

2001 DRAFTING REQUEST

Bill

Received: 12/11/2000

Received By: mdsida

Wanted: Soon

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Missy

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Alt. Drafters:

Subject: Correctional System - ext superv
Correctional System - probation
Criminal Law - miscellaneous
Criminal Law - sentencing
Legislature - miscellaneous

Extra Copies: rlr

Pre Topic:

No specific pre topic given

Topic:

Truth in sentencing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 12/22/2000	jdycr 12/28/2000					S&L
/P1	mdsida 01/07/2001	jdycr 01/07/2001	pgreensl 01/04/2001				S&L
/P2	mdsida 01/09/2001		pgreensl 01/08/2001				S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	midsida 01/10/2001		martykr 01/09/2001	_____	lrb_docadmin 01/09/2001	lrb_docadminS&L 01/09/2001	
/2			kfollet 01/10/2001	_____	lrb_docadmin 01/10/2001	lrb_docadmin 01/10/2001	

FE Sent For:

<END>

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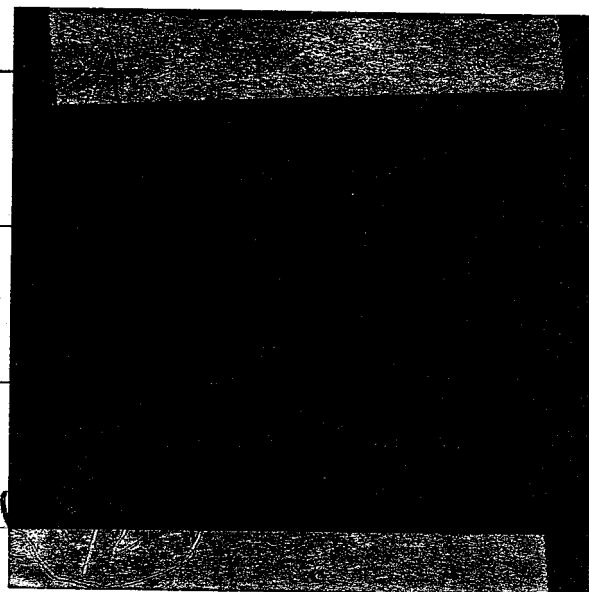
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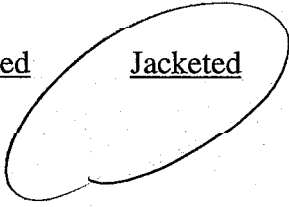
for Assembly

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1?	mdsida	1/1 12/26 jld	1/2/01 PC	1/3/01 PC			
		1/2 1/1 jld	1/5/01 PG	1/10/01 RM			
FE Sent For:			1/10/01 RM	1/10/01 RM			



<END>

Dsida, Michael

From: Gilbert, Melissa
Sent: Monday, December 11, 2000 10:54 AM
To: Dsida, Michael
Subject: RE: Criminal Penalties Bill

Mike,

Thanks for your prompt response. Yes, I think we want to revise new penalties to fit into the revised penalty structure. Also, a drafter's note would be appreciated. Perhaps we should meet following review of the draft and the note?

I will double-check these items with Scott and get back to you. ^{(24"} She did. He wants them in.

Thanks again!

Missy

-----Original Message-----

From: Dsida, Michael
Sent: Monday, December 11, 2000 10:45 AM
To: Gilbert, Melissa
Subject: RE: Criminal Penalties Bill

Several new crimes were created last session, and penalties for others were revised. I assume you want to this session's version of AB 465 to revise those new or newly revised penalty provisions. (If you don't, a bill that created a Class E felony last session would end up with a substantially higher penalty after the enactment of the new AB 465.) In addition, in the course of reviewing last session bill, I have learned that there were several things missing from it or incorrect in it. Those should be addressed in this session's bill. Most of them are minor problems that may only require some clearer language. Others are more substantive. How do you want to treat them? One option might be for me to include them in a preliminary draft but meet with you or include a drafter's note to point out those changes.

