

8 **SECTION 240.** 765.30 (1) (intro.) of the statutes is amended to read:

9 765.30 **(1)** (intro.) The following shall may be fined not less than \$200 ~~nor~~ more
10 than \$1,000 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

11 **SECTION 241.** 765.30 (2) (intro.) of the statutes is amended to read:

12 765.30 **(2)** (intro.) The following shall may be fined not less than \$100 ~~nor~~ more
13 than \$1,000 \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both:

14 **SECTION 242.** 767.242 (8) of the statutes is amended to read:

15 767.242 **(8)** PENALTY. Whoever intentionally violates an injunction issued
16 under sub. (5) (b) 2. c. ~~may be fined not more than \$10,000 or imprisoned for not more~~
17 ~~than 2 years or both~~ is guilty of a Class I felony.

18 **SECTION 243.** 768.07 of the statutes is amended to read:

19 **768.07 Penalty.** Any person who violates any provision of this chapter may
20 be fined not less than \$100 ~~nor~~ more than \$1,000 \$10,000 or imprisoned for not more
21 than ~~2 years~~ 9 months or both.

22 **SECTION 244.** 783.07 of the statutes is amended to read:

23 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus shall be
24 is directed to any public officer, body, board or person, commanding the performance
25 of any duty specially enjoined by law, ~~if it shall appear to the court that such~~ and the

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1 officer or person or any member of such the body or board has, without just excuse,
2 refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not~~
3 ~~exceeding \$5,000, upon every such, the officer, person or member of such the body or~~
4 ~~board, or sentence the officer, person or member to imprisonment for not more than~~
5 ~~7 years and 6 months~~ is guilty of a Class H felony.

6 **SECTION 245.** 801.50 (5) of the statutes is amended to read:

7 801.50 (5) Venue of an action for certiorari to review a probation, extended
8 supervision or parole revocation, a denial by a program review committee under s.
9 302.113 (9g) of a petition for modification of a bifurcated sentence, or a refusal of
10 parole ~~by certiorari~~ shall be the county in which the relator was last convicted of an
11 offense for which the relator was on probation, extended supervision or parole or for
12 which the relator is currently incarcerated.

13 **SECTION 246.** 801.50 (5c) of the statutes is created to read:

14 801.50 (5c) Venue of an action for certiorari brought by the department of
15 corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke
16 extended supervision shall be in the county in which the person on extended
17 supervision was convicted of the offense for which he or she is on extended
18 supervision.

19 **SECTION 247.** 908.08 (1) of the statutes is amended to read:

20 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
21 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),
22 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the
23 videotaped oral statement of a child who is available to testify, as provided in this
24 section.

25 **SECTION 248.** 911.01 (4) (c) of the statutes is amended to read:

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1 911.01 **(4)** (c) *Miscellaneous proceedings.* Proceedings for extradition or
2 rendition; sentencing, ~~or~~ granting or revoking probation, modification of a bifurcated
3 sentence under s. 302.113 (9g), issuance of arrest warrants, criminal summonses and
4 search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to
5 pretrial release under ch. 969 except where habeas corpus is utilized with respect to
6 release on bail or as otherwise provided in ch. 969.

7 **SECTION 249.** 938.208 (1) (a) of the statutes is amended to read:

8 938.208 **(1)** (a) Probable cause exists to believe that the juvenile has committed
9 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
10 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m)~~
11 ~~or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if
12 committed by an adult.

13 **SECTION 250.** 938.34 (4h) (a) of the statutes is amended to read:

14 938.34 **(4h)** (a) The juvenile is 14 years of age or over and has been adjudicated
15 delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
16 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m)~~
17 ~~or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ or
18 the juvenile is 10 years of age or over and has been adjudicated delinquent for
19 attempting or committing a violation of s. 940.01 or for committing a violation of
20 940.02 or 940.05.

21 **SECTION 251.** 938.34 (4m) (b) 1. of the statutes is amended to read:

22 938.34 **(4m)** (b) 1. The juvenile has committed a delinquent act that would be
23 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
24 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v)
25 or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

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1 **SECTION 252.** 938.355 (2d) (b) 3. of the statutes is amended to read:

2 938.355 **(2d)** (b) 3. That the parent has committed a violation of s. 940.19 (3),
3 1999 stats., or s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
4 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
5 if that violation would be a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225 (1) or (2),
6 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that
7 the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in
8 substantial bodily harm, as defined in s. 939.22 (38), to the juvenile or another child
9 of the parent.

10 **SECTION 253.** 938.355 (4) (b) of the statutes is amended to read:

11 938.355 **(4)** (b) An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile
12 has been adjudicated delinquent is subject to par. (a), except that the judge may make
13 an order under s. 938.34 (4d) or (4m) apply for up to 2 years or until the juvenile's 18th
14 birthdate, whichever is earlier and the judge shall make an order under s. 938.34 (4h)
15 apply for 5 years, if the juvenile is adjudicated delinquent for committing a violation
16 of s. 943.10 (2) or for committing an act that would be punishable as a Class B or C
17 felony if committed by an adult, or until the juvenile reaches 25 years of age, if the
18 juvenile is adjudicated delinquent for committing an act that would be punishable
19 as a Class A felony if committed by an adult.

20 **SECTION 254.** 938.78 (3) of the statutes is amended to read:

21 938.78 **(3)** If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
22 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
23 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
24 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235,
25 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325,

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1 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02,
2 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in
3 ch. 940 has escaped from a secured correctional facility, child caring institution,
4 secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention
5 facility or juvenile portion of a county jail, or from the custody of a peace officer or
6 a guard of such a facility, institution or jail, or has been allowed to leave a secured
7 correctional facility, child caring institution, secured group home, inpatient facility,
8 secure detention facility or juvenile portion of a county jail for a specified time period
9 and is absent from the facility, institution, home or jail for more than 12 hours after
10 the expiration of the specified period, the department or county department having
11 supervision over the juvenile may release the juvenile's name and any information
12 about the juvenile that is necessary for the protection of the public or to secure the
13 juvenile's return to the facility, institution, home or jail. The department of
14 corrections shall promulgate rules establishing guidelines for the release of the
15 juvenile's name or information about the juvenile to the public.

16 **SECTION 255.** 939.22 (21) (d) of the statutes is amended to read:

17 939.22 **(21)** (d) Battery, ~~substantial battery or aggravated battery~~, as
18 prohibited in s. 940.19 or 940.195.

19 **SECTION 256.** 939.30 (1) of the statutes is amended to read:

20 939.30 **(1)** Except as provided in sub. (2) and ~~ss. 948.35 and s. 961.455~~, whoever,
21 with intent that a felony be committed, advises another to commit that crime under
22 circumstances that indicate unequivocally that he or she has the intent is guilty of
23 a Class ~~D~~ H felony.

24 **SECTION 257.** 939.30 (2) of the statutes is amended to read:

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1 939.30 (2) For a solicitation to commit a crime for which the penalty is life
2 imprisonment, the actor is guilty of a Class C F felony. For a solicitation to commit
3 a Class E I felony, the actor is guilty of a Class E I felony.

4 **SECTION 258.** 939.32 (1) (intro.) of the statutes is amended to read:

5 939.32 (1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime
6 specified in s. 940.19, 940.195 or 943.20 may be fined or imprisoned or both ~~not to~~
7 ~~exceed one-half the maximum penalty for the completed crime; as provided under~~
8 sub. (1g). except:

9 **SECTION 259.** 939.32 (1) (b) of the statutes is repealed.

10 **SECTION 260.** 939.32 (1) (bm) of the statutes is created to read:

11 939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one
12 to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being
13 applied, is guilty of a Class A misdemeanor.

14 **SECTION 261.** 939.32 (1g) of the statutes is created to read:

15 939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit
16 a crime that is punishable under sub. (1) (intro.) is as follows:

17 (a) The maximum fine is one-half of the maximum fine for the completed crime.

18 (b) 1. If neither s. 939.62 (1) nor 961.48 is being applied, the maximum term
19 of imprisonment is one-half of the maximum term of imprisonment, as increased by
20 any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
21 completed crime.

22 2. If either s. 939.62 (1) or 961.48 is being applied, the maximum term of
23 imprisonment is determined by the following method:

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1 a. Multiplying by one-half the maximum term of imprisonment, as increased
2 by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the
3 completed crime.

4 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

5 **SECTION 262.** 939.32 (1m) of the statutes is created to read:

6 **939.32 (1m) BIFURCATED SENTENCES.** If the court imposes a bifurcated sentence
7 under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub.
8 (1) (intro.), the following requirements apply:

9 (a) *Maximum term of confinement for attempt to commit classified felony.* 1.
10 Subject to the minimum term of extended supervision required under s. 973.01 (2)
11 (d), if the crime is a classified felony and neither s. 939.62 (1) nor 961.48 is being
12 applied, the maximum term of confinement in prison is one-half of the maximum
13 term of confinement in prison specified in s. 973.01 (2) (b), as increased by any
14 penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the classified
15 felony.

16 2. Subject to the minimum term of extended supervision required under s.
17 973.01 (2) (d), if the crime is a classified felony and either s. 939.62 (1) or 961.48 is
18 being applied, the court shall determine the maximum term of confinement in prison
19 by the following method:

20 a. Multiplying by one-half the maximum term of confinement in prison
21 specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed
22 in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

23 b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

24 (b) *Maximum term of extended supervision for attempt to commit classified*
25 *felony.* The maximum term of extended supervision for an attempt to commit a

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1 classified felony is one-half of the maximum term of extended supervision for the
2 completed crime under s. 973.01 (2) (d).

3 (c) *Maximum term of confinement for attempt to commit unclassified felony or*
4 *misdemeanor.* The court shall determine the maximum term of confinement in
5 prison for an attempt to commit a crime other than a classified felony by applying
6 s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g)
7 (b).

8 **SECTION 263.** 939.32 (2) (title) of the statutes is created to read:

9 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

10 **SECTION 264.** 939.32 (3) (title) of the statutes is created to read:

11 939.32 (3) (title) REQUIREMENTS.

12 **SECTION 265.** 939.50 (1) (intro.) of the statutes is amended to read:

13 939.50 (1) (intro.) ~~Except as provided in ss. 946.43 (2m) (a), 946.83 and 946.85,~~
14 ~~felonies~~ Felonies in ~~chs. 939 to 951~~ the statutes are classified as follows:

15 **SECTION 266.** 939.50 (1) (bc) of the statutes is repealed.

16 **SECTION 267.** 939.50 (1) (f) of the statutes is created to read:

17 939.50 (1) (f) Class F felony.

18 **SECTION 268.** 939.50 (1) (g) of the statutes is created to read:

19 939.50 (1) (g) Class G felony.

20 **SECTION 269.** 939.50 (1) (h) of the statutes is created to read:

21 939.50 (1) (h) Class H felony.

22 **SECTION 270.** 939.50 (1) (i) of the statutes is created to read:

23 939.50 (1) (i) Class I felony.

24 **SECTION 271.** 939.50 (2) of the statutes is amended to read:

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1 939.50 (2) A felony is a Class A, B, ~~BC~~, C, D ~~or~~, E, F, G, H, or I felony when it
2 is so specified in ~~chs. 939 to 951~~ the statutes.

3 **SECTION 272.** 939.50 (3) (bc) of the statutes is repealed.

4 **SECTION 273.** 939.50 (3) (c) of the statutes is amended to read:

5 939.50 (3) (c) For a Class C felony, a fine not to exceed \$10,000 \$100,000 or
6 imprisonment not to exceed 15 40 years, or both.

7 **SECTION 274.** 939.50 (3) (d) of the statutes is amended to read:

8 939.50 (3) (d) For a Class D felony, a fine not to exceed \$10,000 \$100,000 or
9 imprisonment not to exceed 10 25 years, or both.

10 **SECTION 275.** 939.50 (3) (e) of the statutes is amended to read:

11 939.50 (3) (e) For a Class E felony, a fine not to exceed \$10,000 \$50,000 or
12 imprisonment not to exceed 5 15 years, or both.

13 **SECTION 276.** 939.50 (3) (f) of the statutes is created to read:

14 939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment
15 not to exceed 12 years and 6 months, or both.

16 **SECTION 277.** 939.50 (3) (g) of the statutes is created to read:

17 939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment
18 not to exceed 10 years, or both.

19 **SECTION 278.** 939.50 (3) (h) of the statutes is created to read:

20 939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment
21 not to exceed 6 years, or both.

22 **SECTION 279.** 939.50 (3) (i) of the statutes is created to read:

23 939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment
24 not to exceed 3 years and 6 months, or both.

25 **SECTION 280.** 939.615 (7) (b) 2. of the statutes is amended to read:

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1 939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ I felony if the
2 same conduct that violates par. (a) also constitutes a crime that is a felony.

3 **SECTION 281.** 939.615 (7) (c) of the statutes is repealed.

4 **SECTION 282.** 939.62 (1) (a) of the statutes is amended to read:

5 939.62 (1) (a) A maximum term of imprisonment of one year or less may be
6 increased to not more than ~~3~~ 2 years.

7 **SECTION 283.** 939.62 (1) (b) of the statutes is amended to read:

8 939.62 (1) (b) A maximum term of imprisonment of more than one year but not
9 more than 10 years may be increased by not more than 2 years if the prior convictions
10 were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for
11 a felony.

12 **SECTION 284.** 939.62 (1) (c) of the statutes is amended to read:

13 939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be
14 increased by not more than 2 years if the prior convictions were for misdemeanors
15 and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

16 **SECTION 285.** 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

17 939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) if the felony
18 is that is a Class A, B, or C felony or, if the felony was committed before the effective
19 date of this subd. 2m. a. [revisor inserts date], that is or was punishable by a
20 maximum prison term of 30 years or more.

21 **SECTION 286.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

22 939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
23 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s.
24 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
25 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),

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1 ~~(1m) or (1r)~~, 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
2 948.05, 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

3 **SECTION 287.** 939.622 of the statutes is repealed.

4 **SECTION 288.** 939.623 (2) of the statutes is amended to read:

5 939.623 **(2)** If a person has one or more prior convictions for a serious sex crime
6 and subsequently commits a serious sex crime, the court shall impose a bifurcated
7 sentence ~~the person to~~ under s. 973.01. The term of confinement in prison portion
8 of a bifurcated sentence imposed under this subsection may not be less than 5 years'
9 imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply,
10 subject to any applicable penalty enhancement. The court ~~shall~~ may not place the
11 defendant on probation.

12 **SECTION 289.** 939.624 (2) of the statutes is amended to read:

13 939.624 **(2)** If a person has one or more prior convictions for a serious violent
14 crime or a crime punishable by life imprisonment and subsequently commits a
15 serious violent crime, the court shall impose a bifurcated sentence ~~the person to~~
16 under s. 973.01. The term of confinement in prison portion of a bifurcated sentence
17 imposed under this subsection may not be less than 5 years' imprisonment 3 years
18 and 6 months, but otherwise the penalties for the crime apply, subject to any
19 applicable penalty enhancement. The court ~~shall~~ may not place the defendant on
20 probation.

21 **SECTION 290.** 939.625 of the statutes is repealed.

22 **SECTION 291.** 939.63 (1) of the statutes is renumbered 939.63, and 939.63 (1)
23 (d), (2) and (3), as renumbered, are amended to read:

24 939.63 **(1)** (d) The maximum term of imprisonment for a felony not specified
25 in ~~subd. 2. or 3. par (b) or (c)~~ par (b) or (c) may be increased by not more than 3 years.

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1 **(2)** The increased penalty provided in this ~~subsection~~ section does not apply if
2 possessing, using or threatening to use a dangerous weapon is an essential element
3 of the crime charged.

4 **(3)** This ~~subsection~~ section applies only to crimes specified under chs. 939 to
5 951 and 961.

6 **SECTION 292.** 939.63 (2) of the statutes is repealed.

7 **SECTION 293.** 939.632 (1) (e) 1. of the statutes is amended to read:

8 939.632 **(1)** (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 ~~(1)~~
9 ~~(1c)~~, 940.19 (2), ~~(3)~~, (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
10 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02 (1) or
11 (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), ~~948.35~~
12 ~~(1) (b) or (c) or 948.36.~~

13 **SECTION 294.** 939.632 (2) of the statutes is amended to read:

14 939.632 **(2)** If a person commits a violent crime in a school zone, the maximum
15 ~~period~~ term of imprisonment is increased as follows:

16 (a) If the violent crime is a felony, the maximum ~~period~~ term of imprisonment
17 is increased by 5 years.

18 (b) If the violent crime is a misdemeanor, the maximum ~~period~~ term of
19 imprisonment is increased by 3 months and the place of imprisonment is the county
20 jail.

21 **SECTION 295.** 939.635 of the statutes is repealed.

22 **SECTION 296.** 939.64 of the statutes is repealed.

23 **SECTION 297.** 939.641 of the statutes is repealed.

24 **SECTION 298.** 939.645 (2) of the statutes is amended to read:

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1 939.645 **(2)** (a) If the crime committed under sub. (1) is ordinarily a
2 misdemeanor other than a Class A misdemeanor, the revised maximum fine is
3 \$10,000 and the revised maximum ~~period~~ term of imprisonment is one year in the
4 county jail.

5 (b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor,
6 the penalty increase under this section changes the status of the crime to a felony and
7 the revised maximum fine is \$10,000 and the revised maximum ~~period~~ term of
8 imprisonment is 2 years.

9 (c) If the crime committed under sub. (1) is a felony, the maximum fine
10 prescribed by law for the crime may be increased by not more than \$5,000 and the
11 maximum ~~period~~ term of imprisonment prescribed by law for the crime may be
12 increased by not more than 5 years.

13 **SECTION 299.** 939.646 of the statutes is repealed.

14 **SECTION 300.** 939.647 of the statutes is repealed.

15 **SECTION 301.** 939.648 of the statutes is repealed.

16 **SECTION 302.** 939.72 (1) of the statutes is amended to read:

17 939.72 **(1)** Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a
18 party to a crime which is the objective of the solicitation; or

19 **SECTION 303.** 939.75 (1) of the statutes is amended to read:

20 939.75 **(1)** In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02
21 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c)
22 and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to
23 (e) ~~and (1b)~~, “unborn child” means any individual of the human species from
24 fertilization until birth that is gestating inside a woman.

25 **SECTION 304.** 940.02 (2) (intro.) of the statutes is amended to read:

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1 940.02 (2) (intro.) Whoever causes the death of another human being under any
2 of the following circumstances is guilty of a Class B C felony:

3 **SECTION 305.** 940.03 of the statutes is amended to read:

4 **940.03 Felony murder.** Whoever causes the death of another human being
5 while committing or attempting to commit a crime specified in s. 940.225 (1) or (2)
6 (a), 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than
7 ~~20~~ 15 years in excess of the maximum period term of imprisonment provided by law
8 for that crime or attempt.

9 **SECTION 306.** 940.04 (1) of the statutes is amended to read:

10 940.04 (1) Any person, other than the mother, who intentionally destroys the
11 life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more~~
12 ~~than 3 years or both~~ is guilty of a Class H felony.

13 **SECTION 307.** 940.04 (2) (intro.) of the statutes is amended to read:

14 940.04 (2) (intro.) Any person, other than the mother, who does either of the
15 following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

16 **SECTION 308.** 940.04 (4) of the statutes is amended to read:

17 940.04 (4) Any pregnant woman who intentionally destroys the life of her
18 unborn quick child or who consents to such destruction by another ~~may be~~
19 ~~imprisoned not more than 2 years~~ is guilty of a Class I felony.

20 **SECTION 309.** 940.06 (1) of the statutes is amended to read:

21 940.06 (1) Whoever recklessly causes the death of another human being is
22 guilty of a Class C D felony.

23 **SECTION 310.** 940.06 (2) of the statutes is amended to read:

24 940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of
25 a Class C D felony.

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1 **SECTION 311.** 940.07 of the statutes is amended to read:

2 **940.07 Homicide resulting from negligent control of vicious animal.**

3 Whoever knowing the vicious propensities of any animal intentionally allows it to go
4 at large or keeps it without ordinary care, if such animal, while so at large or not
5 confined, kills any human being who has taken all the precautions which the
6 circumstances may permit to avoid such animal, is guilty of a Class ~~C~~ G felony.

7 **SECTION 312.** 940.08 (1) of the statutes is amended to read:

8 940.08 (1) Whoever causes the death of another human being by the negligent
9 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class
10 ~~D~~ G felony.

11 **SECTION 313.** 940.08 (2) of the statutes is amended to read:

12 940.08 (2) Whoever causes the death of an unborn child by the negligent
13 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~D~~
14 G felony.

15 **SECTION 314.** 940.09 (1) (intro.) of the statutes is amended to read:

16 940.09 (1) (intro.) Any person who does any of the following ~~is guilty of a Class~~
17 ~~B-felony~~ may be penalized as provided in sub. (1c):

18 **SECTION 315.** 940.09 (1b) of the statutes is repealed.

19 **SECTION 316.** 940.09 (1c) of the statutes is created to read:

20 940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is
21 guilty of a Class D felony.

22 (b) A person who violates sub. (1) is guilty of a Class C felony if the person has
23 one or more prior convictions, suspensions, or revocations, as counted under s.
24 343.307 (2).

25 **SECTION 317.** 940.10 (1) of the statutes is amended to read:

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1 940.10 (1) Whoever causes the death of another human being by the negligent
2 operation or handling of a vehicle is guilty of a Class E G felony.

3 **SECTION 318.** 940.10 (2) of the statutes is amended to read:

4 940.10 (2) Whoever causes the death of an unborn child by the negligent
5 operation or handling of a vehicle is guilty of a Class E G felony.

6 **SECTION 319.** 940.11 (1) of the statutes is amended to read:

7 940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent
8 to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is
9 guilty of a Class C F felony.

10 **SECTION 320.** 940.11 (2) of the statutes is amended to read:

11 940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or
12 avoid apprehension, prosecution or conviction for a crime, is guilty of a Class D G
13 felony.