> -----Original Message-----

> **From:** Gilbert, Melissa
> **Sent:** Monday, December 11, 2000 10:31 AM
> **To:** Dsida, Michael
> **Subject:** Criminal Penalties Bill

>

> Hey Mike,

>

> I imagine you have received a number of drafting requests
> already, so we figured we should get in line right away too.
> Scott would like 1999 AB 465 (LRB 3528/1) drafted exactly as
> it passed in the Assembly. That would appear to incorporate
> AA's 3, 4, 6, 13 and 17.

>

> Thanks -- talk to you soon!

>

> **Melissa Gilbert**
> **Research Assistant**
> **Office of Rep. Scott Walker**

>

Dsida, Michael

From: Gilbert, Melissa
Sent: Tuesday, December 19, 2000 3:42 PM
To: Dsida, Michael
Subject: RE: Truth in sentencing trailer

Mike,

We talked this over w/ the State Bar and were told that 6 months may be more workable from an education standpoint. Sorry for the change.

Thanks,
Missy

-----Original Message-----

From: Dsida, Michael
Sent: Tuesday, December 19, 2000 9:15 AM
To: Gilbert, Melissa
Cc: Ryan, Robin
Subject: RE: Truth in sentencing trailer

The penalty changes were to have taken effect on 12/31 or upon enactment, whichever was later. Thus, if the bill had been enacted after 12/31, the penalty provisions could have had an immediate effective date. I would not recommend doing that again, for the reasons noted below and other similar reasons. In view of your response, I will have the penalty changes in your bill take effect on the first day of the 4th month after publication, if that's okay with you.

> -----Original Message-----

> **From:** Gilbert, Melissa
> **Sent:** Monday, December 18, 2000 3:50 PM
> **To:** Dsida, Michael
> **Subject:** RE: Truth in sentencing trailer

>

> Scott thought maybe something around 90 days? Did last
> session's draft address this issue in the event that the code
> wasn't passed before Dec. 31 (start of Truth-in-Sentencing)?

>

> -----Original Message-----

> **From:** Dsida, Michael
> **Sent:** Saturday, December 16, 2000 5:02 PM
> **To:** Gilbert, Melissa
> **Subject:** Truth in sentencing trailer

>

> I will save most of my questions for a drafter's note, but it
> would help to get this one answered now. When will the
> changes in the penalties take effect? I'm assuming that
> there will be a delayed effective date, to allow judges,
> DA's, PD's and others to be trained, to change court forms...
> , but I need to know how much time after enactment is
> necessary for the transition.

>

> Thanks.



State of Wisconsin

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REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

January 26, 2001

MEMORANDUM

To: Rep. Scott Walker

From: Mike Dsida

Subject: Error in analysis in Assembly Bill 3

In my effort to draft Assembly Bill 3 for you quickly, I overlooked a substantive mistake in the bill's analysis. 1999 Assembly Bill 465 included language (in s. 973.15 (2) (am)) regarding bifurcated and non-bifurcated sentences being imposed to run concurrently or consecutively. Those provisions, however, did not clearly reflect the committee's intent. AB 3 now contains language (in s. 973.15 (2m)) that does so. Unfortunately, the analysis in AB 3 described the provisions that were contained in AB 465, not those that are in AB 3 itself.

The following describes the provisions relating to concurrent and consecutive sentences that are contained in AB 3:

C) The bill specifies how certain combinations of sentences are to be served if the court imposes one sentence to run concurrent with or consecutive to the other sentence. Under these provisions, if a person is to serve consecutive sentences, and the person is eligible for release to extended supervision under one of the sentences and eligible for release to parole under another, the person is required to serve the term of extended supervision from the former sentence before serving the parole portion of the latter sentence. In addition, the bill specifies that if a person is serving concurrent terms of extended supervision and the term of extended supervision is revoked in each case, or if the person is serving a term of extended supervision while on parole and both extended supervision and parole are revoked, the person is to serve concurrently any periods of confinement required under the sentences as a result of revocation.

I apologize for this error. Please call me if you have any questions about the provisions themselves or the above description of them.

cc. Shaun Haas