14 **SECTION 321.** 940.12 of the statutes is amended to read:

15 **940.12 Assisting suicide.** Whoever with intent that another take his or her
16 own life assists such person to commit suicide is guilty of a Class D H felony.

17 **SECTION 322.** 940.15 (2) of the statutes is amended to read:

18 940.15 (2) Whoever intentionally performs an abortion after the fetus or
19 unborn child reaches viability, as determined by reasonable medical judgment of the
20 woman's attending physician, is guilty of a Class E I felony.

21 **SECTION 323.** 940.15 (5) of the statutes is amended to read:

22 940.15 (5) Whoever intentionally performs an abortion and who is not a
23 physician is guilty of a Class E I felony.

24 **SECTION 324.** 940.15 (6) of the statutes is amended to read:

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1 940.15 **(6)** Any physician who intentionally performs an abortion under sub.
2 (3) shall use that method of abortion which, of those he or she knows to be available,
3 is in his or her medical judgment most likely to preserve the life and health of the
4 fetus or unborn child. Nothing in this subsection requires a physician performing
5 an abortion to employ a method of abortion which, in his or her medical judgment
6 based on the particular facts of the case before him or her, would increase the risk
7 to the woman. Any physician violating this subsection is guilty of a Class E I felony.

8 **SECTION 325.** 940.19 (2) of the statutes is amended to read:

9 940.19 **(2)** Whoever causes substantial bodily harm to another by an act done
10 with intent to cause bodily harm to that person or another is guilty of a Class E I
11 felony.

12 **SECTION 326.** 940.19 (3) of the statutes is repealed.

13 **SECTION 327.** 940.19 (4) of the statutes is amended to read:

14 940.19 **(4)** Whoever causes great bodily harm to another by an act done with
15 intent to cause bodily harm to that person or another is guilty of a Class D H felony.

16 **SECTION 328.** 940.19 (5) of the statutes is amended to read:

17 940.19 **(5)** Whoever causes great bodily harm to another by an act done with
18 intent to cause ~~either substantial bodily harm or~~ great bodily harm to that person
19 or another is guilty of a Class C E felony.

20 **SECTION 329.** 940.19 (6) (intro.) of the statutes is amended to read:

21 940.19 **(6)** (intro.) Whoever intentionally causes bodily harm to another by
22 conduct that creates a substantial risk of great bodily harm is guilty of a Class D H
23 felony. A rebuttable presumption of conduct creating a substantial risk of great
24 bodily harm arises:

25 **SECTION 330.** 940.195 (2) of the statutes is amended to read:

ASSEMBLY BILL 3

1 940.195 (2) Whoever causes substantial bodily harm to an unborn child by an
2 act done with intent to cause bodily harm to that unborn child, to the woman who is
3 pregnant with that unborn child or another is guilty of a Class E I felony.

4 **SECTION 331.** 940.195 (3) of the statutes is repealed.

5 **SECTION 332.** 940.195 (4) of the statutes is amended to read:

6 940.195 (4) Whoever causes great bodily harm to an unborn child by an act
7 done with intent to cause bodily harm to that unborn child, to the woman who is
8 pregnant with that unborn child or another is guilty of a Class D H felony.

9 **SECTION 333.** 940.195 (5) of the statutes is amended to read:

10 940.195 (5) Whoever causes great bodily harm to an unborn child by an act
11 done with intent to cause ~~either substantial bodily harm or~~ great bodily harm to that
12 unborn child, to the woman who is pregnant with that unborn child or another is
13 guilty of a Class C E felony.

14 **SECTION 334.** 940.195 (6) of the statutes is amended to read:

15 940.195 (6) Whoever intentionally causes bodily harm to an unborn child by
16 conduct that creates a substantial risk of great bodily harm is guilty of a Class D H
17 felony.

18 **SECTION 335.** 940.20 (1) of the statutes is amended to read:

19 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison or
20 other state, county or municipal detention facility who intentionally causes bodily
21 harm to an officer, employee, visitor or another inmate of such prison or institution,
22 without his or her consent, is guilty of a Class D H felony.

23 **SECTION 336.** 940.20 (1m) of the statutes is amended to read:

24 940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any
25 person who is subject to an injunction under s. 813.12 or a tribal injunction filed

ASSEMBLY BILL 3

1 under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who
2 sought the injunction by an act done without the consent of the petitioner is guilty
3 of a Class E I felony.

4 (b) Any person who is subject to an injunction under s. 813.125 and who
5 intentionally causes bodily harm to the petitioner who sought the injunction by an
6 act done without the consent of the petitioner is guilty of a Class E I felony.

7 **SECTION 337.** 940.20 (2) of the statutes is amended to read:

8 940.20 (2) BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS. Whoever
9 intentionally causes bodily harm to a law enforcement officer or fire fighter, as those
10 terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the
11 person knows or has reason to know that the victim is a law enforcement officer or
12 fire fighter, by an act done without the consent of the person so injured, is guilty of
13 a Class D H felony.

14 **SECTION 338.** 940.20 (2m) (b) of the statutes is amended to read:

15 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,
16 extended supervision and parole agent or an aftercare agent, acting in an official
17 capacity and the person knows or has reason to know that the victim is a probation,
18 extended supervision and parole agent or an aftercare agent, by an act done without
19 the consent of the person so injured, is guilty of a Class D H felony.

20 **SECTION 339.** 940.20 (3) of the statutes is amended to read:

21 940.20 (3) BATTERY TO JURORS. Whoever intentionally causes bodily harm to a
22 person who he or she knows or has reason to know is or was a grand or petit juror,
23 and by reason of any verdict or indictment assented to by the person, without the
24 consent of the person injured, is guilty of a Class D H felony.

25 **SECTION 340.** 940.20 (4) of the statutes is amended to read:

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1 **940.20 (4) BATTERY TO PUBLIC OFFICERS.** Whoever intentionally causes bodily
2 harm to a public officer in order to influence the action of such officer or as a result
3 of any action taken within an official capacity, without the consent of the person
4 injured, is guilty of a Class E I felony.

5 **SECTION 341.** 940.20 (5) (b) of the statutes is amended to read:

6 **940.20 (5) (b)** Whoever intentionally causes bodily harm to a technical college
7 district or school district officer or employee acting in that capacity, and the person
8 knows or has reason to know that the victim is a technical college district or school
9 district officer or employee, without the consent of the person so injured, is guilty of
10 a Class E I felony.

11 **SECTION 342.** 940.20 (6) (b) (intro.) of the statutes is amended to read:

12 **940.20 (6) (b) (intro.)** Whoever intentionally causes bodily harm to another
13 under any of the following circumstances is guilty of a Class E I felony:

14 **SECTION 343.** 940.20 (7) (b) of the statutes is amended to read:

15 **940.20 (7) (b)** Whoever intentionally causes bodily harm to an emergency
16 department worker, an emergency medical technician, a first responder or an
17 ambulance driver who is acting in an official capacity and who the person knows or
18 has reason to know is an emergency department worker, an emergency medical
19 technician, a first responder or an ambulance driver, by an act done without the
20 consent of the person so injured, is guilty of a Class D H felony.

21 **SECTION 344.** 940.201 (2) (intro.) of the statutes is amended to read:

22 **940.201 (2) (intro.)** Whoever does any of the following is guilty of a Class D H
23 felony:

24 **SECTION 345.** 940.203 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

1 940.203 **(2)** (intro.) Whoever intentionally causes bodily harm or threatens to
2 cause bodily harm to the person or family member of any judge under all of the
3 following circumstances is guilty of a Class D H felony:

4 **SECTION 346.** 940.205 (2) (intro.) of the statutes is amended to read:

5 940.205 **(2)** (intro.) Whoever intentionally causes bodily harm or threatens to
6 cause bodily harm to the person or family member of any department of revenue
7 official, employee or agent under all of the following circumstances is guilty of a Class
8 D H felony:

9 **SECTION 347.** 940.207 (2) (intro.) of the statutes is amended to read:

10 940.207 **(2)** (intro.) Whoever intentionally causes bodily harm or threatens to
11 cause bodily harm to the person or family member of any department of commerce
12 or department of workforce development official, employee or agent under all of the
13 following circumstances is guilty of a Class D H felony:

14 **SECTION 348.** 940.21 of the statutes is amended to read:

15 **940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or
16 mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another; is
17 guilty of a Class B C felony.

18 **SECTION 349.** 940.22 (2) of the statutes is amended to read:

19 940.22 **(2) SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself
20 or herself out to be a therapist and who intentionally has sexual contact with a
21 patient or client during any ongoing therapist–patient or therapist–client
22 relationship, regardless of whether it occurs during any treatment, consultation,
23 interview or examination, is guilty of a Class C F felony. Consent is not an issue in
24 an action under this subsection.

25 **SECTION 350.** 940.225 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 3

1 940.225 **(2)** SECOND DEGREE SEXUAL ASSAULT. (intro.) Whoever does any of the
2 following is guilty of a Class **BC** C felony:

3 **SECTION 351.** 940.225 (3) of the statutes is amended to read:

4 940.225 **(3)** THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse
5 with a person without the consent of that person is guilty of a Class **D** G felony.
6 Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person
7 without the consent of that person is guilty of a Class **D** G felony.

8 **SECTION 352.** 940.23 (1) (a) of the statutes is amended to read:

9 940.23 **(1)** (a) Whoever recklessly causes great bodily harm to another human
10 being under circumstances which show utter disregard for human life is guilty of a
11 Class **C** D felony.

12 **SECTION 353.** 940.23 (1) (b) of the statutes is amended to read:

13 940.23 **(1)** (b) Whoever recklessly causes great bodily harm to an unborn child
14 under circumstances that show utter disregard for the life of that unborn child, the
15 woman who is pregnant with that unborn child or another is guilty of a Class **C** D
16 felony.

17 **SECTION 354.** 940.23 (2) (a) of the statutes is amended to read:

18 940.23 **(2)** (a) Whoever recklessly causes great bodily harm to another human
19 being is guilty of a Class **D** F felony.

20 **SECTION 355.** 940.23 (2) (b) of the statutes is amended to read:

21 940.23 **(2)** (b) Whoever recklessly causes great bodily harm to an unborn child
22 is guilty of a Class **D** F felony.

23 **SECTION 356.** 940.24 (1) of the statutes is amended to read:

24 940.24 **(1)** Whoever causes bodily harm to another by the negligent operation
25 or handling of a dangerous weapon, explosives or fire is guilty of a Class **E** I felony.

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1 **SECTION 357.** 940.24 (2) of the statutes is amended to read:

2 940.24 (2) Whoever causes bodily harm to an unborn child by the negligent
3 operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~
4 I felony.

5 **SECTION 358.** 940.25 (1) (intro.) of the statutes is amended to read:

6 940.25 (1) (intro.) Any person who does any of the following is guilty of a Class
7 ~~D~~ F felony:

8 **SECTION 359.** 940.25 (1b) of the statutes is repealed.

9 **SECTION 360.** 940.285 (2) (b) 1g. of the statutes is amended to read:

10 940.285 (2) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
11 that cause death is guilty of a Class ~~B~~ C felony. Any person violating par. (a) 3. under
12 circumstances that cause death is guilty of a Class D felony.

13 **SECTION 361.** 940.285 (2) (b) 1m. of the statutes is amended to read:

14 940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that
15 cause great bodily harm is guilty of a Class ~~C~~ F felony.

16 **SECTION 362.** 940.285 (2) (b) 1r. of the statutes is amended to read:

17 940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are
18 likely to cause great bodily harm is guilty of a Class ~~D~~ G felony. Any person violating
19 par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is
20 guilty of a Class I felony.

21 **SECTION 363.** 940.285 (2) (b) 2. of the statutes is amended to read:

22 940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that
23 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person
24 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
25 of a Class I felony.

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1 **SECTION 364.** 940.285 (2) (b) 3. of the statutes is repealed.

2 **SECTION 365.** 940.29 of the statutes is amended to read:

3 **940.29 Abuse of residents of penal facilities.** Any person in charge of or
4 employed in a penal or correctional institution or other place of confinement who
5 abuses, neglects or ill-treats any person confined in or a resident of any such
6 institution or place or who knowingly permits another person to do so is guilty of a
7 Class ~~E~~ I felony.

8 **SECTION 366.** 940.295 (3) (b) 1g. of the statutes is amended to read:

9 940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances
10 that cause death to a vulnerable person is guilty of a Class ~~B~~ C felony. Any person
11 violating par. (a) 3. under circumstances that cause death to a vulnerable person is
12 guilty of a Class D felony.

13 **SECTION 367.** 940.295 (3) (b) 1m. of the statutes is amended to read:

14 940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that
15 cause great bodily harm to a vulnerable person is guilty of a Class ~~C~~ E felony.

16 **SECTION 368.** 940.295 (3) (b) 1r. of the statutes is amended to read:

17 940.295 (3) (b) 1r. Except as provided in subd. 1m., any person violating par.
18 (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty
19 of a Class ~~D~~ F felony. Any person violating par. (a) 1. under circumstances that are
20 likely to cause great bodily harm is guilty of a Class G felony.

21 **SECTION 369.** 940.295 (3) (b) 2. of the statutes is amended to read:

22 940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that
23 cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person
24 violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty
25 of a Class I felony.

ASSEMBLY BILL 3

1 **SECTION 370.** 940.295 (3) (b) 3. of the statutes is amended to read:

2 940.295 **(3)** (b) 3. Except as provided in subd. 1m., any person violating par. (a)
3 2. or 3. under circumstances that cause ~~or are likely to cause~~ great bodily harm is
4 guilty of a Class ~~E~~ H felony. Any person violating par. (a) 2. or 3. under circumstances
5 that are likely to cause great bodily harm is guilty of a Class I felony.

6 **SECTION 371.** 940.30 of the statutes is amended to read:

7 **940.30 False imprisonment.** Whoever intentionally confines or restrains
8 another without the person's consent and with knowledge that he or she has no
9 lawful authority to do so is guilty of a Class ~~E~~ H felony.

10 **SECTION 372.** 940.305 (1) of the statutes is amended to read:

11 940.305 **(1)** Except as provided in sub. (2), whoever by force or threat of
12 imminent force seizes, confines or restrains a person without the person's consent
13 and with the intent to use the person as a hostage in order to influence a person to
14 perform or not to perform some action demanded by the actor is guilty of a Class ~~A~~
15 B felony.

16 **SECTION 373.** 940.305 (2) of the statutes is amended to read:

17 940.305 **(2)** Whoever commits a violation specified under sub. (1) is guilty of
18 a Class ~~B~~ C felony if, before the time of the actor's arrest, each person who is held as
19 a hostage is released without bodily harm.

20 **SECTION 374.** 940.31 (1) (intro.) of the statutes is amended to read:

21 940.31 **(1)** (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C
22 felony:

23 **SECTION 375.** 940.31 (2) (a) of the statutes is amended to read:

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1 940.31 **(2)** (a) Except as provided in par. (b), whoever violates sub. (1) with
2 intent to cause another to transfer property in order to obtain the release of the victim
3 is guilty of a Class ~~A~~ B felony.

4 **SECTION 376.** 940.31 (2) (b) of the statutes is amended to read:

5 940.31 **(2)** (b) Whoever violates sub. (1) with intent to cause another to transfer
6 property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony if
7 the victim is released without permanent physical injury prior to the time the first
8 witness is sworn at the trial.

9 **SECTION 377.** 940.32 (2) (intro.) of the statutes is amended to read:

10 940.32 **(2)** (intro.) Whoever meets all of the following criteria is guilty of a Class
11 ~~A misdemeanor~~ I felony:

12 **SECTION 378.** 940.32 (2m) of the statutes is amended to read:

13 940.32 **(2m)** Whoever violates sub. (2) is guilty of a Class ~~D~~ G felony if he or she
14 intentionally gains access to a record in electronic format that contains personally
15 identifiable information regarding the victim in order to facilitate the violation
16 under sub. (2).

17 **SECTION 379.** 940.32 (3) (intro.) of the statutes is amended to read:

18 940.32 **(3)** (intro.) Whoever violates sub. (2) under any of the following
19 circumstances is guilty of a Class ~~E~~ H felony:

20 **SECTION 380.** 940.32 (3m) (intro.) of the statutes is amended to read:

21 940.32 **(3m)** (intro.) Whoever violates sub. (3) under all of the following
22 circumstances is guilty of a Class ~~D~~ G felony:

23 **SECTION 381.** 940.43 (intro.) of the statutes is amended to read:

24 **940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
25 940.42 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

ASSEMBLY BILL 3

1 **SECTION 382.** 940.45 (intro.) of the statutes is amended to read:

2 **940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
3 under any of the following circumstances is guilty of a Class D G felony:

4 **SECTION 383.** 941.11 (intro.) of the statutes is amended to read:

5 **941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the
6 following is guilty of a Class D H felony:

7 **SECTION 384.** 941.12 (1) of the statutes is amended to read:

8 **941.12 (1)** Whoever intentionally interferes with the proper functioning of a
9 fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of
10 a Class E I felony.

11 **SECTION 385.** 941.20 (2) (intro.) of the statutes is amended to read:

12 **941.20 (2)** (intro.) Whoever does any of the following is guilty of a Class E G
13 felony:

14 **SECTION 386.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

15 **941.20 (3) (a)** (intro.) Whoever intentionally discharges a firearm from a
16 vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot
17 that is open to the public under any of the following circumstances is guilty of a Class
18 C F felony:

19 **SECTION 387.** 941.21 of the statutes is amended to read:

20 **941.21 Disarming a peace officer.** Whoever intentionally disarms a peace
21 officer who is acting in his or her official capacity by taking a dangerous weapon or
22 a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer
23 without his or her consent is guilty of a Class E H felony. This section applies to any
24 dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4)

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1 (a) that the officer is carrying or that is in an area within the officer's immediate
2 presence.

3 **SECTION 388.** 941.235 (1) of the statutes is amended to read:

4 941.235 (1) Any person who goes armed with a firearm in any building owned
5 or leased by the state or any political subdivision of the state is guilty of a Class B
6 A misdemeanor.

7 **SECTION 389.** 941.26 (2) (a) of the statutes is amended to read:

8 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class E H felony.

9 **SECTION 390.** 941.26 (2) (b) of the statutes is amended to read:

10 941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class C F felony.

11 **SECTION 391.** 941.26 (2) (e) of the statutes is amended to read:

12 941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or
13 commercial transportation of the bomb, grenade, projectile, shell or container under
14 sub. (1) (b) is guilty of a Class E H felony.

15 **SECTION 392.** 941.26 (2) (f) of the statutes is amended to read:

16 941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb,
17 grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily
18 discomfort to a person who the actor knows, or has reason to know, is a peace officer
19 who is acting in an official capacity is guilty of a Class D H felony.

20 **SECTION 393.** 941.26 (2) (g) of the statutes is amended to read:

21 941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb,
22 grenade, projectile, shell or container under sub. (1) (b) during his or her commission
23 of another crime to cause bodily harm or bodily discomfort to another or who
24 threatens to use the bomb, grenade, projectile, shell or container during his or her

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1 commission of another crime to incapacitate another person is guilty of a Class E H
2 felony.

3 **SECTION 394.** 941.26 (4) (d) of the statutes is amended to read:

4 941.26 (4) (d) Whoever intentionally uses a device or container described under
5 par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows,
6 or has reason to know, is a peace officer who is acting in an official capacity is guilty
7 of a Class D H felony.

8 **SECTION 395.** 941.26 (4) (e) of the statutes is amended to read:

9 941.26 (4) (e) Whoever uses a device or container described under par. (a)
10 during his or her commission of another crime to cause bodily harm or bodily
11 discomfort to another or who threatens to use the device or container during his or
12 her commission of another crime to incapacitate another person is guilty of a Class
13 E H felony.

14 **SECTION 396.** 941.28 (3) of the statutes is amended to read:

15 941.28 (3) Any person violating this section is guilty of a Class E H felony.

16 **SECTION 397.** 941.29 (2) (intro.) of the statutes is amended to read:

17 941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class E G felony
18 if he or she possesses a firearm under any of the following circumstances:

19 **SECTION 398.** 941.29 (2m) of the statutes is repealed.

20 **SECTION 399.** 941.295 (1) of the statutes is amended to read:

21 941.295 (1) Whoever sells, transports, manufactures, possesses or goes armed
22 with any electric weapon is guilty of a Class E H felony.

23 **SECTION 400.** 941.296 (2) (intro.) of the statutes is amended to read:

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1 941.296 (2) (intro.) Whoever uses or possesses a handgun during the
2 commission of a crime under chs. 939 to 948 or 961 is guilty of a Class E H felony
3 under any of the following circumstances.

4 **SECTION 401.** 941.296 (3) of the statutes is repealed.

5 **SECTION 402.** 941.298 (2) of the statutes is amended to read:

6 941.298 (2) Whoever sells, delivers or possesses a firearm silencer is guilty of
7 a Class E H felony.

8 **SECTION 403.** 941.30 (1) of the statutes is amended to read:

9 941.30 (1) **FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly
10 endangers another's safety under circumstances which show utter disregard for
11 human life is guilty of a Class D F felony.

12 **SECTION 404.** 941.30 (2) of the statutes is amended to read:

13 941.30 (2) **SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever
14 recklessly endangers another's safety is guilty of a Class E G felony.

15 **SECTION 405.** 941.31 (1) of the statutes is amended to read:

16 941.31 (1) Whoever makes, buys, transports, possesses, or transfers any
17 explosive compound or offers to do the same, either with intent to use such explosive
18 to commit a crime or knowing that another intends to use it to commit a crime, is
19 guilty of a Class C F felony.

20 **SECTION 406.** 941.31 (2) (b) of the statutes is amended to read:

21 941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or
22 transfers any improvised explosive device, or possesses materials or components
23 with intent to assemble any improvised explosive device, is guilty of a Class E H
24 felony.

25 **SECTION 407.** 941.315 (3) (intro.) of the statutes is amended to read:

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1 941.315 **(3)** (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H
2 felony:

3 **SECTION 408.** 941.32 of the statutes is amended to read:

4 **941.32 Administering dangerous or stupefying drug.** Whoever
5 administers to another or causes another to take any poisonous, stupefying,
6 overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the
7 commission of a crime is guilty of a Class ~~C~~ F felony.

8 **SECTION 409.** 941.325 of the statutes is amended to read:

9 **941.325 Placing foreign objects in edibles.** Whoever places objects, drugs
10 or other substances in candy or other liquid or solid edibles with the intent to cause
11 bodily harm to another person is guilty of a Class ~~E~~ I felony.

12 **SECTION 410.** 941.327 (2) (b) 1. of the statutes is amended to read:

13 941.327 **(2)** (b) 1. Except as provided in subds. 2. to 4., a person violating par.
14 (a) is guilty of a Class ~~E~~ I felony.

15 **SECTION 411.** 941.327 (2) (b) 2. of the statutes is amended to read:

16 941.327 **(2)** (b) 2. If the act under par. (a) creates a high probability of great
17 bodily harm to another, a person violating par. (a) is guilty of a Class ~~D~~ H felony.

18 **SECTION 412.** 941.327 (2) (b) 3. of the statutes is amended to read:

19 941.327 **(2)** (b) 3. If the act under par. (a) causes great bodily harm to another,
20 a person violating par. (a) is guilty of a Class ~~C~~ F felony.

21 **SECTION 413.** 941.327 (2) (b) 4. of the statutes is amended to read:

22 941.327 **(2)** (b) 4. If the act under par. (a) causes death to another, a person is
23 guilty of a Class ~~A~~ C felony.

24 **SECTION 414.** 941.327 (3) of the statutes is amended to read:

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1 941.327 (3) Whoever intentionally imparts or conveys false information,
2 knowing the information to be false, concerning an act or attempted act which, if
3 true, would constitute a violation of sub. (2) is guilty of a Class E I felony.

4 **SECTION 415.** 941.37 (3) of the statutes is amended to read:

5 941.37 (3) Any person who intentionally interferes with any emergency
6 medical personnel in the performance of duties relating to an emergency or rescue
7 and who has reasonable grounds to believe that the interference may endanger
8 another's safety is guilty of a Class E I felony.

9 **SECTION 416.** 941.37 (4) of the statutes is amended to read:

10 941.37 (4) Any person who violates sub. (3) and thereby contributes to the
11 death of another is guilty of a Class C E felony.

12 **SECTION 417.** 941.38 (1) (b) 4. of the statutes is amended to read:

13 941.38 (1) (b) 4. ~~Battery, substantial battery or aggravated battery,~~ as
14 prohibited in s. 940.19 or 940.195.

15 **SECTION 418.** 941.38 (2) of the statutes is amended to read:

16 941.38 (2) Whoever intentionally solicits a child to participate in criminal gang
17 activity is guilty of a Class E I felony.

18 **SECTION 419.** 943.01 (2) (intro.) of the statutes is amended to read:

19 943.01 (2) (intro.) Any person violating sub. (1) under any of the following
20 circumstances is guilty of a Class D I felony:

21 **SECTION 420.** 943.01 (2g) (intro.) of the statutes is amended to read:

22 943.01 (2g) (intro.) Any person violating sub. (1) under all of the following
23 circumstances is guilty of a Class E I felony:

24 **SECTION 421.** 943.011 (2) (intro.) of the statutes is amended to read:

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1 943.011 **(2)** (intro.) Whoever does any of the following is guilty of a Class **D I**
2 felony:

3 **SECTION 422.** 943.012 (intro.) of the statutes is amended to read:

4 **943.012 Criminal damage to or graffiti on religious and other property.**
5 (intro.) Whoever intentionally causes damage to, intentionally marks, draws or
6 writes with ink or another substance on or intentionally etches into any physical
7 property of another, without the person's consent and with knowledge of the
8 character of the property, is guilty of a Class **E I** felony if the property consists of one
9 or more of the following:

10 **SECTION 423.** 943.013 (2) (intro.) of the statutes is amended to read:

11 943.013 **(2)** (intro.) Whoever intentionally causes or threatens to cause damage
12 to any physical property that belongs to a judge or his or her family member under
13 all of the following circumstances is guilty of a Class **D I** felony:

14 **SECTION 424.** 943.014 (2) of the statutes is amended to read:

15 943.014 **(2)** Whoever intentionally demolishes a historic building without a
16 permit issued by a city, village, town or county or without an order issued under s.
17 66.0413 ~~shall be fined an amount equal to 2 times the fair market value of the historic~~
18 ~~building and the land upon which the building is located immediately prior to~~
19 ~~demolition and may be imprisoned for not more than 9 months~~ is guilty of a Class A
20 misdemeanor.

21 **SECTION 425.** 943.015 (2) (intro.) of the statutes is amended to read:

22 943.015 **(2)** (intro.) Whoever intentionally causes or threatens to cause damage
23 to any physical property which belongs to a department of revenue official, employee
24 or agent or his or her family member under all of the following circumstances is guilty
25 of a Class **D I** felony:

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1 **SECTION 426.** 943.017 (2) (intro.) of the statutes is amended to read:

2 943.017 **(2)** (intro.) Any person violating sub. (1) under any of the following
3 circumstances is guilty of a Class **D I** felony:

4 **SECTION 427.** 943.017 (2m) (b) (intro.) of the statutes is amended to read:

5 943.017 **(2m)** (b) (intro.) Whoever does any of the following is guilty of a Class **D**
6 **I** felony:

7 **SECTION 428.** 943.02 (1) (intro.) of the statutes is amended to read:

8 943.02 **(1)** (intro.) Whoever does any of the following is guilty of a Class **B C**
9 felony:

10 **SECTION 429.** 943.03 of the statutes is amended to read:

11 **943.03 Arson of property other than building.** Whoever, by means of fire,
12 intentionally damages any property of another without the person's consent, if the
13 property is not a building and has a value of \$100 or more, is guilty of a Class **E I**
14 felony.

15 **SECTION 430.** 943.04 of the statutes is amended to read:

16 **943.04 Arson with intent to defraud.** Whoever, by means of fire, damages
17 any property, other than a building, with intent to defraud an insurer of that property
18 is guilty of a Class **D H** felony. Proof that the actor recovered or attempted to recover
19 on a policy of insurance by reason of the fire is relevant but not essential to establish
20 the actor's intent to defraud the insurer.

21 **SECTION 431.** 943.06 (2) of the statutes is amended to read:

22 943.06 **(2)** Whoever possesses, manufactures, sells, offers for sale, gives or
23 transfers a fire bomb is guilty of a Class **E H** felony.

24 **SECTION 432.** 943.07 (1) of the statutes is amended to read:

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1 943.07 (1) Whoever intentionally causes damage or who causes another person
2 to damage, tamper, change or destroy any railroad track, switch, bridge, trestle,
3 tunnel or signal or any railroad property used in providing rail services, which could
4 cause an injury, accident or derailment is guilty of a Class A ~~misdemeanor~~ I felony.

5 **SECTION 433.** 943.07 (2) of the statutes is amended to read:

6 943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad
7 train, car, caboose or engine is guilty of a Class A ~~misdemeanor~~ I felony.

8 **SECTION 434.** 943.10 (1) (intro.) of the statutes is amended to read:

9 943.10 (1) (intro.) Whoever intentionally enters any of the following places
10 without the consent of the person in lawful possession and with intent to steal or
11 commit a felony in such place is guilty of a Class C ~~F~~ E felony:

12 **SECTION 435.** 943.10 (2) (intro.) of the statutes is amended to read:

13 943.10 (2) (intro.) Whoever violates sub. (1) under any of the following
14 circumstances is guilty of a Class B ~~E~~ E felony:

15 **SECTION 436.** 943.12 of the statutes is amended to read:

16 **943.12 Possession of burglarious tools.** Whoever has in personal
17 possession any device or instrumentality intended, designed or adapted for use in
18 breaking into any depository designed for the safekeeping of any valuables or into
19 any building or room, with intent to use such device or instrumentality to break into
20 a depository, building or room, and to steal therefrom, is guilty of a Class E ~~I~~ I felony.

21 **SECTION 437.** 943.20 (3) (b) of the statutes is amended to read:

22 943.20 (3) (b) If the value of the property exceeds \$1,000 but does not ~~\$2,500~~
23 exceed \$5,000, is guilty of a Class E ~~I~~ I felony.

24 **SECTION 438.** 943.20 (3) (bm) of the statutes is created to read:

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1 943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed
2 \$10,000, is guilty of a Class H felony.

3 **SECTION 439.** 943.20 (3) (c) of the statutes is amended to read:

4 943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of
5 a Class ~~C~~ G felony.

6 **SECTION 440.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

7 943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and~~
8 ~~any of the following circumstances exist~~ exists, is guilty of a Class ~~D~~ H felony:

9 **SECTION 441.** 943.20 (3) (d) 1. of the statutes is amended to read:

10 943.20 (3) (d) 1. The property is a domestic animal; ~~or,~~

11 **SECTION 442.** 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and
12 amended to read:

13 943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from
14 a corpse; ~~or,~~ is guilty of a Class G felony.

15 **SECTION 443.** 943.20 (3) (d) 3. of the statutes is amended to read:

16 943.20 (3) (d) 3. The property is taken from a building which has been destroyed
17 or left unoccupied because of physical disaster, riot, bombing or the proximity of
18 battle; ~~or,~~

19 **SECTION 444.** 943.20 (3) (d) 4. of the statutes is amended to read:

20 943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or
21 the proximity of battle has necessitated its removal from a building; ~~or,~~

22 **SECTION 445.** 943.201 (2) of the statutes is amended to read:

23 943.201 (2) Whoever intentionally uses or attempts to use any personal
24 identifying information or personal identification document of an individual to
25 obtain credit, money, goods, services or anything else of value without the

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1 authorization or consent of the individual and by representing that he or she is the
2 individual or is acting with the authorization or consent of the individual is guilty
3 of a Class D H felony.

4 **SECTION 446.** 943.205 (3) of the statutes is amended to read:

5 943.205 (3) Anyone who violates this section is guilty of a Class E I felony.

6 **SECTION 447.** 943.207 (3m) (b) (intro.) of the statutes is amended to read:

7 943.207 (3m) (b) (intro.) Whoever violates this section is guilty of a Class D I
8 felony under any of the following circumstances:

9 **SECTION 448.** 943.207 (3m) (c) (intro.) of the statutes is amended to read:

10 943.207 (3m) (c) (intro.) Whoever violates this section is guilty of a Class C H
11 felony under any of the following circumstances:

12 **SECTION 449.** 943.208 (2) (b) of the statutes is amended to read:

13 943.208 (2) (b) Whoever violates sub. (1) is guilty of a Class D I felony if the
14 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
15 fewer than 1,000 recordings embodying sound or fewer than 100 audiovisual
16 recordings in violation of sub. (1) during a 180-day period, and the value of the
17 recordings exceeds \$2,500.

18 **SECTION 450.** 943.208 (2) (c) of the statutes is amended to read:

19 943.208 (2) (c) Whoever violates sub. (1) is guilty of a Class C H felony if the
20 person creates, advertises, offers for sale or rent, sells, rents, transports or possesses
21 at least 1,000 recordings embodying sound or at least 100 audiovisual recordings in
22 violation of sub. (1) during a 180-day period or if the violation occurs after the person
23 has been convicted under this section.

24 **SECTION 451.** 943.209 (2) (b) of the statutes is amended to read:

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1 943.209 (2) (b) Whoever violates sub. (1) is guilty of a Class ~~D~~ I felony if the
2 person advertises, offers for sale or rent, sells, rents, transports or possesses fewer
3 than 100 recordings in violation of sub. (1) during a 180-day period, and the value
4 of the recordings exceeds \$2,500.

5 **SECTION 452.** 943.209 (2) (c) of the statutes is amended to read:

6 943.209 (2) (c) Whoever violates sub. (1) is guilty of a Class ~~C~~ H felony if the
7 person advertises, offers for sale or rent, sells, rents, transports or possesses at least
8 100 recordings in violation of sub. (1) during a 180-day period or if the violation
9 occurs after the person has been convicted under this section.

10 **SECTION 453.** 943.21 (3) (b) of the statutes is amended to read:

11 943.21 (3) (b) Is guilty of a Class ~~E~~ I felony when the value of any beverage,
12 food, lodging, accommodation, transportation or other service exceeds \$1,000.

13 **SECTION 454.** 943.23 (1g) of the statutes is amended to read:

14 943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of,
15 or the threat of the use of, force or the weapon against another, intentionally takes
16 any vehicle without the consent of the owner is guilty of a Class ~~B~~ C felony.

17 **SECTION 455.** 943.23 (1m) of the statutes is repealed.

18 **SECTION 456.** 943.23 (1r) of the statutes is repealed.

19 **SECTION 457.** 943.23 (2) of the statutes is amended to read:

20 943.23 (2) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
21 takes and drives any vehicle without the consent of the owner is guilty of a Class ~~D~~
22 H felony.

23 **SECTION 458.** 943.23 (3) of the statutes is amended to read:

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1 943.23 (3) ~~Whoever~~ Except as provided in sub. (3m), whoever intentionally
2 drives or operates any vehicle without the consent of the owner is guilty of a Class
3 E I felony.

4 **SECTION 459.** 943.23 (3m) of the statutes is created to read:

5 943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub.
6 (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours
7 after the vehicle was taken from the possession of the owner. An affirmative defense
8 under this subsection mitigates the offense to a Class A misdemeanor. A defendant
9 who raises this affirmative defense has the burden of proving the defense by a
10 preponderance of the evidence.

11 **SECTION 460.** 943.23 (4m) of the statutes is amended to read:

12 943.23 (4m) Whoever knows that the owner does not consent to the driving or
13 operation of a vehicle and intentionally accompanies, as a passenger in the vehicle,
14 a person while he or she violates sub. (1g), ~~(1m), (1r),~~ (2) ~~or~~, (3), or (3m) is guilty of
15 a Class A misdemeanor.

16 **SECTION 461.** 943.23 (5) of the statutes is amended to read:

17 943.23 (5) Whoever intentionally removes a major part of a vehicle without the
18 consent of the owner is guilty of a Class E I felony. Whoever intentionally removes
19 any other part or component of a vehicle without the consent of the owner is guilty
20 of a Class A misdemeanor.

21 **SECTION 462.** 943.24 (2) of the statutes is amended to read:

22 943.24 (2) Whoever issues any single check or other order for the payment of
23 more than \$1,000 or whoever within a 15-day period issues more than one check or
24 other order amounting in the aggregate to more than \$1,000 which, at the time of
25 issuance, the person intends shall not be paid is guilty of a Class E I felony.

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1 **SECTION 463.** 943.25 (1) of the statutes is amended to read:

2 943.25 (1) Whoever, with intent to defraud, conveys real property which he or
3 she knows is encumbered, without informing the grantee of the existence of the
4 encumbrance is guilty of a Class E I felony.

5 **SECTION 464.** 943.25 (2) (intro.) of the statutes is amended to read:

6 943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following
7 is guilty of a Class E I felony:

8 **SECTION 465.** 943.26 (2) of the statutes is amended to read:

9 943.26 (2) If the security is impaired by more than \$1,000, the mortgagor or
10 vendee is guilty of a Class E I felony.

11 **SECTION 466.** 943.27 of the statutes is amended to read:

12 **943.27 Possession of records of certain usurious loans.** Any person who
13 knowingly possesses any writing representing or constituting a record of a charge of,
14 contract for, receipt of or demand for a rate of interest or consideration exceeding \$20
15 upon \$100 for one year computed upon the declining principal balance of the loan,
16 use or forbearance of money, goods or things in action or upon the loan, use or sale
17 of credit is, if the rate is prohibited by a law other than this section, guilty of a Class
18 E I felony.

19 **SECTION 467.** 943.28 (2) of the statutes is amended to read:

20 943.28 (2) Whoever makes any extortionate extension of credit, or conspires to
21 do so, if one or more of the parties to the conspiracy does an act to effect its object,
22 is guilty of a Class C F felony.

23 **SECTION 468.** 943.28 (3) of the statutes is amended to read:

24 943.28 (3) Whoever advances money or property, whether as a gift, as a loan,
25 as an investment, pursuant to a partnership or profit-sharing agreement, or

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1 otherwise, for the purpose of making extortionate extensions of credit, is guilty of a
2 Class C F felony.

3 **SECTION 469.** 943.28 (4) of the statutes is amended to read:

4 943.28 (4) Whoever knowingly participates in any way in the use of any
5 extortionate means to collect or attempt to collect any extension of credit, or to punish
6 any person for the nonrepayment thereof, is guilty of a Class C F felony.

7 **SECTION 470.** 943.30 (1) of the statutes is amended to read:

8 943.30 (1) Whoever, either verbally or by any written or printed
9 communication, maliciously threatens to accuse or accuses another of any crime or
10 offense, or threatens or commits any injury to the person, property, business,
11 profession, calling or trade, or the profits and income of any business, profession,
12 calling or trade of another, with intent thereby to extort money or any pecuniary
13 advantage whatever, or with intent to compel the person so threatened to do any act
14 against the person's will or omit to do any lawful act, is guilty of a Class D H felony.

15 **SECTION 471.** 943.30 (2) of the statutes is amended to read:

16 943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting
17 commerce or business or the movement of any article or commodity in commerce or
18 business is guilty of a Class D H felony.

19 **SECTION 472.** 943.30 (3) of the statutes is amended to read:

20 943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or
21 grand juror, in the performance of his or her functions as such, is guilty of a Class D
22 H felony.

23 **SECTION 473.** 943.30 (4) of the statutes is amended to read:

24 943.30 (4) Whoever violates sub. (1) by attempting to influence the official
25 action of any public officer is guilty of a Class D H felony.

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1 **SECTION 474.** 943.30 (5) (b) of the statutes is amended to read:

2 943.30 (5) (b) Whoever, orally or by any written or printed communication,
3 maliciously uses, or threatens to use, the patient health care records of another
4 person, with intent thereby to extort money or any pecuniary advantage, or with
5 intent to compel the person so threatened to do any act against the person's will or
6 omit to do any lawful act, is guilty of a Class D H felony.

7 **SECTION 475.** 943.31 of the statutes is amended to read:

8 **943.31 Threats to communicate derogatory information.** Whoever
9 threatens to communicate to anyone information, whether true or false, which would
10 injure the reputation of the threatened person or another unless the threatened
11 person transfers property to a person known not to be entitled to it is guilty of a Class
12 E I felony.

13 **SECTION 476.** 943.32 (1) (intro.) of the statutes is amended to read:

14 943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person
15 or presence of the owner by either of the following means is guilty of a Class C E
16 felony:

17 **SECTION 477.** 943.32 (2) of the statutes is amended to read:

18 943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous
19 weapon, a device or container described under s. 941.26 (4) (a) or any article used or
20 fashioned in a manner to lead the victim reasonably to believe that it is a dangerous
21 weapon or such a device or container is guilty of a Class B C felony.

22 **SECTION 478.** 943.34 (1) (b) of the statutes is amended to read:

23 943.34 (1) (b) A Class E I felony, if the value of the property exceeds \$1,000 but
24 does not ~~more than \$2,500~~ exceed \$5,000.

25 **SECTION 479.** 943.34 (1) (bm) of the statutes is created to read:

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1 943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but
2 does not exceed \$10,000.

3 **SECTION 480.** 943.34 (1) (c) of the statutes is amended to read:

4 943.34 (1) (c) A Class C G felony, if the value of the property exceeds \$2,500
5 \$10,000.

6 **SECTION 481.** 943.38 (1) (intro.) of the statutes is amended to read:

7 943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a
8 writing or object of any of the following kinds so that it purports to have been made
9 by another, or at another time, or with different provisions, or by authority of one who
10 did not give such authority, is guilty of a Class C H felony:

11 **SECTION 482.** 943.38 (2) of the statutes is amended to read:

12 943.38 (2) Whoever utters as genuine or possesses with intent to utter as false
13 or as genuine any forged writing or object mentioned in sub. (1), knowing it to have
14 been thus falsely made or altered, is guilty of a Class C H felony.

15 **SECTION 483.** 943.39 (intro.) of the statutes is amended to read:

16 **943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or
17 defraud, does any of the following is guilty of a Class D H felony:

18 **SECTION 484.** 943.395 (2) (b) of the statutes is amended to read:

19 943.395 (2) (b) Is guilty of a Class E I felony if the value of the claim or benefit
20 exceeds \$1,000.

21 **SECTION 485.** 943.40 (intro.) of the statutes is amended to read:

22 **943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with
23 intent to defraud does either of the following is guilty of a Class D H felony:

24 **SECTION 486.** 943.41 (8) (b) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 486**

1 943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c)
2 or (6m) is guilty of a Class E I felony.

3 **SECTION 487.** 943.41 (8) (c) of the statutes is amended to read:

4 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
5 if the value of the money, goods, services or property illegally obtained does not
6 exceed \$1,000 is guilty of a Class A misdemeanor; if the value of the money, goods,
7 services or property exceeds \$1,000 but does not exceed ~~\$2,500~~ \$5,000, in a single
8 transaction or in separate transactions within a period not exceeding 6 months, the
9 person is guilty of a Class E I felony; if the value of the money, goods, services, or
10 property exceeds \$5,000 but does not exceed \$10,000, in a single transaction or in
11 separate transactions within a period not exceeding 6 months, the person is guilty
12 of a Class H felony; or if the value of the money, goods, services or property exceeds
13 ~~\$2,500~~ \$10,000, in a single transaction or in separate transactions within a period
14 not exceeding 6 months, the person is guilty of a Class E G felony.

15 **SECTION 488.** 943.45 (3) (c) of the statutes is amended to read:

16 943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1)
17 for direct or indirect commercial advantage or private financial gain is guilty of a
18 Class E felony A misdemeanor.

19 **SECTION 489.** 943.45 (3) (d) of the statutes is amended to read:

20 943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial
21 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
22 D I felony.

23 **SECTION 490.** 943.455 (4) (c) of the statutes is amended to read:

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1 943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
2 (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty
3 of a Class ~~E~~ felony A misdemeanor.

4 **SECTION 491.** 943.455 (4) (d) of the statutes is amended to read:

5 943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect
6 commercial advantage or private financial gain as a 2nd or subsequent offense is
7 guilty of a Class ~~D~~ I felony.

8 **SECTION 492.** 943.46 (4) (c) of the statutes is amended to read:

9 943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2)
10 (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty
11 of a Class ~~E~~ felony A misdemeanor.

12 **SECTION 493.** 943.46 (4) (d) of the statutes is amended to read:

13 943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect
14 commercial advantage or private financial gain as a 2nd or subsequent offense is
15 guilty of a Class ~~D~~ I felony.

16 **SECTION 494.** 943.47 (3) (c) of the statutes is amended to read:

17 943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2)
18 for direct or indirect commercial advantage or private financial gain is guilty of a
19 Class ~~E~~ felony A misdemeanor.

20 **SECTION 495.** 943.47 (3) (d) of the statutes is amended to read:

21 943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial
22 advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class
23 ~~D~~ I felony.

24 **SECTION 496.** 943.49 (2) (b) 2. of the statutes is amended to read:

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1 943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class ~~D~~ I felony if
2 the violation occurs after the person has been convicted under this subsection.

3 **SECTION 497.** 943.50 (4) (b) of the statutes is amended to read:

4 943.50 (4) (b) A Class ~~E~~ I felony, if the value of the merchandise exceeds \$1,000
5 but does not ~~\$2,500~~ exceed \$5,000.

6 **SECTION 498.** 943.50 (4) (bm) of the statutes is created to read:

7 943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000
8 but does not exceed \$10,000.

9 **SECTION 499.** 943.50 (4) (c) of the statutes is amended to read:

10 943.50 (4) (c) A Class ~~C~~ G felony, if the value of the merchandise exceeds ~~\$2,500~~
11 \$10,000.

12 **SECTION 500.** 943.60 (1) of the statutes is amended to read:

13 943.60 (1) Any person who submits for filing, entering or recording any lien,
14 claim of lien, lis pendens, writ of attachment, financing statement or any other
15 instrument relating to a security interest in or title to real or personal property, and
16 who knows or should have known that the contents or any part of the contents of the
17 instrument are false, a sham or frivolous, is guilty of a Class ~~D~~ H felony.

18 **SECTION 501.** 943.61 (5) (b) of the statutes is amended to read:

19 943.61 (5) (b) A Class ~~E~~ I felony, if the value of the library materials exceeds
20 \$1,000 but does not exceed \$2,500.

21 **SECTION 502.** 943.61 (5) (c) of the statutes is amended to read:

22 943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds
23 \$2,500.

24 **SECTION 503.** 943.62 (4) (b) of the statutes is amended to read:

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1 943.62 **(4)** (b) A Class E I felony, if the value of the advance payment or required
2 refund, as applicable, exceeds \$500 but does not exceed \$2,500.

3 **SECTION 504.** 943.62 (4) (c) of the statutes is amended to read:

4 943.62 **(4)** (c) A Class C F felony, if the value of the advance payment or required
5 refund, as applicable, exceeds \$2,500.

6 **SECTION 505.** 943.70 (2) (b) 2. of the statutes is amended to read:

7 943.70 **(2)** (b) 2. A Class E I felony if the offense is committed to defraud or to
8 obtain property.

9 **SECTION 506.** 943.70 (2) (b) 3. of the statutes is amended to read:

10 943.70 **(2)** (b) 3. A Class D H felony if the damage is greater than \$2,500 or if
11 it causes an interruption or impairment of governmental operations or public
12 communication, of transportation or of a supply of water, gas or other public service.

13 **SECTION 507.** 943.70 (2) (b) 4. of the statutes is amended to read:

14 943.70 **(2)** (b) 4. A Class C F felony if the offense creates a substantial and
15 unreasonable risk of death or great bodily harm to another.

16 **SECTION 508.** 943.70 (3) (b) 2. of the statutes is amended to read:

17 943.70 **(3)** (b) 2. A Class E I felony if the offense is committed to defraud or
18 obtain property.

19 **SECTION 509.** 943.70 (3) (b) 3. of the statutes is amended to read:

20 943.70 **(3)** (b) 3. A Class D H felony if the damage to the computer, computer
21 system, computer network, equipment or supplies is greater than \$2,500.

22 **SECTION 510.** 943.70 (3) (b) 4. of the statutes is amended to read:

23 943.70 **(3)** (b) 4. A Class C F felony if the offense creates a substantial and
24 unreasonable risk of death or great bodily harm to another.

25 **SECTION 511.** 943.75 (2) of the statutes is amended to read:

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1 943.75 (2) Whoever intentionally releases an animal that is lawfully confined
2 for companionship or protection of persons or property, recreation, exhibition, or
3 educational purposes, acting without the consent of the owner or custodian of the
4 animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a
5 person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection
6 by a person is a Class E I felony.

7 **SECTION 512.** 943.75 (2m) of the statutes is amended to read:

8 943.75 (2m) Whoever intentionally releases an animal that is lawfully
9 confined for scientific, farming, restocking, research or commercial purposes, acting
10 without the consent of the owner or custodian of the animal, is guilty of a Class C H
11 felony.

12 **SECTION 513.** 944.05 (1) (intro.) of the statutes is amended to read:

13 944.05 (1) (intro.) Whoever does any of the following is guilty of a Class E I
14 felony:

15 **SECTION 514.** 944.06 of the statutes is amended to read:

16 **944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with
17 a person he or she knows is a blood relative and such relative is in fact related in a
18 degree within which the marriage of the parties is prohibited by the law of this state
19 is guilty of a Class C F felony.

20 **SECTION 515.** 944.15 (title) of the statutes is repealed and recreated to read:

21 **944.15 (title) Public fornication.**

22 **SECTION 516.** 944.16 (intro.) of the statutes is amended to read:

23 **944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a
24 Class E I felony:

25 **SECTION 517.** 944.205 (2) (intro.) of the statutes is amended to read:

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1 944.205 **(2)** (intro.) Whoever does any of the following is guilty of a Class E I
2 felony:

3 **SECTION 518.** 944.21 (5) (c) of the statutes is amended to read:

4 944.21 **(5)** (c) If the person violating sub. (3) or (4) has 2 or more prior
5 convictions under this section, the person is guilty of a Class D H felony.

6 **SECTION 519.** 944.21 (5) (e) of the statutes is amended to read:

7 944.21 **(5)** (e) Regardless of the number of prior convictions, if the violation
8 under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material,
9 the person is guilty of a Class D H felony.

10 **SECTION 520.** 944.32 of the statutes is amended to read:

11 **944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever
12 intentionally solicits or causes any person to practice prostitution or establishes any
13 person in a place of prostitution is guilty of a Class D H felony.

14 **SECTION 521.** 944.33 (2) of the statutes is amended to read:

15 944.33 **(2)** If the person received compensation from the earnings of the
16 prostitute, such person is guilty of a Class C F felony.

17 **SECTION 522.** 944.34 (intro.) of the statutes is amended to read:

18 **944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does
19 any of the following is guilty of a Class D H felony:

20 **SECTION 523.** 945.03 (1m) (intro.) of the statutes is amended to read:

21 945.03 **(1m)** (intro.) Whoever intentionally does any of the following is engaged
22 in commercial gambling and, except as provided in sub. (2m), is guilty of a Class E
23 I felony:

24 **SECTION 524.** 945.05 (1) (intro.) of the statutes is amended to read:

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1 945.05 (1) (intro.) Except as provided in subs. (1e) and (1m), whoever
2 manufactures, transfers commercially or possesses with intent to transfer
3 commercially either of the following is guilty of a Class E I felony:

4 **SECTION 525.** 945.08 (1) of the statutes is amended to read:

5 945.08 (1) Any person who, with intent to influence any participant to refrain
6 from exerting full skill, speed, strength or endurance, transfers or promises any
7 property or any personal advantage to or on behalf of any participant in a contest of
8 skill, speed, strength or endurance is guilty of a Class D H felony.

9 **SECTION 526.** 946.02 (1) (intro.) of the statutes is amended to read:

10 946.02 (1) (intro.) Whoever does any of the following is guilty of a Class C F
11 felony:

12 **SECTION 527.** 946.03 (1) (intro.) of the statutes is amended to read:

13 946.03 (1) (intro.) Whoever does any of the following is guilty of a Class C F
14 felony:

15 **SECTION 528.** 946.03 (2) of the statutes is amended to read:

16 946.03 (2) Whoever permits any premises under his or her care, control or
17 supervision to be used by an assembly with knowledge that the purpose of the
18 assembly is to advocate or teach the duty, necessity, desirability or propriety of
19 overthrowing the government of the United States or this state by the use or threat
20 of physical violence with intent that such government be overthrown or, after
21 learning that the premises are being so used, permits such use to be continued is
22 guilty of a Class E I felony.

23 **SECTION 529.** 946.05 (1) of the statutes is amended to read:

24 946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts
25 contempt upon the flag is guilty of a Class E I felony.

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1 **SECTION 530.** 946.10 (intro.) of the statutes is amended to read:

2 **946.10 Bribery of public officers and employees.** (intro.) Whoever does
3 either of the following is guilty of a Class ~~D~~ H felony:

4 **SECTION 531.** 946.11 (1) (intro.) of the statutes is amended to read:

5 946.11 **(1)** (intro.) Whoever does the following is guilty of a Class ~~E~~ I felony:

6 **SECTION 532.** 946.12 (intro.) of the statutes is amended to read:

7 **946.12 Misconduct in public office.** (intro.) Any public officer or public
8 employee who does any of the following is guilty of a Class ~~E~~ I felony:

9 **SECTION 533.** 946.13 (1) (intro.) of the statutes is amended to read:

10 946.13 **(1)** (intro.) Any public officer or public employee who does any of the
11 following is guilty of a Class ~~E~~ I felony:

12 **SECTION 534.** 946.14 of the statutes is amended to read:

13 **946.14 Purchasing claims at less than full value.** Any public officer or
14 public employee who in a private capacity directly or indirectly intentionally
15 purchases for less than full value or discounts any claim held by another against the
16 state or a political subdivision thereof or against any public fund is guilty of a Class
17 ~~E~~ I felony.

18 **SECTION 535.** 946.15 (1) of the statutes is amended to read:

19 946.15 **(1)** Any employer, or any agent or employee of an employer, who induces
20 any person who seeks to be or is employed pursuant to a public contract as defined
21 in s. 66.0903 (1) (c) or who seeks to be or is employed on a project on which a prevailing
22 wage rate determination has been issued by the department of workforce
23 development under s. 66.293 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local
24 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up,
25 waive or return any part of the compensation to which that person is entitled under

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1 his or her contract of employment or under the prevailing wage rate determination
2 issued by the department or local governmental unit, or who reduces the hourly basic
3 rate of pay normally paid to an employee for work on a project on which a prevailing
4 wage rate determination has not been issued under s. 66.293 (3) or (6), 103.49 (3) or
5 103.50 (3) during a week in which the employee works both on a project on which a
6 prevailing wage rate determination has been issued and on a project on which a
7 prevailing wage rate determination has not been issued, is guilty of a Class E I felony.

8 **SECTION 536.** 946.15 (3) of the statutes is amended to read:

9 946.15 (3) Any employer or labor organization, or any agent or employee of an
10 employer or labor organization, who induces any person who seeks to be or is
11 employed on a project on which a prevailing wage rate determination has been issued
12 by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50
13 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d),
14 under s. 66.0903 (6) to permit any part of the wages to which that person is entitled
15 under the prevailing wage rate determination issued by the department or local
16 governmental unit to be deducted from the person's pay is guilty of a Class E I felony,
17 unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who
18 is working on a project that is subject to 40 USC 276c.

19 **SECTION 537.** 946.31 (1) (intro.) of the statutes is amended to read:

20 946.31 (1) (intro.) Whoever under oath or affirmation orally makes a false
21 material statement which the person does not believe to be true, in any matter, cause,
22 action or proceeding, before any of the following, whether legally constituted or
23 exercising powers as if legally constituted, is guilty of a Class D H felony:

24 **SECTION 538.** 946.32 (1) (intro.) of the statutes is amended to read:

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1 946.32 **(1)** (intro.) Whoever does either of the following is guilty of a Class D
2 H felony:

3 **SECTION 539.** 946.41 (2m) (intro.) of the statutes is amended to read:

4 946.41 **(2m)** (intro.) Whoever violates sub. (1) under all of the following
5 circumstances is guilty of a Class D H felony:

6 **SECTION 540.** 946.415 (2) (intro.) of the statutes is amended to read:

7 946.415 **(2)** (intro.) Whoever intentionally does all of the following is guilty of
8 a Class E I felony:

9 **SECTION 541.** 946.42 (3) (intro.) of the statutes is amended to read:

10 946.42 **(3)** (intro.) A person in custody who intentionally escapes from custody
11 under any of the following circumstances is guilty of a Class D H felony:

12 **SECTION 542.** 946.42 (4) of the statutes is repealed.

13 **SECTION 543.** 946.425 (1) of the statutes is amended to read:

14 946.425 **(1)** Any person who is subject to a series of periods of imprisonment
15 under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as
16 required under the sentence is guilty of a Class D H felony.

17 **SECTION 544.** 946.425 (1m) (b) of the statutes is amended to read:

18 946.425 **(1m)** (b) Any person who receives a stay of execution of a sentence of
19 imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who
20 intentionally fails to report to the county jail as required under the sentence is guilty
21 of a Class D H felony.

22 **SECTION 545.** 946.425 (1r) (b) of the statutes is amended to read:

23 946.425 **(1r)** (b) Any person who is subject to a confinement order under s.
24 973.09 (4) as the result of a conviction for a felony and who intentionally fails to

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1 report to the county jail or house of correction as required under the order is guilty
2 of a Class D H felony.

3 **SECTION 546.** 946.425 (2) of the statutes is repealed.

4 **SECTION 547.** 946.43 (1m) (intro.) of the statutes is amended to read:

5 946.43 **(1m)** (intro.) Any prisoner confined to a state prison or other state,
6 county or municipal detention facility who intentionally does any of the following is
7 guilty of a Class C F felony:

8 **SECTION 548.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

9 946.43 **(2m)** (a) (intro.) Any prisoner confined to a state prison or other state,
10 county or municipal detention facility who throws or expels blood, semen, vomit,
11 saliva, urine, feces or other bodily substance at or toward an officer, employee or
12 visitor of the prison or facility or another prisoner of the prison or facility under all
13 of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for~~
14 ~~not more than 2 years or both~~ is guilty of a Class I felony:

15 **SECTION 549.** 946.44 (1) (intro.) of the statutes is amended to read:

16 946.44 **(1)** (intro.) Whoever does the following is guilty of a Class D H felony:

17 **SECTION 550.** 946.44 (1g) of the statutes is amended to read:

18 946.44 **(1g)** Any public officer or public employee who violates sub. (1) (a) or (b)
19 is guilty of a Class C F felony.

20 **SECTION 551.** 946.44 (1m) of the statutes is amended to read:

21 946.44 **(1m)** Whoever intentionally introduces into an institution where
22 prisoners are detained or transfers to a prisoner any firearm, whether loaded or
23 unloaded, or any article used or fashioned in a manner to lead another person to
24 believe it is a firearm, is guilty of a Class C F felony.

25 **SECTION 552.** 946.47 (1) (intro.) of the statutes is amended to read:

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1 946.47 **(1)** (intro.) Whoever does either of the following is guilty of a Class E I
2 felony:

3 **SECTION 553.** 946.48 (1) of the statutes is amended to read:

4 946.48 **(1)** Whoever sends, delivers, or causes to be transmitted to another any
5 written or oral communication with intent to induce a false belief that the sender has
6 knowledge of the whereabouts, physical condition, or terms imposed upon the return
7 of a kidnapped or missing person is guilty of a Class D H felony.

8 **SECTION 554.** 946.49 (1) (b) of the statutes is amended to read:

9 946.49 **(1)** (b) If the offense with which the person is charged is a felony, guilty
10 of a Class D H felony.

11 **SECTION 555.** 946.49 (2) of the statutes is amended to read:

12 946.49 **(2)** A witness for whom bail has been required under s. 969.01 (3) is
13 guilty of a Class E I felony for failure to appear as provided.

14 **SECTION 556.** 946.50 (5d) of the statutes is created to read:

15 946.50 **(5d)** A Class F felony, if the person was adjudicated delinquent for
16 committing an act that would be a Class F felony if committed by an adult.

17 **SECTION 557.** 946.50 (5h) of the statutes is created to read:

18 946.50 **(5h)** A Class G felony, if the person was adjudicated delinquent for
19 committing an act that would be a Class G felony if committed by an adult.

20 **SECTION 558.** 946.50 (5p) of the statutes is created to read:

21 946.50 **(5p)** A Class H felony, if the person was adjudicated delinquent for
22 committing an act that would be a Class H felony if committed by an adult.

23 **SECTION 559.** 946.50 (5t) of the statutes is created to read:

24 946.50 **(5t)** A Class I felony, if the person was adjudicated delinquent for
25 committing an act that would be a Class I felony if committed by an adult.

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1 **SECTION 560.** 946.60 (1) of the statutes is amended to read:

2 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
3 removes, withholds or transfers possession of a document, knowing that the
4 document has been subpoenaed by a court or by or at the request of a district attorney
5 or the attorney general, is guilty of a Class E I felony.

6 **SECTION 561.** 946.60 (2) of the statutes is amended to read:

7 946.60 (2) Whoever uses force, threat, intimidation or deception, with intent
8 to cause or induce another person to destroy, alter, mutilate, conceal, remove,
9 withhold or transfer possession of a subpoenaed document, knowing that the
10 document has been subpoenaed by a court or by or at the request of a district attorney
11 or the attorney general, is guilty of a Class E I felony.

12 **SECTION 562.** 946.61 (1) (intro.) of the statutes is amended to read:

13 946.61 (1) (intro.) Whoever does any of the following is guilty of a Class D H
14 felony:

15 **SECTION 563.** 946.64 of the statutes is amended to read:

16 **946.64 Communicating with jurors.** Whoever, with intent to influence any
17 person, summoned or serving as a juror, in relation to any matter which is before that
18 person or which may be brought before that person, communicates with him or her
19 otherwise than in the regular course of proceedings in the trial or hearing of that
20 matter is guilty of a Class E I felony.

21 **SECTION 564.** 946.65 (1) of the statutes is amended to read:

22 946.65 (1) Whoever for a consideration knowingly gives false information to
23 any officer of any court with intent to influence the officer in the performance of
24 official functions is guilty of a Class E I felony.

25 **SECTION 565.** 946.68 (1r) (a) of the statutes is amended to read:

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1 946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers
2 to another any document which simulates legal process is guilty of a Class E I felony.

3 **SECTION 566.** 946.68 (1r) (b) of the statutes is amended to read:

4 946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent
5 to induce payment of a claim, the person is guilty of a Class D H felony.

6 **SECTION 567.** 946.68 (1r) (c) of the statutes is amended to read:

7 946.68 (1r) (c) If the document under par. (a) simulates any criminal process,
8 the person is guilty of a Class D H felony.

9 **SECTION 568.** 946.69 (2) (intro.) of the statutes is amended to read:

10 946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I
11 felony:

12 **SECTION 569.** 946.70 (2) of the statutes is amended to read:

13 946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet
14 the commission of a crime other than the crime under this section is guilty of a Class
15 D H felony.

16 **SECTION 570.** 946.72 (1) of the statutes is amended to read:

17 946.72 (1) Whoever with intent to injure or defraud destroys, damages,
18 removes or conceals any public record is guilty of a Class D H felony.

19 **SECTION 571.** 946.74 (2) of the statutes is amended to read:

20 946.74 (2) Whoever violates sub. (1) with intent to commit a crime against
21 sexual morality with or upon the inmate of the institution is guilty of a Class D H
22 felony.

23 **SECTION 572.** 946.76 of the statutes is amended to read:

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1 **946.76 Search warrant; premature disclosure.** Whoever discloses prior
2 to its execution that a search warrant has been applied for or issued, except so far
3 as may be necessary to its execution, is guilty of a Class E I felony.

4 **SECTION 573.** 946.82 (4) of the statutes is amended to read:

5 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
6 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
7 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
8 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
9 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
10 940.19 ~~(3)~~ (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
11 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
12 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to ~~(d)~~
13 (e), 943.201, 943.23 (1g), ~~(1m), (1r)~~, (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
14 943.30, 943.32, 943.34 (1) (b), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
15 (c), 943.50 (4) (b), (bm), and (c), 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32,
16 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
17 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
18 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

19 **SECTION 574.** 946.84 (1) of the statutes is amended to read:

20 946.84 (1) Any person convicted of engaging in racketeering activity in
21 violation of s. 946.83 is guilty of a Class C E felony.

22 **SECTION 575.** 946.85 (1) of the statutes is amended to read:

23 946.85 (1) Any person who engages in a continuing criminal enterprise shall
24 be imprisoned for not less than 10 years nor more than 30 years, and fined not more
25 than \$10,000 or as provided in s. 946.84 (2). ~~If the court imposes a sentence less than~~

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1 ~~the presumptive minimum sentence, it shall place its reasons for doing so on the~~
2 ~~record~~ is guilty of a Class E felony.

3 **SECTION 576.** 947.013 (1t) of the statutes is amended to read:

4 947.013 (1t) Whoever violates sub. (1r) is guilty of a Class ~~E~~ I felony if the
5 person has a prior conviction under this subsection or sub. (1r), (1v) or (1x) or s.
6 940.32 (2), (2m), (3) or (3m) involving the same victim and the present violation
7 occurs within 7 years of the prior conviction.

8 **SECTION 577.** 947.013 (1v) of the statutes is amended to read:

9 947.013 (1v) Whoever violates sub. (1r) is guilty of a Class ~~D~~ H felony if he or
10 she intentionally gains access to a record in electronic format that contains
11 personally identifiable information regarding the victim in order to facilitate the
12 violation under sub. (1r).

13 **SECTION 578.** 947.013 (1x) (intro.) of the statutes is amended to read:

14 947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following
15 circumstances is guilty of a Class ~~D~~ H felony:

16 **SECTION 579.** 947.015 of the statutes is amended to read:

17 **947.015 Bomb scares.** Whoever intentionally conveys or causes to be
18 conveyed any threat or false information, knowing such to be false, concerning an
19 attempt or alleged attempt being made or to be made to destroy any property by the
20 means of explosives is guilty of a Class ~~E~~ I felony.

21 **SECTION 580.** 948.02 (2) of the statutes is amended to read:

22 948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or
23 sexual intercourse with a person who has not attained the age of 16 years is guilty
24 of a Class ~~BC~~ C felony.

25 **SECTION 581.** 948.02 (3) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 581**

1 **948.02 (3) FAILURE TO ACT.** A person responsible for the welfare of a child who
2 has not attained the age of 16 years is guilty of a Class C F felony if that person has
3 knowledge that another person intends to have, is having or has had sexual
4 intercourse or sexual contact with the child, is physically and emotionally capable
5 of taking action which will prevent the intercourse or contact from taking place or
6 being repeated, fails to take that action and the failure to act exposes the child to an
7 unreasonable risk that intercourse or contact may occur between the child and the
8 other person or facilitates the intercourse or contact that does occur between the
9 child and the other person.

10 **SECTION 582.** 948.02 (3m) of the statutes is repealed.

11 **SECTION 583.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and
12 amended to read:

13 **948.025 (1) (intro.)** Whoever commits 3 or more violations under s. 948.02 (1)
14 or (2) within a specified period of time involving the same child is guilty of a:

15 (a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

16 **SECTION 584.** 948.025 (1) (b) of the statutes is created to read:

17 **948.025 (1) (b)** A Class C felony if fewer than 3 of the violations were violations
18 of s. 948.02 (1).

19 **SECTION 585.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and
20 amended to read:

21 **948.025 (2) (b)** If an action under sub. (1) (b) is tried to a jury, in order to find
22 the defendant guilty the members of the jury must unanimously agree that at least
23 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable
24 under sub. (1) of time but need not agree on which acts constitute the requisite

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1 number and need not agree on whether a particular violation was a violation of s.
2 948.02 (1) or (2).

3 **SECTION 586.** 948.025 (2) (a) of the statutes is created to read:

4 948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find
5 the defendant guilty the members of the jury must unanimously agree that at least
6 3 violations of s. 948.02 (1) occurred within the specified period of time but need not
7 agree on which acts constitute the requisite number.

8 **SECTION 587.** 948.025 (2m) of the statutes is repealed.

9 **SECTION 588.** 948.03 (2) (a) of the statutes is amended to read:

10 948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is
11 guilty of a Class C E felony.

12 **SECTION 589.** 948.03 (2) (b) of the statutes is amended to read:

13 948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of
14 a Class D H felony.

15 **SECTION 590.** 948.03 (2) (c) of the statutes is amended to read:

16 948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct
17 which creates a high probability of great bodily harm is guilty of a Class C F felony.

18 **SECTION 591.** 948.03 (3) (a) of the statutes is amended to read:

19 948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty
20 of a Class D G felony.

21 **SECTION 592.** 948.03 (3) (b) of the statutes is amended to read:

22 948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a
23 Class E I felony.

24 **SECTION 593.** 948.03 (3) (c) of the statutes is amended to read:

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1 948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct
2 which creates a high probability of great bodily harm is guilty of a Class D H felony.

3 **SECTION 594.** 948.03 (4) (a) of the statutes is amended to read:

4 948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class
5 C F felony if that person has knowledge that another person intends to cause, is
6 causing or has intentionally or recklessly caused great bodily harm to the child and
7 is physically and emotionally capable of taking action which will prevent the bodily
8 harm from occurring or being repeated, fails to take that action and the failure to act
9 exposes the child to an unreasonable risk of great bodily harm by the other person
10 or facilitates the great bodily harm to the child that is caused by the other person.

11 **SECTION 595.** 948.03 (4) (b) of the statutes is amended to read:

12 948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class
13 D H felony if that person has knowledge that another person intends to cause, is
14 causing or has intentionally or recklessly caused bodily harm to the child and is
15 physically and emotionally capable of taking action which will prevent the bodily
16 harm from occurring or being repeated, fails to take that action and the failure to act
17 exposes the child to an unreasonable risk of bodily harm by the other person or
18 facilitates the bodily harm to the child that is caused by the other person.

19 **SECTION 596.** 948.03 (5) of the statutes is repealed.

20 **SECTION 597.** 948.04 (1) of the statutes is amended to read:

21 948.04 (1) Whoever is exercising temporary or permanent control of a child and
22 causes mental harm to that child by conduct which demonstrates substantial
23 disregard for the mental well-being of the child is guilty of a Class C F felony.

24 **SECTION 598.** 948.04 (2) of the statutes is amended to read:

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1 948.04 **(2)** A person responsible for the child's welfare is guilty of a Class C F
2 felony if that person has knowledge that another person has caused, is causing or will
3 cause mental harm to that child, is physically and emotionally capable of taking
4 action which will prevent the harm, fails to take that action and the failure to act
5 exposes the child to an unreasonable risk of mental harm by the other person or
6 facilitates the mental harm to the child that is caused by the other person.

7 **SECTION 599.** 948.05 (1) (intro.) of the statutes is amended to read:

8 948.05 **(1)** (intro.) Whoever does any of the following with knowledge of the
9 character and content of the sexually explicit conduct involving the child is guilty of
10 a Class C F felony:

11 **SECTION 600.** 948.05 (1m) of the statutes is amended to read:

12 948.05 **(1m)** Whoever produces, performs in, profits from, promotes, imports
13 into the state, reproduces, advertises, sells, distributes or possesses with intent to
14 sell or distribute, any undeveloped film, photographic negative, photograph, motion
15 picture, videotape, sound recording or other reproduction of a child engaging in
16 sexually explicit conduct is guilty of a Class C F felony if the person knows the
17 character and content of the sexually explicit conduct involving the child and if the
18 person knows or reasonably should know that the child engaging in the sexually
19 explicit conduct has not attained the age of 18 years.

20 **SECTION 601.** 948.05 (2) of the statutes is amended to read:

21 948.05 **(2)** A person responsible for a child's welfare who knowingly permits,
22 allows or encourages the child to engage in sexually explicit conduct for a purpose
23 proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class C F felony.

24 **SECTION 602.** 948.055 (2) (a) of the statutes is amended to read:

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1 948.055 (2) (a) A Class ~~C~~ F felony if the child has not attained the age of 13
2 years.

3 **SECTION 603.** 948.055 (2) (b) of the statutes is amended to read:

4 948.055 (2) (b) A Class ~~D~~ H felony if the child has attained the age of 13 years
5 but has not attained the age of 18 years.

6 **SECTION 604.** 948.06 (intro.) of the statutes is amended to read:

7 **948.06 Incest with a child.** (intro.) Whoever does any of the following is
8 guilty of a Class ~~BC~~ C felony:

9 **SECTION 605.** 948.07 (intro.) of the statutes is amended to read:

10 **948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the
11 following acts, causes or attempts to cause any child who has not attained the age
12 of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class
13 ~~BC~~ D felony:

14 **SECTION 606.** 948.08 of the statutes is amended to read:

15 **948.08 Soliciting a child for prostitution.** Whoever intentionally solicits
16 or causes any child to practice prostitution or establishes any child in a place of
17 prostitution is guilty of a Class ~~BC~~ D felony.

18 **SECTION 607.** 948.095 (2) (intro.) of the statutes is amended to read:

19 948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a
20 child who has attained the age of 16 years and who is not the defendant's spouse is
21 guilty of a Class ~~D~~ H felony if all of the following apply:

22 **SECTION 608.** 948.11 (2) (a) of the statutes is amended to read:

23 948.11 (2) (a) Whoever, with knowledge of the nature of the material, sells,
24 rents, exhibits, transfers or loans to a child any harmful material, with or without
25 monetary consideration, is guilty of a Class ~~E~~ I felony.

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1 **SECTION 609.** 948.11 (2) (am) of the statutes is amended to read:

2 948.11 **(2)** (am) Any person who has attained the age of 17 and who, with
3 knowledge of the nature of the description or narrative account, verbally
4 communicates, by any means, a harmful description or narrative account to a child,
5 with or without monetary consideration, is guilty of a Class E I felony.

6 **SECTION 610.** 948.12 (intro.) of the statutes is amended to read:

7 **948.12 Possession of child pornography.** (intro.) Whoever possesses any
8 undeveloped film, photographic negative, photograph, motion picture, videotape or
9 other pictorial reproduction or audio recording of a child engaged in sexually explicit
10 conduct under all of the following circumstances is guilty of a Class E I felony:

11 **SECTION 611.** 948.13 (2) of the statutes is amended to read:

12 948.13 **(2)** Whoever has been convicted of a serious child sex offense and
13 subsequently engages in an occupation or participates in a volunteer position that
14 requires him or her to work or interact primarily and directly with children under
15 16 years of age is guilty of a Class C E felony. This subsection does not apply to a
16 person who is exempt under a court order issued under sub. (2m).

17 **SECTION 612.** 948.20 of the statutes is amended to read:

18 **948.20 Abandonment of a child.** Whoever, with intent to abandon the child,
19 leaves any child in a place where the child may suffer because of neglect is guilty of
20 a Class D G felony.

21 **SECTION 613.** 948.21 (1) of the statutes is amended to read:

22 948.21 **(1)** Any person who is responsible for a child's welfare who, through his
23 or her actions or failure to take action, intentionally contributes to the neglect of the
24 child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C D
25 felony.

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1 **SECTION 614.** 948.22 (2) of the statutes is amended to read:

2 948.22 (2) Any person who intentionally fails for 120 or more consecutive days
3 to provide spousal, grandchild or child support which the person knows or reasonably
4 should know the person is legally obligated to provide is guilty of a Class E I felony.
5 A prosecutor may charge a person with multiple counts for a violation under this
6 subsection if each count covers a period of at least 120 consecutive days and there is
7 no overlap between periods.

8 **SECTION 615.** 948.23 of the statutes is amended to read:

9 **948.23 Concealing death of child.** Any person who conceals the corpse of
10 any issue of a woman's body with intent to prevent a determination of whether it was
11 born dead or alive is guilty of a Class E I felony.

12 **SECTION 616.** 948.24 (1) (intro.) of the statutes is amended to read:

13 948.24 (1) (intro.) Whoever does any of the following is guilty of a Class D H
14 felony:

15 **SECTION 617.** 948.30 (1) (intro.) of the statutes is amended to read:

16 948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the
17 following is guilty of a Class C E felony:

18 **SECTION 618.** 948.30 (2) (intro.) of the statutes is amended to read:

19 948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the
20 following is guilty of a Class B C felony:

21 **SECTION 619.** 948.31 (1) (b) of the statutes is amended to read:

22 948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally
23 causes a child to leave, takes a child away or withholds a child for more than 12 hours
24 beyond the court-approved period of physical placement or visitation period from a
25 legal custodian with intent to deprive the custodian of his or her custody rights

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1 without the consent of the custodian is guilty of a Class C F felony. This paragraph
2 is not applicable if the court has entered an order authorizing the person to so take
3 or withhold the child. The fact that joint legal custody has been awarded to both
4 parents by a court does not preclude a court from finding that one parent has
5 committed a violation of this paragraph.

6 **SECTION 620.** 948.31 (2) of the statutes is amended to read:

7 948.31 (2) Whoever causes a child to leave, takes a child away or withholds a
8 child for more than 12 hours from the child's parents or, in the case of a nonmarital
9 child whose parents do not subsequently intermarry under s. 767.60, from the child's
10 mother or, if he has been granted legal custody, the child's father, without the consent
11 of the parents, the mother or the father with legal custody, is guilty of a Class E I
12 felony. This subsection is not applicable if legal custody has been granted by court
13 order to the person taking or withholding the child.

14 **SECTION 621.** 948.31 (3) (intro.) of the statutes is amended to read:

15 948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from
16 the parent, who does any of the following is guilty of a Class C F felony:

17 **SECTION 622.** 948.35 of the statutes is repealed.

18 **SECTION 623.** 948.36 of the statutes is repealed.

19 **SECTION 624.** 948.40 (4) (a) of the statutes is amended to read:

20 948.40 (4) (a) If death is a consequence, the person is guilty of a Class C D
21 felony; or

22 **SECTION 625.** 948.40 (4) (b) of the statutes is amended to read:

23 948.40 (4) (b) If the child's act which is encouraged or contributed to is a
24 violation of a state or federal criminal law which is punishable as a felony, the person
25 is guilty of a Class D H felony.

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1 **SECTION 626.** 948.51 (3) (b) of the statutes is amended to read:

2 948.51 (3) (b) A Class E H felony if the act results in great bodily harm ~~or death~~
3 to another.

4 **SECTION 627.** 948.51 (3) (c) of the statutes is created to read:

5 948.51 (3) (c) A Class G felony if the act results in the death of another.

6 **SECTION 628.** 948.60 (2) (b) of the statutes is amended to read:

7 948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells,
8 loans or gives a dangerous weapon to a person under 18 years of age is guilty of a
9 Class E I felony.

10 **SECTION 629.** 948.60 (2) (c) of the statutes is amended to read:

11 948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the
12 person under 18 years of age under par. (b) discharges the firearm and the discharge
13 causes death to himself, herself or another.

14 **SECTION 630.** 948.605 (2) (a) of the statutes is amended to read:

15 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
16 that the individual knows, or has reasonable cause to believe, is a school zone is
17 guilty of a Class A ~~misdemeanor~~ I felony.

18 **SECTION 631.** 948.605 (3) (a) of the statutes is amended to read:

19 948.605 (3) (a) Any individual who knowingly, or with reckless disregard for
20 the safety of another, discharges or attempts to discharge a firearm at a place the
21 individual knows is a school zone is guilty of a Class ~~D~~ G felony.

22 **SECTION 632.** 948.605 (4) of the statutes is repealed.

23 **SECTION 633.** 948.61 (2) (b) of the statutes is amended to read:

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1 948.61 **(2)** (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or
2 subsequent violation of this section within a 5-year period, as measured from the
3 dates the violations occurred.

4 **SECTION 634.** 948.62 (1) (a) of the statutes is amended to read:

5 948.62 **(1)** (a) A Class ~~E~~ felony A misdemeanor, if the value of the property does
6 not exceed \$500.

7 **SECTION 635.** 948.62 (1) (b) of the statutes is amended to read:

8 948.62 **(1)** (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but
9 does not exceed \$2,500.

10 **SECTION 636.** 948.62 (1) (bm) of the statutes is created to read:

11 948.62 **(1)** (bm) A Class H felony, if the value of the property exceeds \$2,500 but
12 does not exceed \$5,000.

13 **SECTION 637.** 948.62 (1) (c) of the statutes is amended to read:

14 948.62 **(1)** (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~
15 \$5,000.

16 **SECTION 638.** 949.03 (1) (b) of the statutes is amended to read:

17 949.03 **(1)** (b) The commission or the attempt to commit any crime specified in
18 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
19 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
20 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,
21 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m) or (1r)~~, 943.32, 948.02, 948.025, 948.03,
22 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

23 **SECTION 639.** 950.04 (1v) (g) of the statutes is amended to read:

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1 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
2 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
3 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

4 **SECTION 640.** 950.04 (1v) (nt) of the statutes is created to read:

5 950.04 (1v) (nt) To attend a hearing on a petition for modification of a
6 bifurcated sentence and provide a statement concerning modification of the
7 bifurcated sentence, as provided under s. 302.113 (9g) (d).

8 **SECTION 641.** 951.18 (1) of the statutes is amended to read:

9 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
10 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
11 Class C forfeiture. Any person who violates any of these provisions within 3 years
12 after a humane officer issues an abatement order under s. 173.11 prohibiting the
13 violation of that provision is subject to a Class A forfeiture. Any person who
14 intentionally or negligently violates any of those sections is guilty of a Class A
15 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
16 mutilation, disfigurement or death of an animal, is guilty of a Class **E I** felony. Any
17 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
18 is the victim is used by a law enforcement agency to perform agency functions or
19 duties and causing injury to the animal, is guilty of a Class **E I** felony.

20 **SECTION 642.** 951.18 (2) of the statutes is amended to read:

21 951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A
22 misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class **E I**
23 felony for the first violation and is guilty of a Class **D H** felony for the 2nd or
24 subsequent violation.

25 **SECTION 643.** 951.18 (2m) of the statutes is amended to read:

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1 951.18 **(2m)** Any person who violates s. 951.095 is subject to a Class B
2 forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing
3 that the animal that is the victim is used by a law enforcement agency or fire
4 department to perform agency or department functions or duties, is guilty of a Class
5 A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the
6 animal that is the victim is used by a law enforcement agency or fire department to
7 perform agency or department functions or duties and causing injury to the animal,
8 is guilty of a Class E I felony. Any person who intentionally violates s. 951.095,
9 knowing that the animal that is the victim is used by a law enforcement agency or
10 fire department to perform agency or department functions or duties and causing
11 death to the animal, is guilty of a Class D H felony.

12 **SECTION 644.** 961.41 (1) (intro.) of the statutes is amended to read:

13 961.41 **(1)** MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as
14 authorized by this chapter, it is unlawful for any person to manufacture, distribute
15 or deliver a controlled substance or controlled substance analog. Any person who
16 violates this subsection ~~with respect to~~ is subject to the following penalties:

17 **SECTION 645.** 961.41 (1) (a) of the statutes is amended to read:

18 961.41 **(1)** (a) Schedule I and II narcotic drugs generally. Except as provided
19 in par. (d), if a person violates this subsection with respect to a controlled substance
20 included in schedule I or II which is a narcotic drug, or a controlled substance analog
21 of a controlled substance included in schedule I or II which is a narcotic drug, ~~may~~
22 ~~be fined not more than \$25,000 or imprisoned for not more than 22 years and 6~~
23 ~~months or both~~ the person is guilty of a Class E felony.

24 **SECTION 646.** 961.41 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 646**

1 961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
2 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
3 to any other controlled substance included in schedule I, II, or III, or a controlled
4 substance analog of any other controlled substance included in schedule I or II, may
5 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
6 or both the person is guilty of a Class H felony.

7 **SECTION 647.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

8 961.41 (1) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If the person violates
9 this subsection with respect to cocaine or cocaine base, or a controlled substance
10 analog of cocaine or cocaine base, ~~is subject to the following penalties if~~ and the
11 amount manufactured, distributed, or delivered is:

12 **SECTION 648.** 961.41 (1) (cm) 1. of the statutes is renumbered 961.41 (1) (cm)
13 1r. and amended to read:

14 961.41 (1) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
15 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
16 ~~for not more than 15 years~~ is guilty of a Class F felony.

17 **SECTION 649.** 961.41 (1) (cm) 1g. of the statutes is created to read:

18 961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

19 **SECTION 650.** 961.41 (1) (cm) 2. of the statutes is amended to read:

20 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
21 ~~shall be fined not more than \$500,000 and shall be imprisoned for not less than one~~
22 ~~year nor more than 22 years and 6 months~~ is guilty of a Class E felony.

23 **SECTION 651.** 961.41 (1) (cm) 3. of the statutes is amended to read:

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1 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
2 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
3 years nor more than 30 years is guilty of a Class D felony.

4 **SECTION 652.** 961.41 (1) (cm) 4. of the statutes is amended to read:

5 961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person
6 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
7 years nor more than 45 years is guilty of a Class C felony.

8 **SECTION 653.** 961.41 (1) (cm) 5. of the statutes is repealed.

9 **SECTION 654.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

10 961.41 (1) (d) Heroin. (intro.) Heroin If the person violates this subsection with
11 respect to heroin or a controlled substance analog of heroin is subject to the following
12 penalties if and the amount manufactured, distributed or delivered is:

13 **SECTION 655.** 961.41 (1) (d) 1. of the statutes is amended to read:

14 961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than
15 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years
16 and 6 months is guilty of a Class F felony.

17 **SECTION 656.** 961.41 (1) (d) 2. of the statutes is amended to read:

18 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
19 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
20 for not less than 6 months nor more than 22 years and 6 months is guilty of a Class
21 E felony.

22 **SECTION 657.** 961.41 (1) (d) 3. of the statutes is amended to read:

23 961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person
24 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned

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1 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
2 D felony.

3 **SECTION 658.** 961.41 (1) (d) 4. of the statutes is amended to read:

4 961.41 (1) (d) 4. More than 50 grams but not more than 200 grams, the person
5 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
6 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
7 felony.

8 **SECTION 659.** 961.41 (1) (d) 5. of the statutes is repealed.

9 **SECTION 660.** 961.41 (1) (d) 6. of the statutes is repealed.

10 **SECTION 661.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

11 961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and
12 methcathinone. (intro.) Phencyclidine If the person violates this subsection with
13 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
14 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or
15 methcathinone, is subject to the following penalties if and the amount
16 manufactured, distributed, or delivered is:

17 **SECTION 662.** 961.41 (1) (e) 1. of the statutes is amended to read:

18 961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than
19 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
20 6 months is guilty of a Class F felony.

21 **SECTION 663.** 961.41 (1) (e) 2. of the statutes is amended to read:

22 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
23 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
24 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
25 E felony.

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1 **SECTION 664.** 961.41 (1) (e) 3. of the statutes is amended to read:

2 961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person
3 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
4 for not less than one year nor more than 22 years and 6 months is guilty of a Class
5 D felony.

6 **SECTION 665.** 961.41 (1) (e) 4. of the statutes is amended to read:

7 961.41 (1) (e) 4. More than 50 grams but not more than 200 grams, the person
8 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
9 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
10 felony.

11 **SECTION 666.** 961.41 (1) (e) 5. of the statutes is repealed.

12 **SECTION 667.** 961.41 (1) (e) 6. of the statutes is repealed.

13 **SECTION 668.** 961.41 (1) (em) of the statutes is repealed.

14 **SECTION 669.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

15 961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergie If the person violates
16 this subsection with respect to lysergic acid diethylamide or a controlled substance
17 analog of lysergic acid diethylamide is subject to the following penalties if and the
18 amount manufactured, distributed, or delivered is:

19 **SECTION 670.** 961.41 (1) (f) 1. of the statutes is amended to read:

20 961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000
21 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6
22 months is guilty of a Class G felony.

23 **SECTION 671.** 961.41 (1) (f) 2. of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 671**

1 961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall
2 be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not
3 less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.

4 **SECTION 672.** 961.41 (1) (f) 3. of the statutes is amended to read:

5 961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than
6 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
7 nor more than 22 years and 6 months is guilty of a Class E felony.

8 **SECTION 673.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

9 961.41 (1) (g) Psilocin and psilocybin. (intro.) Psilocin If the person violates
10 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
11 of psilocin or psilocybin, is subject to the following penalties if and the amount
12 manufactured, distributed or delivered is:

13 **SECTION 674.** 961.41 (1) (g) 1. of the statutes is amended to read:

14 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
15 than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7
16 years and 6 months is guilty of a Class G felony.

17 **SECTION 675.** 961.41 (1) (g) 2. of the statutes is amended to read:

18 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
19 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
20 for not less than 6 months nor more than 7 years and 6 months is guilty of a Class
21 F felony.

22 **SECTION 676.** 961.41 (1) (g) 3. of the statutes is amended to read:

23 961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than
24 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
25 nor more than 22 years and 6 months is guilty of a Class E felony.

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1 **SECTION 677.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

2 961.41 (1) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If the
3 person violates this subsection with respect to tetrahydrocannabinols, included
4 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
5 subject to the following penalties if and the amount manufactured, distributed or
6 delivered is:

7 **SECTION 678.** 961.41 (1) (h) 1. of the statutes is amended to read:

8 961.41 (1) (h) 1. Five Two hundred grams or less, or ~~10~~ 4 or fewer plants
9 containing tetrahydrocannabinols, the person ~~shall be fined not less than \$500 nor~~
10 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
11 is guilty of a Class I felony.

12 **SECTION 679.** 961.41 (1) (h) 2. of the statutes is amended to read:

13 961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than ~~2,500~~ 1,000 grams,
14 or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20
15 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
16 ~~\$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor~~
17 ~~more than 7 years and 6 months~~ is guilty of a Class H felony.

18 **SECTION 680.** 961.41 (1) (h) 3. of the statutes is amended to read:

19 961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
20 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
21 plants containing tetrahydrocannabinols, the person ~~shall be fined not less than~~
22 ~~\$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year~~
23 ~~nor more than 15 years~~ is guilty of a Class G felony.

24 **SECTION 681.** 961.41 (1) (h) 4. of the statutes is created to read:

ASSEMBLY BILL 3**SECTION 681**

1 961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
2 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
3 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

4 **SECTION 682.** 961.41 (1) (h) 5. of the statutes is created to read:

5 961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing
6 tetrahydrocannabinols, the person is guilty of a Class E felony.

7 **SECTION 683.** 961.41 (1) (i) of the statutes is amended to read:

8 961.41 (1) (i) Schedule IV drugs. Except as provided in par. (im), if a person
9 violates this subsection with respect to a substance included in schedule IV, may be
10 fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months
11 or both the person is guilty of a Class H felony.

12 **SECTION 684.** 961.41 (1) (im) of the statutes is repealed and recreated to read:

13 961.41 (1) (im) *Flunitrazepam.* If a person violates this subsection with respect
14 to flunitrazepam, the person is guilty of a Class G felony.

15 **SECTION 685.** 961.41 (1) (j) of the statutes is amended to read:

16 961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with
17 respect to a substance included in schedule V, may be fined not more than \$5,000 or
18 imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

19 **SECTION 686.** 961.41 (1m) (intro.) of the statutes is amended to read:

20 961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER.
21 (intro.) Except as authorized by this chapter, it is unlawful for any person to possess,
22 with intent to manufacture, distribute or deliver, a controlled substance or a
23 controlled substance analog. Intent under this subsection may be demonstrated by,
24 without limitation because of enumeration, evidence of the quantity and monetary
25 value of the substances possessed, the possession of manufacturing implements or

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1 paraphernalia, and the activities or statements of the person in possession of the
2 controlled substance or a controlled substance analog prior to and after the alleged
3 violation. Any person who violates this subsection ~~with respect to~~ is subject to the
4 following penalties:

5 **SECTION 687.** 961.41 (1m) (a) of the statutes is amended to read:

6 961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided
7 in par. (d), if a person violates this subsection with respect to a controlled substance
8 included in schedule I or II which is a narcotic drug or a controlled substance analog
9 of a controlled substance included in schedule I or II which is a narcotic drug, may
10 be fined not more than \$25,000 or imprisoned for not more than 22 years and 6
11 months or both the person is guilty of a Class E felony.

12 **SECTION 688.** 961.41 (1m) (b) of the statutes is amended to read:

13 961.41 (1m) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as
14 provided in pars. (cm) and (e) to (h), if a person violates this subsection with respect
15 to any other controlled substance included in schedule I, II, or III, or a controlled
16 substance analog of any other controlled substance included in schedule I or II, may
17 be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
18 or both the person is guilty of a Class H felony.

19 **SECTION 689.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

20 961.41 (1m) (cm) Cocaine and cocaine base. (intro.) ~~Cocaine~~ If a person violates
21 this subsection with respect to cocaine or cocaine base, or a controlled substance
22 analog of cocaine or cocaine base, ~~is subject to the following penalties if~~ and the
23 amount possessed, with intent to manufacture, distribute or deliver, is:

24 **SECTION 690.** 961.41 (1m) (cm) 1. of the statutes is renumbered 961.41 (1m)
25 (cm) 1r. and amended to read:

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1 961.41 (1m) (cm) 1r. ~~Five grams or less~~ More than one gram but not more than
2 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned
3 ~~for not more than 15 years~~ is guilty of a Class F felony.

4 **SECTION 691.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

5 961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

6 **SECTION 692.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

7 961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person
8 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
9 year ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

10 **SECTION 693.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

11 961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the
12 person shall be fined not more than \$500,000 and shall be imprisoned for not less
13 than 3 years ~~nor more than 30 years~~ is guilty of a Class D felony.

14 **SECTION 694.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

15 961.41 (1m) (cm) 4. More than 40 grams ~~but not more than 100 grams~~, the
16 person shall be fined not more than \$500,000 and shall be imprisoned for not less
17 than 5 years ~~nor more than 45 years~~ is guilty of a Class C felony.

18 **SECTION 695.** 961.41 (1m) (cm) 5. of the statutes is repealed.

19 **SECTION 696.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

20 961.41 (1m) (d) Heroin. (intro.) Heroin If a person violates this subsection with
21 respect to heroin or a controlled substance analog of heroin ~~is subject to the following~~
22 ~~penalties if~~ and the amount possessed, with intent to manufacture, distribute or
23 deliver, is:

24 **SECTION 697.** 961.41 (1m) (d) 1. of the statutes is amended to read:

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1 961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than
2 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years
3 and 6 months is guilty of a Class F felony.

4 **SECTION 698.** 961.41 (1m) (d) 2. of the statutes is amended to read:

5 961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person
6 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
7 for not less than 6 months nor more than 22 years and 6 months is guilty of a Class
8 E felony.

9 **SECTION 699.** 961.41 (1m) (d) 3. of the statutes is amended to read:

10 961.41 (1m) (d) 3. More than 10 grams but not more than 50 grams, the person
11 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
12 for not less than one year nor more than 22 years and 6 months is guilty of a Class
13 D felony.

14 **SECTION 700.** 961.41 (1m) (d) 4. of the statutes is amended to read:

15 961.41 (1m) (d) 4. More than 50 grams but not more than 200 grams, the person
16 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
17 for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C
18 felony.

19 **SECTION 701.** 961.41 (1m) (d) 5. of the statutes is repealed.

20 **SECTION 702.** 961.41 (1m) (d) 6. of the statutes is repealed.

21 **SECTION 703.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

22 961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and
23 methcathinone. (intro.) Phencyclidine If a person violates this subsection with
24 respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a
25 controlled substance analog of phencyclidine, amphetamine, methamphetamine, or

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1 methcathinone, ~~is subject to the following penalties if~~ and the amount possessed,
2 with intent to manufacture, distribute, or deliver, is:

3 **SECTION 704.** 961.41 (1m) (e) 1. of the statutes is amended to read:

4 961.41 **(1m)** (e) 1. Three grams or less, the person ~~shall be fined not less than~~
5 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
6 ~~6 months~~ is guilty of a Class F felony.

7 **SECTION 705.** 961.41 (1m) (e) 2. of the statutes is amended to read:

8 961.41 **(1m)** (e) 2. More than 3 grams but not more than 10 grams, the person
9 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
10 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
11 E felony.

12 **SECTION 706.** 961.41 (1m) (e) 3. of the statutes is amended to read:

13 961.41 **(1m)** (e) 3. More than 10 grams but not more than 50 grams, the person
14 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
15 ~~for not less than one year nor more than 22 years and 6 months~~ is guilty of a Class
16 D felony.

17 **SECTION 707.** 961.41 (1m) (e) 4. of the statutes is amended to read:

18 961.41 **(1m)** (e) 4. More than 50 grams but not more than 200 grams, the person
19 ~~shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned~~
20 ~~for not less than 3 years nor more than 22 years and 6 months~~ is guilty of a Class C
21 felony.

22 **SECTION 708.** 961.41 (1m) (e) 5. of the statutes is repealed.

23 **SECTION 709.** 961.41 (1m) (e) 6. of the statutes is repealed.

24 **SECTION 710.** 961.41 (1m) (em) of the statutes is repealed.

25 **SECTION 711.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

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1 961.41 (1m) (f) Lysergic acid diethylamide. (intro.) ~~Lysergie~~ If a person violates
2 this subsection with respect to lysergic acid diethylamide or a controlled substance
3 analog of lysergic acid diethylamide is subject to the following penalties if and the
4 amount possessed, with intent to manufacture, distribute or deliver, is:

5 **SECTION 712.** 961.41 (1m) (f) 1. of the statutes is amended to read:

6 961.41 (1m) (f) 1. One gram or less, the person shall be ~~fined not less than~~
7 ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and~~
8 ~~6 months~~ is guilty of a Class G felony.

9 **SECTION 713.** 961.41 (1m) (f) 2. of the statutes is amended to read:

10 961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person
11 ~~shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned~~
12 ~~for not less than 6 months nor more than 7 years and 6 months~~ is guilty of a Class
13 F felony.

14 **SECTION 714.** 961.41 (1m) (f) 3. of the statutes is amended to read:

15 961.41 (1m) (f) 3. More than 5 grams, the person shall be ~~fined not less than~~
16 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
17 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

18 **SECTION 715.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

19 961.41 (1m) (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates
20 this subsection with respect to psilocin or psilocybin, or a controlled substance analog
21 of psilocin or psilocybin, is subject to the following penalties if and the amount
22 possessed, with intent to manufacture, distribute or deliver, is:

23 **SECTION 716.** 961.41 (1m) (g) 1. of the statutes is amended to read:

ASSEMBLY BILL 3**SECTION 716**

1 961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less
2 than ~~\$1,000 nor more than \$100,000 and may be imprisoned for not more than 7~~
3 ~~years and 6 months~~ is guilty of a Class G felony.

4 **SECTION 717.** 961.41 (1m) (g) 2. of the statutes is amended to read:

5 961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the
6 person shall be fined not less than ~~\$1,000 nor more than \$200,000 and shall be~~
7 ~~imprisoned for not less than 6 months nor more than 7 years and 6 months~~ is guilty
8 of a Class F felony.

9 **SECTION 718.** 961.41 (1m) (g) 3. of the statutes is amended to read:

10 961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than
11 ~~\$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year~~
12 ~~nor more than 22 years and 6 months~~ is guilty of a Class E felony.

13 **SECTION 719.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

14 961.41 (1m) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a
15 person violates this subsection with respect to tetrahydrocannabinols, included
16 under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is
17 subject to the following penalties if and the amount possessed, with intent to
18 manufacture, distribute, or deliver, is:

19 **SECTION 720.** 961.41 (1m) (h) 1. of the statutes is amended to read:

20 961.41 (1m) (h) 1. Five Two hundred grams or less, or ~~10~~ 4 or fewer plants
21 containing tetrahydrocannabinols, the person shall be fined not less than ~~\$500 nor~~
22 ~~more than \$25,000 and may be imprisoned for not more than 4 years and 6 months~~
23 is guilty of a Class I felony.

24 **SECTION 721.** 961.41 (1m) (h) 2. of the statutes is amended to read:

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1 961.41 (1m) (h) 2. More than 500 200 grams but not more than ~~2,500~~ 1,000
2 grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than
3 ~~50~~ 20 plants containing tetrahydrocannabinols, the person shall be fined not less
4 than ~~\$1,000 nor more than \$50,000~~ and shall be imprisoned for not less than ~~3~~
5 months nor more than ~~7 years and 6 months~~ is guilty of a Class H felony.

6 **SECTION 722.** 961.41 (1m) (h) 3. of the statutes is amended to read:

7 961.41 (1m) (h) 3. More than ~~2,500~~ 1,000 grams but not more than 2,500 grams,
8 or more than ~~50~~ 20 plants containing tetrahydrocannabinols but not more than 50
9 plants containing tetrahydrocannabinols, the person shall be fined not less than
10 ~~\$1,000 nor more than \$100,000~~ and shall be imprisoned for not less than one year
11 ~~nor more than 15 years~~ is guilty of a Class G felony.

12 **SECTION 723.** 961.41 (1m) (h) 4. of the statutes is created to read:

13 961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or
14 more than 50 plants containing tetrahydrocannabinols but not more than 200 plants
15 containing tetrahydrocannabinols, the person is guilty of a Class F felony.

16 **SECTION 724.** 961.41 (1m) (h) 5. of the statutes is created to read:

17 961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing
18 tetrahydrocannabinols, the person is guilty of a Class E felony.

19 **SECTION 725.** 961.41 (1m) (i) of the statutes is amended to read:

20 961.41 (1m) (i) Schedule IV drugs. Except as provided in par. (im), if a person
21 violates this subsection with respect to a substance included in schedule IV, may be
22 fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months
23 or both the person is guilty of a Class H felony.

24 **SECTION 726.** 961.41 (1m) (im) of the statutes is repealed and recreated to read:

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1 961.41 (1m) (im) *Flunitrazepam*. If a person violates this subsection with
2 respect to flunitrazepam, the person is guilty of a Class G felony.

3 **SECTION 727.** 961.41 (1m) (j) of the statutes is amended to read:

4 961.41 (1m) (j) *Schedule V drugs*. ~~A- If a person violates this subsection with~~
5 ~~respect to a substance included in schedule V, may be fined not more than \$5,000 or~~
6 ~~imprisoned for not more than 2 years or both~~ the person is guilty of a Class I felony.

7 **SECTION 728.** 961.41 (1n) (c) of the statutes is amended to read:

8 961.41 (1n) (c) A person who violates par. (a) or (b) ~~may be fined not more than~~
9 ~~\$250,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

10 **SECTION 729.** 961.41 (1q) of the statutes is amended to read:

11 961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES.
12 Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) ~~and s. 961.49 (2),~~ if
13 different penalty provisions apply to a person depending on whether the weight of
14 tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is
15 considered, the greater penalty provision applies.

16 **SECTION 730.** 961.41 (1r) of the statutes is amended to read:

17 961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under
18 s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) ~~and s. 961.49 (2) (b),~~ an amount
19 includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid
20 diethylamide, psilocin, psilocybin, amphetamine, methamphetamine,
21 methcathinone or tetrahydrocannabinols or any controlled substance analog of any
22 of these substances together with any compound, mixture, diluent, plant material
23 or other substance mixed or combined with the controlled substance or controlled
24 substance analog. In addition, in determining amounts under subs. (1) (h) and (1m)

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1 (h), the amount of tetrahydrocannabinols means anything included under s. 961.14
2 (4) (t) and includes the weight of any marijuana.

3 **SECTION 731.** 961.41 (2) (intro.) of the statutes is amended to read:

4 961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this
5 chapter, it is unlawful for any person to create, manufacture, distribute, deliver or
6 possess with intent to distribute or deliver, a counterfeit substance. Any person who
7 violates this subsection ~~with respect to~~ is subject to the following penalties:

8 **SECTION 732.** 961.41 (2) (a) of the statutes is amended to read:

9 961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A- If a person~~
10 violates this subsection with respect to a counterfeit substance included in schedule
11 I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned
12 for not more than 22 years and 6 months or both the person is guilty of a Class E
13 felony.

14 **SECTION 733.** 961.41 (2) (b) of the statutes is amended to read:

15 961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Any Except as
16 provided in par. (cm), if a person violates this subsection with respect to any other
17 counterfeit substance included in schedule I, II or, III, or IV, may be fined not more
18 than \$15,000 or imprisoned for not more than 7 years and 6 months or both the
19 person is guilty of a Class H felony.

20 **SECTION 734.** 961.41 (2) (c) of the statutes is repealed.

21 **SECTION 735.** 961.41 (2) (cm) of the statutes is amended to read:

22 961.41 (2) (cm) Counterfeit flunitrazepam. ~~A- If a person violates this~~
23 subsection with respect to a counterfeit substance which is flunitrazepam, may be
24 fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months
25 or both the person is guilty of a Class G felony.

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1 **SECTION 736.** 961.41 (2) (d) of the statutes is amended to read:

2 961.41 **(2)** (d) Counterfeit schedule V drugs. ~~–A– If a person violates this~~
3 subsection with respect to a counterfeit substance included in schedule V, may be
4 fined not more than \$5,000 or imprisoned for not more than 2 years or both the person
5 is guilty of a Class I felony.

6 **SECTION 737.** 961.41 (3g) (a) 1. of the statutes is renumbered 961.41 (3g) (am)
7 and amended to read:

8 961.41 **(3g)** (am) Schedule I and II narcotic drugs. ~~Except as provided in subd.~~
9 ~~2., if the~~ If a person possesses a controlled substance included in schedule I or II
10 which is a narcotic drug, or possesses a controlled substance analog of a controlled
11 substance included in schedule I or II which is a narcotic drug, the person may, upon
12 a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2
13 years or both, and, for a 2nd or subsequent offense, the person may be fined not more
14 than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I
15 felony.

16 **SECTION 738.** 961.41 (3g) (a) 2. of the statutes is repealed.

17 **SECTION 739.** 961.41 (3g) (a) 3. of the statutes is repealed.

18 **SECTION 740.** 961.41 (3g) (b) of the statutes is amended to read:

19 961.41 **(3g)** (b) Other drugs generally. ~~Except as provided in pars. (c), (d), (dm),~~
20 (e) and (f), if the person possesses or attempts to possess a controlled substance or
21 controlled substance analog, other than a controlled substance included in schedule
22 I or II that is a narcotic drug or a controlled substance analog of a controlled
23 substance included in schedule I or II that is a narcotic drug, the person is guilty of
24 a misdemeanor, punishable under s. 939.61.

25 **SECTION 741.** 961.41 (3g) (c) of the statutes is amended to read:

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1 961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to
2 possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine
3 base, the person shall be fined not more than \$5,000 and may be imprisoned for not
4 more than one year in the county jail upon a first conviction and is guilty of a Class
5 I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense
6 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
7 offense, the offender has at any time been convicted of any felony or misdemeanor
8 under this chapter or under any statute of the United States or of any state relating
9 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,
10 or depressant, stimulant, or hallucinogenic drugs.

11 **SECTION 742.** 961.41 (3g) (d) of the statutes is amended to read:

12 961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person
13 possesses or attempts to possess lysergic acid diethylamide, phencyclidine,
14 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, or a
15 controlled substance analog of lysergic acid diethylamide, phencyclidine,
16 amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person
17 may be fined not more than \$5,000 or imprisoned for not more than one year in the
18 county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd
19 or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd
20 or subsequent offense if, prior to the offender's conviction of the offense, the offender
21 has at any time been convicted of any felony or misdemeanor under this chapter or
22 under any statute of the United States or of any state relating to controlled
23 substances, controlled substance analogs, narcotic drugs, marijuana, or depressant,
24 stimulant, or hallucinogenic drugs.

25 **SECTION 743.** 961.41 (3g) (dm) of the statutes is repealed.

ASSEMBLY BILL 3**SECTION 744**

1 **SECTION 744.** 961.41 (3g) (e) of the statutes is amended to read:

2 961.41 **(3g)** (e) Tetrahydrocannabinols. If a person possesses or attempts to
3 possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled
4 substance analog of tetrahydrocannabinols, the person may be fined not more than
5 \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and
6 is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this
7 paragraph, an offense is considered a 2nd or subsequent offense if, prior to the
8 offender's conviction of the offense, the offender has at any time been convicted of any
9 felony or misdemeanor under this chapter or under any statute of the United States
10 or of any state relating to controlled substances, controlled substance analogs,
11 narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

12 **SECTION 745.** 961.41 (3g) (f) of the statutes is amended to read:

13 961.41 **(3g)** (f) Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine,
14 or flunitrazepam. If a person possesses or attempts to possess
15 gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam,
16 the person may be fined not more than \$5,000 or imprisoned for not more than 2 years
17 or both is guilty of a Class H felony.

18 **SECTION 746.** 961.41 (4) (am) 3. of the statutes is amended to read:

19 961.41 **(4)** (am) 3. A person ~~convicted of violating~~ who violates this paragraph
20 may be fined not more than \$5,000 or imprisoned for not more than 2 years or both
21 is guilty of a Class I felony.

22 **SECTION 747.** 961.42 (2) of the statutes is amended to read:

23 961.42 **(2)** Any person who violates this section ~~may be fined not more than~~
24 ~~\$25,000 or imprisoned not more than 2 years or both~~ is guilty of a Class I felony.

25 **SECTION 748.** 961.43 (2) of the statutes is amended to read:

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1 961.43 ~~(2)~~ Any person who violates this section may be fined not more than
2 \$30,000 or imprisoned not more than 6 years or both is guilty of a Class H felony.

3 **SECTION 749.** 961.437 (4) (a) of the statutes is amended to read:

4 961.437 ~~(4)~~ (a) For a first offense, the person shall be fined not less than \$1,000
5 nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both
6 is guilty of a Class H felony.

7 **SECTION 750.** 961.437 (4) (b) of the statutes is amended to read:

8 961.437 ~~(4)~~ (b) For a 2nd or subsequent offense, the person shall be fined not
9 less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years
10 or both is guilty of a Class F felony.

11 **SECTION 751.** 961.438 of the statutes is repealed.

12 **SECTION 752.** 961.455 (1) of the statutes is amended to read:

13 961.455 ~~(1)~~ Any person who has attained the age of 17 years who knowingly
14 solicits, hires, directs, employs or uses a person who is under the age of 17 years of
15 age or under for the purpose of violating s. 961.41 (1) may be fined not more than
16 \$50,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

17 **SECTION 753.** 961.455 (3) of the statutes is amended to read:

18 961.455 ~~(3)~~ Solicitation under sub. (1) occurs in the manner described under
19 s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s.
20 939.30 or 948.35.

21 **SECTION 754.** 961.46 (1) of the statutes is renumbered 961.46 and amended to
22 read:

23 **961.46 Distribution to persons under age 18.** Except as provided in sub.
24 ~~(3), any~~ If a person 17 years of age or over who violates s. 961.41 (1) by distributing
25 or delivering a controlled substance ~~included in schedule I or II which is a narcotic~~

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1 ~~drug or a controlled substance analog of a controlled substance included in schedule~~
2 ~~I or II which is a narcotic drug to a person 17 years of age or under who is at least~~
3 ~~3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or~~
4 ~~a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the~~
5 applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the
6 offense may be increased by not more than 5 years.

7 **SECTION 755.** 961.46 (2) of the statutes is repealed.

8 **SECTION 756.** 961.46 (3) of the statutes is repealed.

9 **SECTION 757.** 961.465 of the statutes is repealed.

10 **SECTION 758.** 961.472 (2) of the statutes is amended to read:

11 961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found
12 guilty of possession or attempted possession of a controlled substance or controlled
13 substance analog under s. 961.41 (3g) ~~(a) 2.~~ (am), (c), or (d) ~~or (dm)~~, the court shall
14 order the person to comply with an assessment of the person's use of controlled
15 substances. The court's order shall designate a facility that is operated by or
16 pursuant to a contract with the county department established under s. 51.42 and
17 that is certified by the department of health and family services to provide
18 assessment services to perform the assessment and, if appropriate, to develop a
19 proposed treatment plan. The court shall notify the person that noncompliance with
20 the order limits the court's ability to determine whether the treatment option under
21 s. 961.475 is appropriate. The court shall also notify the person of the fee provisions
22 under s. 46.03 (18) (fm).

23 **SECTION 759.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and
24 amended to read:

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1 961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who
2 is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or
3 subsequent offense as provided under this chapter sub. (3) and the person is
4 convicted of that 2nd or subsequent offense ~~may be fined an amount up to twice that~~
5 ~~otherwise authorized or imprisoned for a term up to twice the term otherwise~~
6 ~~authorized or both.,~~ the maximum term of imprisonment for the offense may be
7 increased as follows:

8 **SECTION 760.** 961.48 (1) (a) and (b) of the statutes are created to read:

9 961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

10 (b) By not more than 4 years, if the offense is a Class E, F, G, H, or I felony.

11 **SECTION 761.** 961.48 (2) of the statutes is repealed.

12 **SECTION 762.** 961.48 (2m) (a) of the statutes is amended to read:

13 961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this
14 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
15 not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior
16 convictions are alleged in the complaint, indictment or information or in an amended
17 complaint, indictment or information that is filed under par. (b) 1. A person is not
18 subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of
19 applicable prior convictions is withdrawn by an amended complaint filed under par.
20 (b) 2.

21 **SECTION 763.** 961.48 (3) of the statutes is amended to read:

22 961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter
23 is considered a 2nd or subsequent offense if, prior to the offender's conviction of the
24 offense, the offender has at any time been convicted of any felony or misdemeanor
25 offense under this chapter or under any statute of the United States or of any state

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1 relating to controlled substances or controlled substance analogs, narcotic drugs,
2 marijuana or depressant, stimulant or hallucinogenic drugs.

3 **SECTION 764.** 961.48 (4) of the statutes is repealed.

4 **SECTION 765.** 961.49 (1) of the statutes is renumbered 961.49, and 961.49
5 (intro.) of the statutes, as renumbered, is amended to read:

6 **961.49 Distribution of or possession with intent to deliver a controlled**
7 **substance on or near certain places.** (intro.) If any person violates s. 961.41 (1)
8 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m)
9 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute,
10 cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin,
11 psilocybin, amphetamine, methamphetamine, methcathinone or any form of
12 tetrahydrocannabinols or a controlled substance analog of any of these substances
13 and the delivery, distribution or possession takes place under any of the following
14 circumstances, the maximum term of imprisonment prescribed by law for that crime
15 may be increased by 5 years:

16 **SECTION 766.** 961.49 (2) of the statutes is repealed.

17 **SECTION 767.** 961.49 (3) of the statutes is repealed.

18 **SECTION 768.** 961.492 of the statutes is repealed.

19 **SECTION 769.** 961.55 (1) (d) 3. of the statutes is amended to read:

20 961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41
21 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

22 **SECTION 770.** 961.573 (3) of the statutes is amended to read:

23 961.573 (3) No person may use, or possess with the primary intent to use, drug
24 paraphernalia to manufacture, compound, convert, produce, process, prepare, test,
25 analyze, pack, repack or store methamphetamine or a controlled substance analog

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1 of methamphetamine in violation of this chapter. Any person who violates this
2 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
3 ~~years or both~~ is guilty of a Class H felony.

4 **SECTION 771.** 961.574 (3) of the statutes is amended to read:

5 961.574 (3) No person may deliver, possess with intent to deliver, or
6 manufacture with intent to deliver, drug paraphernalia, knowing that it will be
7 primarily used to manufacture, compound, convert, produce, process, prepare, test,
8 analyze, pack, repack or store methamphetamine or a controlled substance analog
9 of methamphetamine in violation of this chapter. Any person who violates this
10 subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5~~
11 ~~years or both~~ is guilty of a Class H felony.

12 **SECTION 772.** 961.575 (3) of the statutes is amended to read:

13 961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by
14 delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not~~
15 ~~more than \$50,000 or imprisoned for not more than 10 years or both~~ is guilty of a
16 Class G felony.

17 **SECTION 773.** 967.04 (9) of the statutes is amended to read:

18 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
19 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
20 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
21 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
22 hearing examiner may order and preside at the taking of a videotaped deposition
23 using the procedure provided in subs. (7) and (8) and may admit the videotaped
24 deposition into evidence without an additional hearing under s. 908.08.

25 **SECTION 774.** 968.255 (1) (a) 2. of the statutes is amended to read:

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1 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20
2 (1), 941.23, 941.237, 941.24, 948.60, 948.605 (2) (a) or 948.61.

3 **SECTION 775.** 968.31 (1) (intro.) of the statutes is amended to read:

4 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
5 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may~~
6 ~~be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months~~
7 ~~or both~~ is guilty of a Class H felony:

8 **SECTION 776.** 968.34 (3) of the statutes is amended to read:

9 968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more
10 than \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

11 **SECTION 777.** 968.43 (3) of the statutes is amended to read:

12 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
13 ~~may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class H
14 felony.

15 **SECTION 778.** 969.08 (10) (a) of the statutes is amended to read:

16 969.08 (10) (a) “Commission of a serious crime” includes a solicitation,
17 conspiracy or attempt, under s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 ~~or~~
18 ~~948.35~~, to commit a serious crime.

19 **SECTION 779.** 969.08 (10) (b) of the statutes is amended to read:

20 969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),
21 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
22 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
23 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
24 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c),
25 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), ~~(1m) or (1r),~~

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1 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
2 948.04, 948.05, 948.06, 948.07 or 948.30.

3 **SECTION 780.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
4 amended to read:

5 971.17 (1) (a) *Felonies committed before the effective date of this paragraph*
6 *[revisor inserts date].* ~~When~~ Except as provided in par. (c), when a defendant is found
7 not guilty by reason of mental disease or mental defect of a felony committed before
8 the effective date of this paragraph [revisor inserts date], the court shall commit
9 the person to the department of health and family services for a specified period not
10 exceeding two-thirds of the maximum term of imprisonment that could be imposed
11 under s. 973.15 (2) (a) against an offender convicted of the same ~~crime or crimes~~
12 felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m),~~
13 ~~939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)~~
14 ~~and 961.48 and other~~ any applicable penalty enhancement statutes, ~~as applicable,~~
15 subject to the credit provisions of s. 973.155.

16 (c) Felonies punishable by life imprisonment. ~~If the maximum term of~~
17 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
18 mental defect of a felony that is punishable by life imprisonment, the commitment
19 period specified by the court may be life, subject to termination under sub. (5).

20 **SECTION 781.** 971.17 (1) (b) of the statutes is created to read:

21 971.17 (1) (b) *Felonies committed on or after the effective date of this paragraph*
22 *.... [revisor inserts date].* Except as provided in par. (c), when a defendant is found
23 not guilty by reason of mental disease or mental defect of a felony committed on or
24 after the effective date of this paragraph [revisor inserts date], the court shall
25 commit the person to the department of health and family services for a specified

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1 period not exceeding the maximum term of confinement in prison that could be
2 imposed on an offender convicted of the same felony, plus imprisonment authorized
3 by any applicable penalty enhancement statutes, subject to the credit provisions of
4 s. 973.155.

5 **SECTION 782.** 971.17 (1) (d) of the statutes is created to read:

6 971.17 (1) (d) *Misdemeanors.* When a defendant is found not guilty by reason
7 of mental disease or mental defect of a misdemeanor, the court shall commit the
8 person to the department of health and family services for a specified period not
9 exceeding two-thirds of the maximum term of imprisonment that could be imposed
10 against an offender convicted of the same misdemeanor, including imprisonment
11 authorized by any applicable penalty enhancement statutes, subject to the credit
12 provisions of s. 973.155.

13 **SECTION 783.** 971.365 (1) (a) of the statutes is amended to read:

14 971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1)
15 (cm), (d), (e), ~~(em)~~, (f), (g) or (h) involving more than one violation, all violations may
16 be prosecuted as a single crime if the violations were pursuant to a single intent and
17 design.

18 **SECTION 784.** 971.365 (1) (b) of the statutes is amended to read:

19 971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41
20 (1m) (cm), (d), (e), ~~(em)~~, (f), (g) or (h) involving more than one violation, all violations
21 may be prosecuted as a single crime if the violations were pursuant to a single intent
22 and design.

23 **SECTION 785.** 971.365 (1) (c) of the statutes is amended to read:

24 971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41
25 (3g) (dm), 1999 stats., or s. 961.41 (3g) (a) 2. (am), (c), (d), ~~(dm)~~ or (e) involving more

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1 than one violation, all violations may be prosecuted as a single crime if the violations
2 were pursuant to a single intent and design.

3 **SECTION 786.** 971.365 (2) of the statutes is amended to read:

4 971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent
5 prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m)
6 (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats.,
7 or s. 961.41 (1) (cm), (d), (e), (em), (f), (g), or (h), (1m) (cm), (d), (e), (em), (f), (g), or (h)
8 or (3g) (a) 2. (am), (c), (d), (dm) or (e) on which no evidence was received at the trial
9 on the original charge.

10 **SECTION 787.** 972.15 (2c) of the statutes is amended to read:

11 972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and
12 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
13 the presentence investigation report shall include in the report a recommendation
14 as to whether the defendant should be eligible for the challenge incarceration
15 program under s. 302.045.

16 **SECTION 788.** 973.01 (1) of the statutes is amended to read:

17 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
18 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
19 for a felony committed on or after December 31, 1999, or a misdemeanor committed
20 on or after the effective date of this subsection [revisor inserts date], the court
21 shall impose a bifurcated sentence ~~that consists of a term of confinement in prison~~
22 ~~followed by a term of extended supervision~~ under s. 302.113 this section.

23 **SECTION 789.** 973.01 (2) (intro.) of the statutes is amended to read:

24 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
25 ~~that a~~ A bifurcated sentence is a sentence that consists of a term of confinement in

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1 prison followed by a term of extended supervision under s. 302.113. The total length
2 of a bifurcated sentence equals the length of the term of confinement in prison plus
3 the length of the term of extended supervision. An order imposing a bifurcated
4 sentence imposed under sub. (1) complies this section shall comply with all of the
5 following:

6 **SECTION 790.** 973.01 (2) (a) of the statutes is amended to read:

7 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
8 the total length of the bifurcated sentence may not exceed the maximum period of
9 imprisonment ~~for the~~ specified in s. 939.50 (3), if the crime is a classified felony, or
10 the maximum term of imprisonment provided by statute for the crime, if the crime
11 is not a classified felony, plus additional imprisonment authorized by any applicable
12 penalty enhancement statutes.

13 **SECTION 791.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

14 973.01 (2) (b) *Imprisonment Confinement portion of bifurcated sentence.*
15 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
16 in prison may not be less than one year, ~~subject to any minimum sentence prescribed~~
17 ~~for the felony,~~ and, except as provided in par. (c), ~~may not exceed~~ is subject to
18 whichever of the following limits is applicable:

19 **SECTION 792.** 973.01 (2) (b) 2. of the statutes is repealed.

20 **SECTION 793.** 973.01 (2) (b) 3. of the statutes is amended to read:

21 973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may
22 not exceed ~~10~~ 25 years.

23 **SECTION 794.** 973.01 (2) (b) 4. of the statutes is amended to read:

24 973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may
25 not exceed ~~5~~ 15 years.

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1 **SECTION 795.** 973.01 (2) (b) 5. of the statutes is amended to read:

2 973.01 **(2)** (b) 5. For a Class E felony, the term of confinement in prison may
3 not exceed ~~2~~ 10 years.

4 **SECTION 796.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10.
5 (intro.) and amended to read:

6 973.01 **(2)** (b) 10. (intro.) For any felony crime other than a felony specified in
7 ~~subds. 1. to 5.~~ one of the following, the term of confinement in prison may not exceed
8 75% of the total length of the bifurcated sentence.;

9 **SECTION 797.** 973.01 (2) (b) 6m. of the statutes is created to read:

10 973.01 **(2)** (b) 6m. For a Class F felony, the term of confinement in prison may
11 not exceed 7 years and 6 months.

12 **SECTION 798.** 973.01 (2) (b) 7. of the statutes is created to read:

13 973.01 **(2)** (b) 7. For a Class G felony, the term of confinement in prison may
14 not exceed 5 years.

15 **SECTION 799.** 973.01 (2) (b) 8. of the statutes is created to read:

16 973.01 **(2)** (b) 8. For a Class H felony, the term of confinement in prison may
17 not exceed 3 years.

18 **SECTION 800.** 973.01 (2) (b) 9. of the statutes is created to read:

19 973.01 **(2)** (b) 9. For a Class I felony, the term of confinement in prison may not
20 exceed one year and 6 months.

21 **SECTION 801.** 973.01 (2) (b) 10. a. and b. of the statutes are created to read:

22 973.01 **(2)** (b) 10. a. A felony specified in subds. 1. to 9.

23 b. An attempt to commit a classified felony if the attempt is punishable under
24 s. 939.32 (1) (intro.).

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1 **SECTION 802.** 973.01 (2) (c) of the statutes is renumbered 973.01 (2) (c) 1. and
2 amended to read:

3 973.01 **(2)** (c) 1. The Subject to the minimum period of extended supervision
4 required under par. (d), the maximum term of confinement in prison specified in par.
5 (b) may be increased by any applicable penalty enhancement statute. If the
6 maximum term of confinement in prison specified in par. (b) is increased under this
7 paragraph, the total length of the bifurcated sentence that may be imposed is
8 increased by the same amount.

9 **SECTION 803.** 973.01 (2) (c) 2. of the statutes is created to read:

10 973.01 **(2)** (c) 2. If more than one of the following penalty enhancement statutes
11 apply to a crime, the court shall apply them in the order listed in calculating the
12 maximum term of imprisonment for that crime:

- 13 a. Sections 939.621, 939.632, 939.645, 961.46, and 961.49.
14 b. Section 939.63.
15 c. Section 939.62 (1) or 961.48.

16 **SECTION 804.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.)
17 and amended to read:

18 973.01 **(2)** (d) *Minimum and maximum term of extended supervision.* (intro.)
19 The term of extended supervision ~~that follows the term of confinement in prison~~ may
20 not be less than 25% of the length of the term of confinement in prison imposed under
21 par. (b); and, for a classified felony, is subject to whichever of the following limits is
22 applicable:

23 **SECTION 805.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

24 973.01 **(2)** (d) 1. For a Class B felony, the term of extended supervision may not
25 exceed 20 years.

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1 2. For a Class C felony, the term of extended supervision may not exceed 15
2 years.

3 3. For a Class D felony, the term of extended supervision may not exceed 10
4 years.

5 4. For a Class E, F, or G felony, the term of extended supervision may not exceed
6 5 years.

7 5. For a Class H felony, the term of extended supervision may not exceed 3
8 years.

9 6. For a Class I felony, the term of extended supervision may not exceed 2 years.

10 **SECTION 806.** 973.01 (4) of the statutes is amended to read:

11 973.01 **(4)** NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
12 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
13 confinement in prison portion of the sentence without reduction for good behavior.
14 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
15 and, if applicable, to reduction under s. 302.045 (3m), or 302.113 (9g).

16 **SECTION 807.** 973.01 (6) of the statutes is amended to read:

17 973.01 **(6)** NO PAROLE. A person serving a bifurcated sentence imposed under
18 sub. (1) is not eligible for release on parole under that sentence.

19 **SECTION 808.** 973.0135 (1) (b) 2. of the statutes is amended to read:

20 973.0135 **(1)** (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)
21 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.
22 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,
23 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),
24 (1m) or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),
25 948.05, 948.06, 948.07, 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

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1 **SECTION 809.** 973.017 of the statutes is created to read:

2 **973.017 Bifurcated sentences; use of guidelines; consideration of**
3 **aggravating and mitigating factors. (1) DEFINITION.** In this section, “sentencing
4 decision” means a decision as to whether to impose a bifurcated sentence under s.
5 973.01 or place a person on probation and a decision as to the length of a bifurcated
6 sentence, including the length of each component of the bifurcated sentence, the
7 amount of a fine, and the length of a term of probation.

8 **(2) GENERAL REQUIREMENT.** When a court makes a sentencing decision
9 concerning a person convicted of a criminal offense committed on or after the
10 effective date of this subsection [revisor inserts date], the court shall consider all
11 of the following:

12 (a) If the offense is a felony, the sentencing guidelines adopted by the
13 sentencing commission under s. 973.30 or, if the sentencing commission has not
14 adopted a guideline for the offense, any applicable temporary sentencing guideline
15 adopted by the criminal penalties study committee created under 1997 Wisconsin
16 Act 283.

17 (b) Any applicable mitigating factors and any applicable aggravating factors,
18 including the aggravating factors specified in subs. (3) to (8).

19 **(3) AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for
20 any crime, the court shall consider all of the following as aggravating factors:

21 (a) The fact that the person committed the crime while his or her usual
22 appearance was concealed, disguised, or altered, with the intent to make it less likely
23 that he or she would be identified with the crime.

24 (b) The fact that the person committed the crime using information that was
25 disclosed to him or her under s. 301.46.

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1 (c) The fact that the person committed the crime for the benefit of, at the
2 direction of, or in association with any criminal gang, as defined in s. 939.22 (9), with
3 the specific intent to promote, further, or assist in any criminal conduct by criminal
4 gang members, as defined in s. 939.22 (9g).

5 (d) The fact that the person committed the felony while wearing a vest or other
6 garment designed, redesigned, or adapted to prevent bullets from penetrating the
7 garment.

8 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the
9 intent to influence the policy of a governmental unit or to punish a governmental unit
10 for a prior policy decision, if any of the following circumstances also applies to the
11 felony committed by the person:

12 a. The person caused bodily harm, great bodily harm, or death to another.

13 b. The person caused damage to the property of another and the total property
14 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.
15 b., property is reduced in value by the amount that it would cost either to repair or
16 to replace it, whichever is less.

17 c. The person used force or violence or the threat of force or violence.

18 2. a. In this subdivision, “labor dispute” includes any controversy concerning
19 terms, tenure, or conditions of employment or concerning the association or
20 representation of persons in negotiating, fixing, maintaining, changing, or seeking
21 to arrange terms or conditions of employment, regardless of whether the disputants
22 stand in the proximate relation of employer and employee.

23 b. Subdivision 1. does not apply to conduct arising out of or in connection with
24 a labor dispute.

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1 **(4) AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH**
2 CERTAIN DISEASES. (a) In this subsection:

3 1. “HIV” means any strain of human immunodeficiency virus, which causes
4 acquired immunodeficiency syndrome.

5 2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2),
6 or 948.025.

7 3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B,
8 hepatitis C, or chlamydia.

9 4. “Significantly exposed” means sustaining a contact which carries a potential
10 for transmission of a sexually transmitted disease or HIV by one or more of the
11 following:

12 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;
13 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or
14 amniotic fluid; or other body fluid that is visibly contaminated with blood.

15 b. Exchange, during the accidental or intentional infliction of a penetrating
16 wound, including a needle puncture, of blood; semen; vaginal secretions;
17 cerebrospinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid; or other
18 body fluid that is visibly contaminated with blood.

19 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where
20 a significant breakdown in the epidermal barrier has occurred, of blood; semen;
21 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or
22 amniotic fluid; or other body fluid that is visibly contaminated with blood.

23 (b) When making a sentencing decision concerning a person convicted of a
24 serious sex crime, the court shall consider as an aggravating factor the fact that the
25 serious sex crime was committed under all of the following circumstances:

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1 1. At the time that he or she committed the serious sex crime, the person
2 convicted of committing the serious sex crime had a sexually transmitted disease or
3 acquired immunodeficiency syndrome or had had a positive test for the presence of
4 HIV, antigen, or nonantigenic products of HIV or an antibody to HIV.

5 2. At the time that he or she committed the serious sex crime, the person
6 convicted of committing the serious sex crime knew that he or she had a sexually
7 transmitted disease or acquired immunodeficiency syndrome or that he or she had
8 had a positive test for the presence of HIV, antigen, or nonantigenic products of HIV
9 or an antibody to HIV.

10 3. The victim of the serious sex crime was significantly exposed to HIV or to the
11 sexually transmitted disease, whichever is applicable, by the acts constituting the
12 serious sex crime.

13 **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON. (a)**

14 In this subsection:

15 1. “Elder person” means any individual who is 62 years of age or older.

16 2. “Violent felony” means any felony under s. 940.19 (2), (4), (5), or (6), 940.225
17 (1), (2), or (3), 940.23, or 943.32.

18 (b) When making a sentencing decision concerning a person convicted of a
19 violent felony, the court shall consider as an aggravating factor the fact that the
20 victim of the violent felony was an elder person. This paragraph applies even if the
21 person mistakenly believed that the victim had not attained the age of 62 years.

22 **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**
23 **PERSONS. (a)** In this subsection, “person responsible for the welfare the child”

24 includes the child’s parent, stepparent, guardian, foster parent, or treatment foster
25 parent; an employee of a public or private residential home, institution, or agency;

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1 any other person legally responsible for the child's welfare in a residential setting;
2 or a person employed by one who is legally responsible for the child's welfare to
3 exercise temporary control or care for the child.

4 (b) When making a sentencing decision concerning a person convicted of a
5 violation of s. 948.02 (1) or (2), 948.025 (1), or 948.03 (2) or (3), the court shall consider
6 as an aggravating factor the fact that the person was a person responsible for the
7 welfare of the child who was the victim of the violation.

8 (7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.
9 When making a sentencing decision concerning a person convicted of a violation of
10 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact
11 that, at the time of the violation, there was a minor passenger under 16 years of age
12 or an unborn child in the person's motor vehicle.

13 (8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES. (a) *Distribution*
14 *or delivery to prisoners.* 1. In this paragraph, "precinct" means a place where any
15 activity is conducted by a prison, jail, or house of correction.

16 2. When making a sentencing decision concerning a person convicted of
17 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the
18 fact that the violation involved delivering, distributing, or possessing with intent to
19 deliver or distribute a controlled substance or controlled substance analog to a
20 prisoner within the precincts of any prison, jail, or house of correction.

21 (b) *Distribution or delivery on public transit vehicles.* When making a
22 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),
23 the court shall consider as an aggravating factor the fact that the violation involved
24 delivering, distributing, or possessing with intent to deliver or distribute a controlled
25 substance included in schedule I or II or a controlled substance analog of any

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1 controlled substance included in schedule I or II and that the person knowingly used
2 a public transit vehicle during the violation.

3 **(9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME.** The aggravating factors
4 listed in this section are not elements of any crime. A prosecutor is not required to
5 charge any aggravating factor or otherwise allege the existence of an aggravating
6 factor in any pleading for a court to consider the aggravating factor when making a
7 sentencing decision.

8 **(10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL.** The requirement
9 under sub. (2) (a) that a court consider sentencing guidelines adopted by the
10 sentencing commission or the criminal penalties study committee does not require
11 a court to make a sentencing decision that is within any range or consistent with a
12 recommendation specified in the guidelines, and there is no right to appeal a court's
13 sentencing decision based on the court's decision to depart in any way from any
14 guideline. In any appeal from a court's sentencing decision, the appellate court may
15 reverse the sentencing decision only if it determines that the sentencing court
16 erroneously exercised its discretion in making the sentencing decision.

17 **SECTION 810.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

18 973.03 **(3)** (e) 1. A crime which is a Class A ~~or~~ B, or C felony.

19 2. A crime which is a Class ~~C~~ D, E, F, or G felony listed in s. 969.08 (10) (b), but
20 not including any crime specified in s. 943.10.

21 **SECTION 811.** 973.03 (3) (e) 3. of the statutes is repealed.

22 **SECTION 812.** 973.032 (4) (c) 2. of the statutes is amended to read:

23 973.032 **(4)** (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~
24 to a sentence of imprisonment concurrent with the sentence to the intensive
25 sanctions program.

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1 **SECTION 813.** 973.09 (2) (b) 1. of the statutes is amended to read:

2 973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one
3 year nor more than either the statutory maximum term of imprisonment
4 confinement in prison for the crime or 3 years, whichever is greater.

5 **SECTION 814.** 973.15 (2m) of the statutes is created to read:

6 973.15 (2m) (a) *Definitions.* In this subsection:

7 1. “Determinate sentence” means a bifurcated sentence imposed under s.
8 973.01 or a life sentence under which a person is eligible for release to extended
9 supervision under s. 973.014 (1g) (a) 1. or 2.

10 2. “Indeterminate sentence” means a sentence to the Wisconsin state prisons
11 other than one of the following:

12 a. A determinate sentence.

13 b. A sentence under which the person is not eligible for release on parole under
14 s. 939.62 (2m) (c) or 973.014 (1) (c).

15 3. “Period of confinement in prison,” with respect to any sentence to the
16 Wisconsin state prisons, means any time during which a person is incarcerated
17 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113
18 (3), or 302.114 (3) and any period of confinement in prison required to be served under
19 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

20 (b) *Determinate sentences imposed to run concurrent with or consecutive to*
21 *determinate sentences.* 1. If a court provides that a determinate sentence is to run
22 concurrent with another determinate sentence, the person sentenced shall serve the
23 periods of confinement in prison under the sentences concurrently and the terms of
24 extended supervision under the sentences concurrently.

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1 2. If a court provides that a determinate sentence is to run consecutive to
2 another determinate sentence, the person sentenced shall serve the periods of
3 confinement in prison under the sentences consecutively and the terms of extended
4 supervision under the sentences consecutively and in the order in which the
5 sentences have been pronounced.

6 (c) *Determinate sentences imposed to run concurrent with or consecutive to*
7 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run
8 concurrent with an indeterminate sentence, the person sentenced shall serve the
9 period of confinement in prison under the determinate sentence concurrent with the
10 period of confinement in prison under the indeterminate sentence and the term of
11 extended supervision under the determinate sentence concurrent with the parole
12 portion of the indeterminate sentence.

13 2. If a court provides that a determinate sentence is to run consecutive to an
14 indeterminate sentence, the person sentenced shall serve the period of confinement
15 in prison under the determinate sentence consecutive to the period of confinement
16 in prison under the indeterminate sentence and the parole portion of the
17 indeterminate sentence consecutive to the term of extended supervision under the
18 determinate sentence.

19 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*
20 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run
21 concurrent with a determinate sentence, the person sentenced shall serve the period
22 of confinement in prison under the indeterminate sentence concurrent with the
23 period of confinement in prison under the determinate sentence and the parole
24 portion of the indeterminate sentence concurrent with the term of extended
25 supervision required under the determinate sentence.

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1 2. If a court provides that an indeterminate sentence is to run consecutive to
2 a determinate sentence, the person sentenced shall serve the period of confinement
3 in prison under the indeterminate sentence consecutive to the period of confinement
4 in prison under the determinate sentence and the parole portion of the
5 indeterminate sentence consecutive to the term of extended supervision under the
6 determinate sentence.

7 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent
8 determinate sentences and extended supervision is revoked in each case, or if a
9 person is serving a determinate sentence concurrent with an indeterminate sentence
10 and both extended supervision and parole are revoked, the person shall concurrently
11 serve any periods of confinement in prison required under those sentences under s.
12 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

13 **SECTION 815.** 973.155 (1) (b) of the statutes is amended to read:

14 973.155 (1) (b) The categories in par. (a) include custody of the convicted
15 offender which is in whole or in part the result of a probation, extended supervision
16 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed
17 upon the person for the same course of conduct as that resulting in the new
18 conviction.

19 **SECTION 816.** 973.30 of the statutes is created to read:

20 **973.30 Sentencing commission. (1) DUTIES.** The sentencing commission
21 shall do all of the following:

22 (a) Select an executive director having appropriate training and experience to
23 study sentencing practices and prepare proposed sentencing guidelines.

24 (b) Monitor and compile data regarding sentencing practices in the state.

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1 (c) Adopt advisory sentencing guidelines for felonies committed on or after the
2 effective date of this paragraph [revisor inserts date], to promote public safety, to
3 reflect changes in sentencing practices and to preserve the integrity of the criminal
4 justice and correctional systems.

5 (d) Provide information to the legislature, state agencies, and the public
6 regarding the costs to and other needs of the department which result from
7 sentencing practices.

8 (e) Provide information to judges and lawyers about the sentencing guidelines.

9 (f) Publish and distribute to all circuit judges hearing criminal cases an annual
10 report regarding its work, which shall include all sentencing guidelines and all
11 changes in existing sentencing guidelines adopted during the 12 months preceding
12 the report.

13 (g) Study whether race is a basis for imposing sentences in criminal cases and
14 submit a report and recommendations on this issue to the governor, to each house
15 of the legislature under s. 13.172 (2), and to the supreme court.

16 (h) Assist the legislature in assessing the cost of enacting new or revising
17 existing statutes affecting criminal sentencing.

18 (i) At least semiannually, submit reports to all circuit judges, and to the chief
19 clerk of each house of the legislature for distribution to the appropriate standing
20 committees under s. 13.172 (3), containing statistics regarding criminal sentences
21 imposed in this state. Each report shall have a different focus and need not contain
22 statistics regarding every crime. Each report shall contain information regarding
23 sentences imposed statewide and in each of the following geographic areas:

24 1. Milwaukee County.

25 2. Dane and Rock counties.

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1 3. Brown, Outagamie, Calumet, and Winnebago counties.

2 4. Racine and Kenosha counties.

3 5. All other counties.

4 (j) Study how sentencing options affect various types of offenders and offenses.

5 **(2) STAFF.** Subject to authorization under s. 16.505, the sentencing commission
6 may hire staff to assist it in the performance of its duties.

7 **(3) SUNSET.** This section does not apply after December 31, 2006.

8 **SECTION 817.** 977.05 (4) (jm) of the statutes is created to read:

9 977.05 **(4) (jm)** At the request of an inmate determined by the state public
10 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent
11 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113
12 (9g) before a program review committee and the sentencing court, if the state public
13 defender determines the case should be pursued.

14 **SECTION 818.** 977.06 (2) (b) of the statutes is amended to read:

15 977.06 **(2) (b)** A person who makes a false representation that he or she does
16 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~
17 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~
18 is guilty of a Class I felony.

19 **SECTION 819.** 978.13 (1) (c) of the statutes is amended to read:

20 978.13 **(1) (c)** In counties having a population of 500,000 or more, the salary and
21 fringe benefit costs of clerk positions in the district attorney's office necessary for the
22 prosecution of violent crime cases primarily involving felony violations under s.
23 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
24 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32 (2). The state treasurer shall
25 pay the amount authorized under this paragraph to the county treasurer pursuant

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1 to a voucher submitted by the district attorney to the secretary of administration
2 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
3 may not exceed \$94,400 in the 1999–2000 fiscal year and \$97,200 in the 2000–01
4 fiscal year.

5 **SECTION 820.** 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

6 [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~
7 The committee shall submit a report of its findings and recommendations to the
8 legislature in the manner provided under section 13.172 (2) of the statutes and to the
9 governor. The report shall include any proposed legislation that is necessary to
10 implement the recommendations made by the committee in its report.

11 **SECTION 9101. Nonstatutory provisions; administration.**

12 (1) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (27)
13 (c) 1. of the statutes, as created by this act, the initial members of the sentencing
14 commission shall be appointed for the following terms:

15 (a) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as
16 created by this act, one of whom is not employed by any unit of federal, state, or local
17 government, one circuit judge, and one district attorney, for terms expiring on
18 January 1, 2003.

19 (b) Three members appointed under section 15.105 (27) (a) 3. of the statutes,
20 as created by this act, one of whom is not employed by any unit of federal, state, or
21 local government, and one circuit judge, for terms expiring on January 1, 2004.

22 (c) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as
23 created by this act, the member appointed under section 15.105 (27) (a) 5. of the
24 statutes, as created by this act, one representative of crime victims, and one attorney
25 in private practice, for terms expiring on January 1, 2005.

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1 (2) POSITION AUTHORIZATION. There is authorized for the sentencing commission
2 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position, and
3 4.0 FTE GPR other positions to be funded from the appropriation under section
4 20.505 (4) (dr) of the statutes, as created by this act.

5 (3) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing
6 commission created under section 973.30 of the statutes, as created by this act, are
7 appointed, the criminal penalties study committee shall provide information to
8 lawyers, judges, the legislature, and the public regarding changes made in the
9 substance and structure of criminal penalties to be imposed under this act.

10 **SECTION 9332. Initial applicability; legislature.**

11 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
12 13.525 (5) of the statutes first applies to bills introduced on the effective date of this
13 subsection.

14 **SECTION 9359. Initial applicability; other.**

15 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
16 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2),
17 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195
18 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r),
19 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605
20 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1)
21 (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41
22 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41
23 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
24 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the
25 statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering

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1 and amendment of sections 49.95 (1), 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025
2 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1),
3 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d) of the statutes;
4 the amendment of sections 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69
5 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971
6 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03
7 (3) (d), 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b),
8 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n) (r), 49.49 (1)
9 (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12),
10 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83
11 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2),
12 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.9204 (2), 101.94 (8) (b), 102.835 (11),
13 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 114.20 (18) (c), 125.085 (3) (a) 2.,
14 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1),
15 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1),
16 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3), 146.345 (3),
17 146.35 (5), 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b),
18 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2), 214.93,
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20 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b)
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24 (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.),
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3 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.),
4 767.242 (8), 768.07, 783.07, 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355
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7 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.623 (2), 939.624 (2),
8 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.),
9 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08
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23 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1), 941.296 (2)
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14 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f)
15 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1)
16 (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41
17 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m) (a), 961.41 (1m)
18 (b), 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m)
19 (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m) (d)
20 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m) (e) 2.,
21 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m) (f) 1., 961.41
22 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1., 961.41 (1m)
23 (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h)
24 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (2)
25 (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (cm), 961.41 (2) (d), 961.41 (3g) (b),

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1 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42
2 (2), 961.43 (2), 961.437 (4) (a), 961.437 (4) (b), 961.455 (1), 961.455 (3), 961.472 (2),
3 961.48 (2m) (a), 961.48 (3), 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3),
4 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10)
5 (b), 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01
6 (2) (b) 4., 973.01 (2) (b) 5., 973.03 (3) (e) 1. and 2., 973.09 (2) (b) 1., and 977.06 (2) (b)
7 of the statutes; the repeal and recreation of sections 944.15 (title), 961.41 (1) (im) and
8 961.41 (1m) (im) of the statutes; and the creation of sections 49.95 (1) (e) and (f),
9 125.075 (2) (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32 (1g), 939.32
10 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h),
11 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c),
12 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm), 946.50 (5d), 946.50 (5h),
13 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm),
14 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m)
15 (h) 4., 961.41 (1m) (h) 5., 961.48 (1) (a) and (b), 973.01 (2) (b) 6m., 973.01 (2) (b) 7.,
16 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2., 973.01
17 (2) (d) 1. to 6., and 973.017 of the statutes first apply to offenses committed on the
18 effective date of this subsection.

19 (2) RETURNING PERSONS TO PRISON UPON REVOCATION. The treatment of sections
20 302.113 (9) (a), (at), (b), (c), and (g) and 302.114 (9) (a), (b), (bm), and (f) of the statutes
21 first applies to persons who are the subjects of extended supervision revocation
22 proceedings that are commenced by the department of corrections on the effective
23 date of this subsection.

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1 (3) CONCURRENT AND CONSECUTIVE SENTENCES. The treatment of section 973.15
2 (2m) of the statutes first applies to persons sentenced for crimes committed on the
3 effective date of this subsection.

4 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
5 SECTIONS 9432 and 9459 of this act, this act takes effect on the day after publication.

6 **SECTION 9432. Effective dates; legislature.**

7 (1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
8 13.525 (5) of the statutes and SECTION 9332 (1) of this act take effect on January 1,
9 2002.

10 **SECTION 9459. Effective dates; other.**

11 (1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32
12 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2),
13 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195
14 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r),
15 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605
16 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1)
17 (e) 6., 961.41 (1) (em), 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41
18 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41
19 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2),
20 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the
21 statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering
22 and amendment of sections 49.95 (1), 125.075 (2), 302.113 (9) (a), 302.114 (9) (a),
23 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m)
24 (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01
25 (2) (c) and 973.01 (2) (d) of the statutes; the amendment of sections 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), 23.33 (13) (cg), 26.14 (8), 29.971
2 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c),
3 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m)
4 (b) 2., 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (1) (c), 48.685 (5) (bm) 2., 48.685 (5) (bm)
5 3., 48.685 (5) (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a),
6 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n)
7 (r), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b),
8 50.065 (1) (e) 1., 51.15 (12), 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (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) (b),
10 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.9204 (2),
11 101.94 (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) (b),
13 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05
14 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2),
15 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9)
16 (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3),
17 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21
18 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004
19 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53
20 (4) (c) 2., 301.048 (2) (bm) 1. a., 301.26 (4) (cm) 1., 301.45 (6) (a) 2., 302.095 (2), 302.11
21 (1g) (a) 2., 302.11 (1p), 302.113 (7), 302.113 (9) (b), 302.113 (9) (c), 302.114 (9) (b),
22 302.114 (9) (bm), 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b),
23 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a),
24 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175
25 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2)

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1 (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09,
2 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2),
3 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b),
4 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07,
5 908.08 (1), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b) 3.,
6 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1) (intro.),
7 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.615 (7)
8 (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.62 (2m) (a) 2m. a., 939.62 (2m)
9 (a) 2m. b., 939.623 (2), 939.624 (2), 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72
10 (1), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4),
11 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1),
12 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2),
13 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.195
14 (6), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20
15 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.),
16 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.),
17 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1),
18 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b)
19 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b)
20 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1)
21 (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3)
22 (intro.), 940.32 (3m) (intro.), 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1),
23 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2)
24 (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3),
25 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2),

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1 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1.,
2 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37
3 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2) (intro.), 943.01 (2g) (intro.), 943.011 (2)
4 (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017
5 (2) (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2),
6 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (b),
7 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d)
8 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c) (intro.), 943.208
9 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3) (b), 943.23 (1g), 943.23
10 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25 (1), 943.25 (2) (intro.),
11 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3),
12 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (b), 943.34
13 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.),
14 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4)
15 (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50
16 (4) (b), 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4)
17 (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70 (3) (b)
18 3., 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
19 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34 (intro.),
20 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.), 946.03 (1)
21 (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.), 946.12 (intro.),
22 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.), 946.32 (1) (intro.),
23 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425 (1), 946.425 (1m)
24 (b), 946.425 (1r) (b), 946.43 (1m) (intro.), 946.43 (2m) (a) (intro.), 946.44 (1) (intro.),
25 946.44 (1g), 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2),

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1 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r)
2 (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82
3 (4), 946.84 (1), 946.85 (1), 947.013 (1t), 947.013 (1v), 947.013 (1x) (intro.), 947.015,
4 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03
5 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1)
6 (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07
7 (intro.), 948.08, 948.095 (2) (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.),
8 948.13 (2), 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.),
9 948.30 (2) (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40
10 (4) (b), 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a),
11 948.61 (2) (b), 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (1),
12 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm)
13 (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.),
14 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e)
15 (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1)
16 (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.),
17 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1)
18 (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m)
19 (intro.), 961.41 (1m) (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm)
20 2., 961.41 (1m) (cm) 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d)
21 1., 961.41 (1m) (d) 2., 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.),
22 961.41 (1m) (e) 1., 961.41 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m)
23 (f) (intro.), 961.41 (1m) (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g)
24 (intro.), 961.41 (1m) (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h)
25 (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i),

ASSEMBLY BILL 3

1 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2)
2 (a), 961.41 (2) (b), 961.41 (2) (cm), 961.41 (2) (d), 961.41 (3g) (b), 961.41 (3g) (c), 961.41
3 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2),
4 961.437 (4) (a), 961.437 (4) (b), 961.455 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a),
5 961.48 (3), 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3), 967.04 (9), 968.255
6 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10) (b),
7 971.365 (1) (a), 971.365 (1) (b), 971.365 (1) (c), 971.365 (2), 973.01 (1), 973.01 (2)
8 (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01 (2) (b) 4., 973.01
9 (2) (b) 5., 973.0135 (1) (b) 2., 973.03 (3) (e) 1. and 2., 973.032 (4) (c) 2., 973.09 (2) (b)
10 1., 977.06 (2) (b) and 978.13 (1) (c) of the statutes; the repeal and recreation of sections
11 944.15 (title), 961.41 (1) (im) and 961.41 (1m) (im) of the statutes; the creation of
12 sections 49.95 (1) (e) and (f), 125.075 (2) (b), 302.113 (7m), 302.113 (9) (ag), 302.113
13 (9) (at), 302.113 (9) (d), 302.113 (9) (e), 302.113 (9) (f), 302.113 (9) (g), 302.114 (9) (ag),
14 302.114 (9) (d), 302.114 (9) (e), 302.114 (9) (f), 346.04 (2t), 346.04 (4), 346.17 (2t),
15 939.32 (1) (bm), 939.32 (1g), 939.32 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50
16 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50
17 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50
18 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2)
19 (a), 948.51 (3) (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h)
20 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48
21 (1) (a) and (b), 973.01 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9.,
22 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6., 973.017, and 973.15
23 (2m) of the statutes; and SECTION 9359 (1), (2), and (3) of this act take effect on the
24 first day of the 7th month beginning after publication.

25

(END)